



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB0350

Introduced 1/21/2005, by Rep. Kevin Joyce

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-7	from Ch. 38, par. 1003-3-7
730 ILCS 5/3-3-9	from Ch. 38, par. 1003-3-9
730 ILCS 5/3-14-2	from Ch. 38, par. 1003-14-2
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 5/5-6-4	from Ch. 38, par. 1005-6-4
730 ILCS 110/16.2 new	

Amends the Unified Code of Corrections and the Probation and Probation Officers Act. Provides that a person convicted of or placed on supervision for a sex offense shall as a condition of parole, mandatory supervised release, probation, or supervision refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense. Provides that a probation or parole officer supervising a sex offender shall periodically, but not less than once a month, verify that the parolee or releasee or person on probation or supervision is in compliance with these provisions. Provides that a violation shall result in revocation of parole, mandatory supervised release, probation, or supervision.

LRB094 05157 RLC 35198 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning criminal law.

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, 3-3-9, 3-14-2, 5-6-3, 5-6-3.1, and  
6 5-6-4 as follows:

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

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

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

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

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

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

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

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

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

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

1 custody;

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

8 (7.6) if convicted of a sex offense as defined in the  
9 Sex Offender Management Board Act, refrain from residing at  
10 the same address or in the same condominium unit or  
11 apartment unit or in the same condominium complex or  
12 apartment complex with another person he or she knows or  
13 reasonably should know is a convicted sex offender or has  
14 been placed on supervision for a sex offense;

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

17 (9) obtain permission of an agent of the Department of  
18 Corrections before changing his or her residence or  
19 employment;

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

22 (11) refrain from the use or possession of narcotics or  
23 other controlled substances in any form, or both, or any  
24 paraphernalia related to those substances and submit to a  
25 urinalysis test as instructed by a parole agent of the  
26 Department of Corrections;

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

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

35 (14) provide true and accurate information, as it  
36 relates to his or her adjustment in the community while on

1 parole or mandatory supervised release or to his or her  
2 conduct while incarcerated, in response to inquiries by his  
3 or her parole agent or of the Department of Corrections;  
4 and

5 (15) follow any specific instructions provided by the  
6 parole agent that are consistent with furthering  
7 conditions set and approved by the Prisoner Review Board or  
8 by law, exclusive of placement on electronic detention, to  
9 achieve the goals and objectives of his or her parole or  
10 mandatory supervised release or to protect the public.  
11 These instructions by the parole agent may be modified at  
12 any time, as the agent deems appropriate.

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

12 Sec. 3-3-9. Violations; changes of conditions; preliminary  
13 hearing; revocation of parole or mandatory supervised release;  
14 revocation hearing.

15 (a) If prior to expiration or termination of the term of  
16 parole or mandatory supervised release, a person violates a  
17 condition set by the Prisoner Review Board or a condition of  
18 parole or mandatory supervised release under Section 3-3-7 of  
19 this Code to govern that term, the Board may:

20 (1) continue the existing term, with or without  
21 modifying or enlarging the conditions; or

22 (2) parole or release the person to a half-way house;  
23 or

24 (3) revoke the parole or mandatory supervised release  
25 and reconfine the person for a term computed in the  
26 following manner:

27 (i) (A) For those sentenced under the law in effect  
28 prior to this amendatory Act of 1977, the recommitment  
29 shall be for any portion of the imposed maximum term of  
30 imprisonment or confinement which had not been served  
31 at the time of parole and the parole term, less the  
32 time elapsed between the parole of the person and the  
33 commission of the violation for which parole was  
34 revoked;

35 (B) For those subject to mandatory supervised

1 release under paragraph (d) of Section 5-8-1 of this  
2 Code, the recommitment shall be for the total mandatory  
3 supervised release term, less the time elapsed between  
4 the release of the person and the commission of the  
5 violation for which mandatory supervised release is  
6 revoked. The Board may also order that a prisoner serve  
7 up to one year of the sentence imposed by the court  
8 which was not served due to the accumulation of good  
9 conduct credit.

10 (ii) the person shall be given credit against the  
11 term of reimprisonment or reconfinement for time spent  
12 in custody since he was paroled or released which has  
13 not been credited against another sentence or period of  
14 confinement;

15 (iii) persons committed under the Juvenile Court  
16 Act or the Juvenile Court Act of 1987 shall be  
17 recommitted until the age of 21;

18 (iv) this Section is subject to the release under  
19 supervision and the reparole and rerelease provisions  
20 of Section 3-3-10.

21 (b) The Board may revoke parole or mandatory supervised  
22 release for violation of a condition for the duration of the  
23 term and for any further period which is reasonably necessary  
24 for the adjudication of matters arising before its expiration.  
25 The issuance of a warrant of arrest for an alleged violation of  
26 the conditions of parole or mandatory supervised release shall  
27 toll the running of the term until the final determination of  
28 the charge, but where parole or mandatory supervised release is  
29 not revoked that period shall be credited to the term.

30 (b-5) The Board shall revoke parole or mandatory supervised  
31 release for violation of the conditions prescribed in paragraph  
32 (7.6) of subsection (a) of Section 3-3-7.

33 (c) A person charged with violating a condition of parole  
34 or mandatory supervised release shall have a preliminary  
35 hearing before a hearing officer designated by the Board to  
36 determine if there is cause to hold the person for a revocation



1 hearing. However, no preliminary hearing need be held when  
2 revocation is based upon new criminal charges and a court finds  
3 probable cause on the new criminal charges or when the  
4 revocation is based upon a new criminal conviction and a  
5 certified copy of that conviction is available.

6 (d) Parole or mandatory supervised release shall not be  
7 revoked without written notice to the offender setting forth  
8 the violation of parole or mandatory supervised release charged  
9 against him.

10 (e) A hearing on revocation shall be conducted before at  
11 least one member of the Prisoner Review Board. The Board may  
12 meet and order its actions in panels of 3 or more members. The  
13 action of a majority of the panel shall be the action of the  
14 Board. In consideration of persons committed to the Juvenile  
15 Division, the member hearing the matter and at least a majority  
16 of the panel shall be experienced in juvenile matters. A record  
17 of the hearing shall be made. At the hearing the offender shall  
18 be permitted to:

- 19 (1) appear and answer the charge; and  
20 (2) bring witnesses on his behalf.

21 (f) The Board shall either revoke parole or mandatory  
22 supervised release or order the person's term continued with or  
23 without modification or enlargement of the conditions.

24 (g) Parole or mandatory supervised release shall not be  
25 revoked for failure to make payments under the conditions of  
26 parole or release unless the Board determines that such failure  
27 is due to the offender's willful refusal to pay.

28 (Source: P.A. 92-460, eff. 1-1-02.)

29 (730 ILCS 5/3-14-2) (from Ch. 38, par. 1003-14-2)

30 Sec. 3-14-2. Supervision on Parole, Mandatory Supervised  
31 Release and Release by Statute.

32 (a) The Department shall retain custody of all persons  
33 placed on parole or mandatory supervised release or released  
34 pursuant to Section 3-3-10 of this Code and shall supervise  
35 such persons during their parole or release period in accord

1 with the conditions set by the Prisoner Review Board. Such  
2 conditions shall include referral to an alcohol or drug abuse  
3 treatment program, as appropriate, if such person has  
4 previously been identified as having an alcohol or drug abuse  
5 problem. Such conditions may include that the person use an  
6 approved electronic monitoring device subject to Article 8A of  
7 Chapter V.

8 (b) The Department shall assign personnel to assist persons  
9 eligible for parole in preparing a parole plan. Such Department  
10 personnel shall make a report of their efforts and findings to  
11 the Prisoner Review Board prior to its consideration of the  
12 case of such eligible person.

13 (c) A copy of the conditions of his parole or release shall  
14 be signed by the parolee or releasee and given to him and to  
15 his supervising officer who shall report on his progress under  
16 the rules and regulations of the Prisoner Review Board. The  
17 supervising officer shall report violations to the Prisoner  
18 Review Board and shall have the full power of peace officers in  
19 the arrest and retaking of any parolees or releasees or the  
20 officer may request the Department to issue a warrant for the  
21 arrest of any parolee or releasee who has allegedly violated  
22 his parole or release conditions. If the parolee or releasee  
23 commits an act that constitutes a felony using a firearm or  
24 knife, or, if applicable, fails to comply with the requirements  
25 of the Sex Offender Registration Act, the officer shall request  
26 the Department to issue a warrant and the Department shall  
27 issue the warrant and the officer or the Department shall file  
28 a violation report with notice of charges with the Prisoner  
29 Review Board. A sheriff or other peace officer may detain an  
30 alleged parole or release violator until a warrant for his  
31 return to the Department can be issued. The parolee or releasee  
32 may be delivered to any secure place until he can be  
33 transported to the Department.

34 (d) The supervising officer shall regularly advise and  
35 consult with the parolee or releasee, assist him in adjusting  
36 to community life, inform him of the restoration of his rights

1 on successful completion of sentence under Section 5-5-5. If  
2 the parolee or releasee has been convicted of a sex offense as  
3 defined in the Sex Offender Management Board Act, the  
4 supervising officer shall periodically, but not less than once  
5 a month, verify that the parolee or releasee is in compliance  
6 with paragraph (7.6) of subsection (a) of Section 3-3-7.

7 (e) Supervising officers shall receive specialized  
8 training in the special needs of female releasees or parolees  
9 including the family reunification process.

10 (f) The supervising officer shall keep such records as the  
11 Prisoner Review Board or Department may require. All records  
12 shall be entered in the master file of the individual.

13 (Source: P.A. 93-979, eff. 8-20-04.)

14 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

19 (1) not violate any criminal statute of any  
20 jurisdiction;

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

23 (3) refrain from possessing a firearm or other  
24 dangerous weapon;

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

34 (5) permit the probation officer to visit him at his  
35 home or elsewhere to the extent necessary to discharge his

1 duties;

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

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

1 fee is charged for those courses or test. The court shall  
2 resentence the offender whose probation or conditional  
3 discharge has been revoked as provided in Section 5-6-4.  
4 This clause (7) does not apply to a person who has a high  
5 school diploma or has successfully passed the GED test.  
6 This clause (7) does not apply to a person who is  
7 determined by the court to be developmentally disabled or  
8 otherwise mentally incapable of completing the educational  
9 or vocational program;

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

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

27 (8.6) if convicted of a sex offense as defined in the  
28 Sex Offender Management Board Act, refrain from residing at  
29 the same address or in the same condominium unit or  
30 apartment unit or in the same condominium complex or  
31 apartment complex with another person he or she knows or  
32 reasonably should know is a convicted sex offender or has  
33 been placed on supervision for a sex offense; and

34 (9) if convicted of a felony, physically surrender at a  
35 time and place designated by the court, his or her Firearm  
36 Owner's Identification Card and any and all firearms in his

1 or her possession.

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

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

10 (2) pay a fine and costs;

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

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

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

17 (6) support his dependents;

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

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

20 (ii) attend school;

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

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

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

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

34 (9) perform some reasonable public or community  
35 service;

36 (10) serve a term of home confinement. In addition to

1 any other applicable condition of probation or conditional  
2 discharge, the conditions of home confinement shall be that  
3 the offender:

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

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

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

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

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

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

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

21 (12) reimburse any "local anti-crime program" as  
22 defined in Section 7 of the Anti-Crime Advisory Council Act  
23 for any reasonable expenses incurred by the program on the  
24 offender's case, not to exceed the maximum amount of the  
25 fine authorized for the offense for which the defendant was  
26 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 "local  
30 anti-crime program", as defined in Section 7 of the  
31 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  
35 purpose of the entry, the time of day, other persons  
36 accompanying the defendant, and advance approval by a



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

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

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

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

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

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

1 subsection (c-4) of Section 11-501 of the Illinois Vehicle Code  
2 or a similar provision of a local ordinance.

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

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

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

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

1 to which jurisdiction has been transferred shall have the same  
2 powers as the sentencing court.

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

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

36 This amendatory Act of the 93rd General Assembly deletes

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

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

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

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

31 (Source: P.A. 92-282, eff. 8-7-01; 92-340, eff. 8-10-01;  
32 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; 92-571, eff.  
33 6-26-02; 92-651, eff. 7-11-02; 93-475, eff. 8-8-03; 93-616,  
34 eff. 1-1-04; 93-970, eff. 8-20-04.)

35 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

1           Sec. 5-6-3.1. Incidents and Conditions of Supervision.

2           (a) When a defendant is placed on supervision, the court  
3 shall enter an order for supervision specifying the period of  
4 such supervision, and shall defer further proceedings in the  
5 case until the conclusion of the period.

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

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

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

1           (1) make a report to and appear in person before or  
2 participate with the court or such courts, person, or  
3 social service agency as directed by the court in the order  
4 of supervision;

5           (2) pay a fine and costs;

6           (3) work or pursue a course of study or vocational  
7 training;

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

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

12          (6) support his dependents;

13          (7) refrain from possessing a firearm or other  
14 dangerous weapon;

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

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

17           (ii) attend school;

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

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

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

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

34          (10) perform some reasonable public or community  
35 service;

36          (11) comply with the terms and conditions of an order

1 of protection issued by the court pursuant to the Illinois  
2 Domestic Violence Act of 1986 or an order of protection  
3 issued by the court of another state, tribe, or United  
4 States territory. If the court has ordered the defendant to  
5 make a report and appear in person under paragraph (1) of  
6 this subsection, a copy of the order of protection shall be  
7 transmitted to the person or agency so designated by the  
8 court;

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

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

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

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

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

36 (17) refrain from operating any motor vehicle not

1 equipped with an ignition interlock device as defined in  
2 Section 1-129.1 of the Illinois Vehicle Code. Under this  
3 condition the court may allow a defendant who is not  
4 self-employed to operate a vehicle owned by the defendant's  
5 employer that is not equipped with an ignition interlock  
6 device in the course and scope of the defendant's  
7 employment.

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

10 (e) At the conclusion of the period of supervision, if the  
11 court determines that the defendant has successfully complied  
12 with all of the conditions of supervision, the court shall  
13 discharge the defendant and enter a judgment dismissing the  
14 charges.

15 (f) Discharge and dismissal upon a successful conclusion of  
16 a disposition of supervision shall be deemed without  
17 adjudication of guilt and shall not be termed a conviction for  
18 purposes of disqualification or disabilities imposed by law  
19 upon conviction of a crime. Two years after the discharge and  
20 dismissal under this Section, unless the disposition of  
21 supervision was for a violation of Sections 3-707, 3-708,  
22 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a  
23 similar provision of a local ordinance, or for a violation of  
24 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which  
25 case it shall be 5 years after discharge and dismissal, a  
26 person may have his record of arrest sealed or expunged as may  
27 be provided by law. However, any defendant placed on  
28 supervision before January 1, 1980, may move for sealing or  
29 expungement of his arrest record, as provided by law, at any  
30 time after discharge and dismissal under this Section. A person  
31 placed on supervision for a sexual offense committed against a  
32 minor as defined in subsection (g) of Section 5 of the Criminal  
33 Identification Act or for a violation of Section 11-501 of the  
34 Illinois Vehicle Code or a similar provision of a local  
35 ordinance shall not have his or her record of arrest sealed or  
36 expunged.



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

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

25 (i) The court shall impose upon a defendant placed on  
26 supervision after January 1, 1992 or to community service under  
27 the supervision of a probation or court services department  
28 after January 1, 2004, as a condition of supervision or  
29 supervised community service, a fee of \$50 for each month of  
30 supervision or supervised community service ordered by the  
31 court, unless after determining the inability of the person  
32 placed on supervision or supervised community service to pay  
33 the fee, the court assesses a lesser fee. The court may not  
34 impose the fee on a minor who is made a ward of the State under  
35 the Juvenile Court Act of 1987 while the minor is in placement.  
36 The fee shall be imposed only upon a defendant who is actively

1 supervised by the probation and court services department. The  
2 fee shall be collected by the clerk of the circuit court. The  
3 clerk of the circuit court shall pay all monies collected from  
4 this fee to the county treasurer for deposit in the probation  
5 and court services fund pursuant to Section 15.1 of the  
6 Probation and Probation Officers Act.

7 A circuit court may not impose a probation fee in excess of  
8 \$25 per month unless: (1) the circuit court has adopted, by  
9 administrative order issued by the chief judge, a standard  
10 probation fee guide determining an offender's ability to pay,  
11 under guidelines developed by the Administrative Office of the  
12 Illinois Courts; and (2) the circuit court has authorized, by  
13 administrative order issued by the chief judge, the creation of  
14 a Crime Victim's Services Fund, to be administered by the Chief  
15 Judge or his or her designee, for services to crime victims and  
16 their families. Of the amount collected as a probation fee, not  
17 to exceed \$5 of that fee collected per month may be used to  
18 provide services to crime victims and their families.

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

26 (k) A defendant at least 17 years of age who is placed on  
27 supervision for a misdemeanor in a county of 3,000,000 or more  
28 inhabitants and who has not been previously convicted of a  
29 misdemeanor or felony may as a condition of his or her  
30 supervision be required by the court to attend educational  
31 courses designed to prepare the defendant for a high school  
32 diploma and to work toward a high school diploma or to work  
33 toward passing the high school level Test of General  
34 Educational Development (GED) or to work toward completing a  
35 vocational training program approved by the court. The  
36 defendant placed on supervision must attend a public

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

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

25 (m) The Secretary of State shall require anyone placed on  
26 court supervision for a violation of Section 3-707 of the  
27 Illinois Vehicle Code or a similar provision of a local  
28 ordinance to give proof of his or her financial responsibility  
29 as defined in Section 7-315 of the Illinois Vehicle Code. The  
30 proof shall be maintained by the individual in a manner  
31 satisfactory to the Secretary of State for a minimum period of  
32 one year after the date the proof is first filed. The proof  
33 shall be limited to a single action per arrest and may not be  
34 affected by any post-sentence disposition. The Secretary of  
35 State shall suspend the driver's license of any person  
36 determined by the Secretary to be in violation of this

1 subsection.

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

9 (o) An offender placed on supervision for a sex offense as  
10 defined in the Sex Offender Management Board Act shall refrain  
11 from residing at the same address or in the same condominium  
12 unit or apartment unit or in the same condominium complex or  
13 apartment complex with another person he or she knows or  
14 reasonably should know is a convicted sex offender or has been  
15 placed on supervision for a sex offense.

16 (Source: P.A. 92-282, eff. 8-7-01; 92-458, eff. 8-22-01;  
17 92-651, eff. 7-11-02; 93-475, eff. 8-8-03; 93-970, eff.  
18 8-20-04.)

19 (730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

20 Sec. 5-6-4. Violation, Modification or Revocation of  
21 Probation, of Conditional Discharge or Supervision or of a  
22 sentence of county impact incarceration - Hearing.

23 (a) Except in cases where conditional discharge or  
24 supervision was imposed for a petty offense as defined in  
25 Section 5-1-17, when a petition is filed charging a violation  
26 of a condition, the court may:

27 (1) in the case of probation violations, order the  
28 issuance of a notice to the offender to be present by the  
29 County Probation Department or such other agency  
30 designated by the court to handle probation matters; and in  
31 the case of conditional discharge or supervision  
32 violations, such notice to the offender shall be issued by  
33 the Circuit Court Clerk; and in the case of a violation of  
34 a sentence of county impact incarceration, such notice  
35 shall be issued by the Sheriff;

1           (2) order a summons to the offender to be present for  
2 hearing; or

3           (3) order a warrant for the offender's arrest where  
4 there is danger of his fleeing the jurisdiction or causing  
5 serious harm to others or when the offender fails to answer  
6 a summons or notice from the clerk of the court or Sheriff.

7           Personal service of the petition for violation of probation  
8 or the issuance of such warrant, summons or notice shall toll  
9 the period of probation, conditional discharge, supervision,  
10 or sentence of county impact incarceration until the final  
11 determination of the charge, and the term of probation,  
12 conditional discharge, supervision, or sentence of county  
13 impact incarceration shall not run until the hearing and  
14 disposition of the petition for violation.

15           (b) The court shall conduct a hearing of the alleged  
16 violation. The court shall admit the offender to bail pending  
17 the hearing unless the alleged violation is itself a criminal  
18 offense in which case the offender shall be admitted to bail on  
19 such terms as are provided in the Code of Criminal Procedure of  
20 1963, as amended. In any case where an offender remains  
21 incarcerated only as a result of his alleged violation of the  
22 court's earlier order of probation, supervision, conditional  
23 discharge, or county impact incarceration such hearing shall be  
24 held within 14 days of the onset of said incarceration, unless  
25 the alleged violation is the commission of another offense by  
26 the offender during the period of probation, supervision or  
27 conditional discharge in which case such hearing shall be held  
28 within the time limits described in Section 103-5 of the Code  
29 of Criminal Procedure of 1963, as amended.

30           (c) The State has the burden of going forward with the  
31 evidence and proving the violation by the preponderance of the  
32 evidence. The evidence shall be presented in open court with  
33 the right of confrontation, cross-examination, and  
34 representation by counsel.

35           (d) Probation, conditional discharge, periodic  
36 imprisonment and supervision shall not be revoked for failure

1 to comply with conditions of a sentence or supervision, which  
2 imposes financial obligations upon the offender unless such  
3 failure is due to his willful refusal to pay.

4 (e) If the court finds that the offender has violated a  
5 condition at any time prior to the expiration or termination of  
6 the period, it may continue him on the existing sentence, with  
7 or without modifying or enlarging the conditions, or may impose  
8 any other sentence that was available under Section 5-5-3 of  
9 this Code or Section 11-501 of the Illinois Vehicle Code at the  
10 time of initial sentencing. If the court finds that the person  
11 has failed to successfully complete his or her sentence to a  
12 county impact incarceration program, the court may impose any  
13 other sentence that was available under Section 5-5-3 of this  
14 Code or Section 11-501 of the Illinois Vehicle Code at the time  
15 of initial sentencing, except for a sentence of probation or  
16 conditional discharge. If the court finds that the offender has  
17 violated paragraph (8.6) of subsection (a) of Section 5-6-3,  
18 the court shall revoke the probation of the offender. If the  
19 court finds that the offender has violated subsection (o) of  
20 Section 5-6-3.1, the court shall revoke the supervision of the  
21 offender.

22 (f) The conditions of probation, of conditional discharge,  
23 of supervision, or of a sentence of county impact incarceration  
24 may be modified by the court on motion of the supervising  
25 agency or on its own motion or at the request of the offender  
26 after notice and a hearing.

27 (g) A judgment revoking supervision, probation,  
28 conditional discharge, or a sentence of county impact  
29 incarceration is a final appealable order.

30 (h) Resentencing after revocation of probation,  
31 conditional discharge, supervision, or a sentence of county  
32 impact incarceration shall be under Article 4. Time served on  
33 probation, conditional discharge or supervision shall not be  
34 credited by the court against a sentence of imprisonment or  
35 periodic imprisonment unless the court orders otherwise.

36 (i) Instead of filing a violation of probation, conditional

1 discharge, supervision, or a sentence of county impact  
2 incarceration, an agent or employee of the supervising agency  
3 with the concurrence of his or her supervisor may serve on the  
4 defendant a Notice of Intermediate Sanctions. The Notice shall  
5 contain the technical violation or violations involved, the  
6 date or dates of the violation or violations, and the  
7 intermediate sanctions to be imposed. Upon receipt of the  
8 Notice, the defendant shall immediately accept or reject the  
9 intermediate sanctions. If the sanctions are accepted, they  
10 shall be imposed immediately. If the intermediate sanctions are  
11 rejected or the defendant does not respond to the Notice, a  
12 violation of probation, conditional discharge, supervision, or  
13 a sentence of county impact incarceration shall be immediately  
14 filed with the court. The State's Attorney and the sentencing  
15 court shall be notified of the Notice of Sanctions. Upon  
16 successful completion of the intermediate sanctions, a court  
17 may not revoke probation, conditional discharge, supervision,  
18 or a sentence of county impact incarceration or impose  
19 additional sanctions for the same violation. A notice of  
20 intermediate sanctions may not be issued for any violation of  
21 probation, conditional discharge, supervision, or a sentence  
22 of county impact incarceration which could warrant an  
23 additional, separate felony charge. The intermediate sanctions  
24 shall include a term of home detention as provided in Article  
25 8A of Chapter V of this Code for multiple or repeat violations  
26 of the terms and conditions of a sentence of probation,  
27 conditional discharge, or supervision.

28 (j) When an offender is re-sentenced after revocation of  
29 probation that was imposed in combination with a sentence of  
30 imprisonment for the same offense, the aggregate of the  
31 sentences may not exceed the maximum term authorized under  
32 Article 8 of this Chapter.

33 (Source: P.A. 93-800, eff. 1-1-05; 93-1014, eff. 1-1-05;  
34 revised 10-25-04.)

35 Section 10. The Probation and Probation Officers Act is

1 amended by adding Section 16.2 as follows:

2 (730 ILCS 110/16.2 new)

3 Sec. 16.2. Verification of sex offender's address. A  
4 probation officer supervising a person who has been placed on  
5 probation for a sex offense as defined in the Sex Offender  
6 Management Board Act shall periodically, but not less than once  
7 a month, verify that the person is in compliance with paragraph  
8 (8.6) of subsection (a) of Section 5-6-3 of the Unified Code of  
9 Corrections.