

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 and by adding Article 17 to Chapter III 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; the
15 provisions of this paragraph do not apply to a person
16 convicted of a sex offense who is placed in a Department of
17 Corrections licensed transitional housing facility for sex
18 offenders;

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

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

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

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

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

33 (13) not knowingly associate with other persons on
34 parole or mandatory supervised release without prior
35 written permission of his or her parole agent and not
36 associate with persons who are members of an organized gang

1 as that term is defined in the Illinois Streetgang
2 Terrorism Omnibus Prevention Act;

3 (14) provide true and accurate information, as it
4 relates to his or her adjustment in the community while on
5 parole or mandatory supervised release or to his or her
6 conduct while incarcerated, in response to inquiries by his
7 or her parole agent or of the Department of Corrections;
8 and

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

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

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

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

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

25 (4) support his dependents;

26 (5) (blank);

27 (6) (blank);

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

33 (8) in addition, if a minor:

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

35 (ii) attend school;

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

1 or

2 (iv) contribute to his own support at home or in a
3 foster home.

4 (b-1) In addition to the conditions set forth in
5 subsections (a) and (b), persons required to register as sex
6 offenders pursuant to the Sex Offender Registration Act, upon
7 release from the custody of the Illinois Department of
8 Corrections, may be required by the Board to comply with the
9 following specific conditions of release:

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

11 (2) comply with all requirements of the Sex Offender
12 Registration Act;

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

15 (4) obtain the approval of an agent of the Department
16 of Corrections prior to accepting employment or pursuing a
17 course of study or vocational training and notify the
18 Department prior to any change in employment, study, or
19 training;

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

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

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

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

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

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

14 (11) not patronize any business providing sexually
15 stimulating or sexually oriented entertainment nor utilize
16 "900" or adult telephone numbers;

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

23 (13) not possess or have under his or her control
24 certain specified items of contraband related to the
25 incidence of sexually offending as determined by an agent
26 of the Department of Corrections;

27 (14) may be required to provide a written daily log of
28 activities if directed by an agent of the Department of
29 Corrections;

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

34 (c) The conditions under which the parole or mandatory
35 supervised release is to be served shall be communicated to the
36 person in writing prior to his release, and he shall sign the

1 same before release. A signed copy of these conditions,
2 including a copy of an order of protection where one had been
3 issued by the criminal court, shall be retained by the person
4 and another copy forwarded to the officer in charge of his
5 supervision.

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

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

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

15 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

16 Sec. 3-3-9. Violations; changes of conditions; preliminary
17 hearing; revocation of parole or mandatory supervised release;
18 revocation hearing.

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

24 (1) continue the existing term, with or without
25 modifying or enlarging the conditions; or

26 (2) parole or release the person to a half-way house;
27 or

28 (3) revoke the parole or mandatory supervised release
29 and reconfine the person for a term computed in the
30 following manner:

31 (i) (A) For those sentenced under the law in effect
32 prior to this amendatory Act of 1977, the recommitment
33 shall be for any portion of the imposed maximum term of
34 imprisonment or confinement which had not been served
35 at the time of parole and the parole term, less the

1 time elapsed between the parole of the person and the
2 commission of the violation for which parole was
3 revoked;

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

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

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

22 (iv) this Section is subject to the release under
23 supervision and the reparole and rerelease provisions
24 of Section 3-3-10.

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

34 (b-5) The Board shall revoke parole or mandatory supervised
35 release for violation of the conditions prescribed in paragraph
36 (7.6) of subsection (a) of Section 3-3-7.

1 (c) A person charged with violating a condition of parole
2 or mandatory supervised release shall have a preliminary
3 hearing before a hearing officer designated by the Board to
4 determine if there is cause to hold the person for a revocation
5 hearing. However, no preliminary hearing need be held when
6 revocation is based upon new criminal charges and a court finds
7 probable cause on the new criminal charges or when the
8 revocation is based upon a new criminal conviction and a
9 certified copy of that conviction is available.

10 (d) Parole or mandatory supervised release shall not be
11 revoked without written notice to the offender setting forth
12 the violation of parole or mandatory supervised release charged
13 against him.

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

23 (1) appear and answer the charge; and

24 (2) bring witnesses on his behalf.

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

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

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

33 (730 ILCS 5/3-14-2) (from Ch. 38, par. 1003-14-2)

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

1 (a) The Department shall retain custody of all persons
2 placed on parole or mandatory supervised release or released
3 pursuant to Section 3-3-10 of this Code and shall supervise
4 such persons during their parole or release period in accord
5 with the conditions set by the Prisoner Review Board. Such
6 conditions shall include referral to an alcohol or drug abuse
7 treatment program, as appropriate, if such person has
8 previously been identified as having an alcohol or drug abuse
9 problem. Such conditions may include that the person use an
10 approved electronic monitoring device subject to Article 8A of
11 Chapter V.

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

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

1 transported to the Department.

2 (d) The supervising officer shall regularly advise and
3 consult with the parolee or releasee, assist him in adjusting
4 to community life, inform him of the restoration of his rights
5 on successful completion of sentence under Section 5-5-5. If
6 the parolee or releasee has been convicted of a sex offense as
7 defined in the Sex Offender Management Board Act, the
8 supervising officer shall periodically, but not less than once
9 a month, verify that the parolee or releasee is in compliance
10 with paragraph (7.6) of subsection (a) of Section 3-3-7.

11 (e) Supervising officers shall receive specialized
12 training in the special needs of female releasees or parolees
13 including the family reunification process.

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

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

18 (730 ILCS 5/Ch. III Art. 17 heading new)

19 ARTICLE 17. TRANSITIONAL HOUSING FOR SEX OFFENDERS

20 (730 ILCS 5/3-17-1 new)

21 Sec. 3-17-1. Transitional housing for sex offenders. This
22 Article may be cited as the Transitional Housing For Sex
23 Offenders Law.

24 (730 ILCS 5/3-17-5 new)

25 Sec. 3-17-5. Transitional housing; licensing.

26 (a) The Department of Corrections shall license
27 transitional housing facilities for persons convicted of or
28 placed on supervision for sex offenses as defined in the Sex
29 Offender Management Board Act.

30 (b) A transitional housing facility must meet the following
31 criteria to be licensed by the Department:

32 (1) The facility shall provide housing to a sex
33 offender for a period not to exceed 90 days.

1 (2) The Department of Corrections must approve a
2 treatment plan and counseling for each sex offender
3 residing in the transitional housing.

4 (3) The transitional housing facility must provide
5 security 24 hours each day and 7 days each week approved by
6 the Department.

7 (4) The facility must notify the police department,
8 public and private elementary and secondary schools,
9 public libraries, and each residential home and apartment
10 complex located within 500 feet of the transitional housing
11 facility of the name and address of the sex offender
12 residing in the facility.

13 (c) The Department of Corrections shall establish rules
14 consistent with this Section establishing licensing procedures
15 for transitional housing facilities for sex offenders. The
16 rules shall be adopted within 60 days after the effective date
17 of this amendatory Act of the 94th General Assembly.

18 (d) The Department of Corrections shall maintain a file on
19 each sex offender housed in a transitional housing facility.
20 The file shall contain efforts of the Department in placing a
21 sex offender in non-transitional housing, efforts of the
22 Department to place the sex offender in a county from which he
23 or she was convicted, the anticipated length of stay of each
24 sex offender in the transitional housing facility, the number
25 of sex offenders residing in the transitional housing facility,
26 and the services to be provided the sex offender while he or
27 she resides in the transitional housing facility.

28 (e) The Department of Corrections shall, on or before
29 December 31 of each year, file a report with the General
30 Assembly on the number of transitional housing facilities for
31 sex offenders licensed by the Department, the addresses of each
32 licensed facility, how many sex offenders are housed in each
33 facility, and the particular sex offense that each resident of
34 the transitional housing facility committed.

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

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

5 (1) not violate any criminal statute of any
6 jurisdiction;

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

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

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

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

23 (6) perform no less than 30 hours of community service
24 and not more than 120 hours of community service, if
25 community service is available in the jurisdiction and is
26 funded and approved by the county board where the offense
27 was committed, where the offense was related to or in
28 furtherance of the criminal activities of an organized gang
29 and was motivated by the offender's membership in or
30 allegiance to an organized gang. The community service
31 shall include, but not be limited to, the cleanup and
32 repair of any damage caused by a violation of Section
33 21-1.3 of the Criminal Code of 1961 and similar damage to
34 property located within the municipality or county in which
35 the violation occurred. When possible and reasonable, the
36 community service should be performed in the offender's

1 neighborhood. For purposes of this Section, "organized
2 gang" has the meaning ascribed to it in Section 10 of the
3 Illinois Streetgang Terrorism Omnibus Prevention Act;

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

31 (8) if convicted of possession of a substance
32 prohibited by the Cannabis Control Act or Illinois
33 Controlled Substances Act after a previous conviction or
34 disposition of supervision for possession of a substance
35 prohibited by the Cannabis Control Act or Illinois
36 Controlled Substances Act or after a sentence of probation

1 under Section 10 of the Cannabis Control Act or Section 410
2 of the Illinois Controlled Substances Act and upon a
3 finding by the court that the person is addicted, undergo
4 treatment at a substance abuse program approved by the
5 court;

6 (8.5) if convicted of a felony sex offense as defined
7 in the Sex Offender Management Board Act, the person shall
8 undergo and successfully complete sex offender treatment
9 by a treatment provider approved by the Board and conducted
10 in conformance with the standards developed under the Sex
11 Offender Management Board Act; ~~and~~

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

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

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

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

35 (2) pay a fine and costs;

36 (3) work or pursue a course of study or vocational

1 training;

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

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

6 (6) support his dependents;

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

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

9 (ii) attend school;

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

11 (iv) contribute to his own support at home or in a
12 foster home;

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

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

23 (9) perform some reasonable public or community
24 service;

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

29 (i) remain within the interior premises of the
30 place designated for his confinement during the hours
31 designated by the court;

32 (ii) admit any person or agent designated by the
33 court into the offender's place of confinement at any
34 time for purposes of verifying the offender's
35 compliance with the conditions of his confinement; and

36 (iii) if further deemed necessary by the court or

1 the Probation or Court Services Department, be placed
2 on an approved electronic monitoring device, subject
3 to Article 8A of Chapter V;

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

20 (v) for persons convicted of offenses other than
21 those referenced in clause (iv) above and who are
22 placed on an approved monitoring device as a condition
23 of probation or conditional discharge, the court shall
24 impose a reasonable fee for each day of the use of the
25 device, as established by the county board in
26 subsection (g) of this Section, unless after
27 determining the inability of the defendant to pay the
28 fee, the court assesses a lesser fee or no fee as the
29 case may be. This fee shall be imposed in addition to
30 the fees imposed under subsections (g) and (i) of this
31 Section. The fee shall be collected by the clerk of the
32 circuit court. The clerk of the circuit court shall pay
33 all monies collected from this fee to the county
34 treasurer who shall use the monies collected to defray
35 the costs of corrections. The county treasurer shall
36 deposit the fee collected in the county working cash

1 fund under Section 6-27001 or Section 6-29002 of the
2 Counties Code, as the case may be.

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

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

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

21 (14) refrain from entering into a designated
22 geographic area except upon such terms as the court finds
23 appropriate. Such terms may include consideration of the
24 purpose of the entry, the time of day, other persons
25 accompanying the defendant, and advance approval by a
26 probation officer, if the defendant has been placed on
27 probation or advance approval by the court, if the
28 defendant was placed on conditional discharge;

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

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

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

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

13 (d) An offender sentenced to probation or to conditional
14 discharge shall be given a certificate setting forth the
15 conditions thereof.

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

28 Persons committed to imprisonment as a condition of
29 probation or conditional discharge shall not be committed to
30 the Department of Corrections.

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

35 (g) An offender sentenced to probation or to conditional
36 discharge and who during the term of either undergoes mandatory

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

22 (h) Jurisdiction over an offender may be transferred from
23 the sentencing court to the court of another circuit with the
24 concurrence of both courts. Further transfers or retransfers of
25 jurisdiction are also authorized in the same manner. The court
26 to which jurisdiction has been transferred shall have the same
27 powers as the sentencing court.

28 (i) The court shall impose upon an offender sentenced to
29 probation after January 1, 1989 or to conditional discharge
30 after January 1, 1992 or to community service under the
31 supervision of a probation or court services department after
32 January 1, 2004, as a condition of such probation or
33 conditional discharge or supervised community service, a fee of
34 \$50 for each month of probation or conditional discharge
35 supervision or supervised community service ordered by the
36 court, unless after determining the inability of the person

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

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

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

30 (i-5) In addition to the fees imposed under subsection (i)
31 of this Section, in the case of an offender convicted of a
32 felony sex offense (as defined in the Sex Offender Management
33 Board Act) or an offense that the court or probation department
34 has determined to be sexually motivated (as defined in the Sex
35 Offender Management Board Act), the court or the probation
36 department shall assess additional fees to pay for all costs of

1 treatment, assessment, evaluation for risk and treatment, and
2 monitoring the offender, based on that offender's ability to
3 pay those costs either as they occur or under a payment plan.

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

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

20 (Source: P.A. 92-282, eff. 8-7-01; 92-340, eff. 8-10-01;
21 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; 92-571, eff.
22 6-26-02; 92-651, eff. 7-11-02; 93-475, eff. 8-8-03; 93-616,
23 eff. 1-1-04; 93-970, eff. 8-20-04.)

24 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

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

26 (a) When a defendant is placed on supervision, the court
27 shall enter an order for supervision specifying the period of
28 such supervision, and shall defer further proceedings in the
29 case until the conclusion of the period.

30 (b) The period of supervision shall be reasonable under all
31 of the circumstances of the case, but may not be longer than 2
32 years, unless the defendant has failed to pay the assessment
33 required by Section 10.3 of the Cannabis Control Act or Section
34 411.2 of the Illinois Controlled Substances Act, in which case
35 the court may extend supervision beyond 2 years. Additionally,

1 the court shall order the defendant to perform no less than 30
2 hours of community service and not more than 120 hours of
3 community service, if community service is available in the
4 jurisdiction and is funded and approved by the county board
5 where the offense was committed, when the offense (1) was
6 related to or in furtherance of the criminal activities of an
7 organized gang or was motivated by the defendant's membership
8 in or allegiance to an organized gang; or (2) is a violation of
9 any Section of Article 24 of the Criminal Code of 1961 where a
10 disposition of supervision is not prohibited by Section 5-6-1
11 of this Code. The community service shall include, but not be
12 limited to, the cleanup and repair of any damage caused by
13 violation of Section 21-1.3 of the Criminal Code of 1961 and
14 similar damages to property located within the municipality or
15 county in which the violation occurred. Where possible and
16 reasonable, the community service should be performed in the
17 offender's neighborhood.

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

21 (c) The court may in addition to other reasonable
22 conditions relating to the nature of the offense or the
23 rehabilitation of the defendant as determined for each
24 defendant in the proper discretion of the court require that
25 the person:

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

30 (2) pay a fine and costs;

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

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

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

- 1 (6) support his dependents;
- 2 (7) refrain from possessing a firearm or other
3 dangerous weapon;
- 4 (8) and in addition, if a minor:
- 5 (i) reside with his parents or in a foster home;
- 6 (ii) attend school;
- 7 (iii) attend a non-residential program for youth;
- 8 (iv) contribute to his own support at home or in a
9 foster home; or
- 10 (v) with the consent of the superintendent of the
11 facility, attend an educational program at a facility
12 other than the school in which the offense was
13 committed if he or she is placed on supervision for a
14 crime of violence as defined in Section 2 of the Crime
15 Victims Compensation Act committed in a school, on the
16 real property comprising a school, or within 1,000 feet
17 of the real property comprising a school;
- 18 (9) make restitution or reparation in an amount not to
19 exceed actual loss or damage to property and pecuniary loss
20 or make restitution under Section 5-5-6 to a domestic
21 violence shelter. The court shall determine the amount and
22 conditions of payment;
- 23 (10) perform some reasonable public or community
24 service;
- 25 (11) comply with the terms and conditions of an order
26 of protection issued by the court pursuant to the Illinois
27 Domestic Violence Act of 1986 or an order of protection
28 issued by the court of another state, tribe, or United
29 States territory. If the court has ordered the defendant to
30 make a report and appear in person under paragraph (1) of
31 this subsection, a copy of the order of protection shall be
32 transmitted to the person or agency so designated by the
33 court;
- 34 (12) reimburse any "local anti-crime program" as
35 defined in Section 7 of the Anti-Crime Advisory Council Act
36 for any reasonable expenses incurred by the program on the

1 offender's case, not to exceed the maximum amount of the
2 fine authorized for the offense for which the defendant was
3 sentenced;

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

9 (14) refrain from entering into a designated
10 geographic area except upon such terms as the court finds
11 appropriate. Such terms may include consideration of the
12 purpose of the entry, the time of day, other persons
13 accompanying the defendant, and advance approval by a
14 probation officer;

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

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

25 (17) refrain from operating any motor vehicle not
26 equipped with an ignition interlock device as defined in
27 Section 1-129.1 of the Illinois Vehicle Code. Under this
28 condition the court may allow a defendant who is not
29 self-employed to operate a vehicle owned by the defendant's
30 employer that is not equipped with an ignition interlock
31 device in the course and scope of the defendant's
32 employment.

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

35 (e) At the conclusion of the period of supervision, if the
36 court determines that the defendant has successfully complied

1 with all of the conditions of supervision, the court shall
2 discharge the defendant and enter a judgment dismissing the
3 charges.

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

26 (g) A defendant placed on supervision and who during the
27 period of supervision undergoes mandatory drug or alcohol
28 testing, or both, or is assigned to be placed on an approved
29 electronic monitoring device, shall be ordered to pay the costs
30 incidental to such mandatory drug or alcohol testing, or both,
31 and costs incidental to such approved electronic monitoring in
32 accordance with the defendant's ability to pay those costs. The
33 county board with the concurrence of the Chief Judge of the
34 judicial circuit in which the county is located shall establish
35 reasonable fees for the cost of maintenance, testing, and
36 incidental expenses related to the mandatory drug or alcohol

1 testing, or both, and all costs incidental to approved
2 electronic monitoring, of all defendants placed on
3 supervision. The concurrence of the Chief Judge shall be in the
4 form of an administrative order. The fees shall be collected by
5 the clerk of the circuit court. The clerk of the circuit court
6 shall pay all moneys collected from these fees to the county
7 treasurer who shall use the moneys collected to defray the
8 costs of drug testing, alcohol testing, and electronic
9 monitoring. The county treasurer shall deposit the fees
10 collected in the county working cash fund under Section 6-27001
11 or Section 6-29002 of the Counties Code, as the case may be.

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

14 (i) The court shall impose upon a defendant placed on
15 supervision after January 1, 1992 or to community service under
16 the supervision of a probation or court services department
17 after January 1, 2004, as a condition of supervision or
18 supervised community service, a fee of \$50 for each month of
19 supervision or supervised community service ordered by the
20 court, unless after determining the inability of the person
21 placed on supervision or supervised community service to pay
22 the fee, the court assesses a lesser fee. The court may not
23 impose the fee on a minor who is made a ward of the State under
24 the Juvenile Court Act of 1987 while the minor is in placement.
25 The fee shall be imposed only upon a defendant who is actively
26 supervised by the probation and court services department. The
27 fee shall be collected by the clerk of the circuit court. The
28 clerk of the circuit court shall pay all monies collected from
29 this fee to the county treasurer for deposit in the probation
30 and court services fund pursuant to Section 15.1 of the
31 Probation and Probation Officers Act.

32 A circuit court may not impose a probation fee in excess of
33 \$25 per month unless: (1) the circuit court has adopted, by
34 administrative order issued by the chief judge, a standard
35 probation fee guide determining an offender's ability to pay,
36 under guidelines developed by the Administrative Office of the

1 Illinois Courts; and (2) the circuit court has authorized, by
2 administrative order issued by the chief judge, the creation of
3 a Crime Victim's Services Fund, to be administered by the Chief
4 Judge or his or her designee, for services to crime victims and
5 their families. Of the amount collected as a probation fee, not
6 to exceed \$5 of that fee collected per month may be used to
7 provide services to crime victims and their families.

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

15 (k) A defendant at least 17 years of age who is placed on
16 supervision for a misdemeanor in a county of 3,000,000 or more
17 inhabitants and who has not been previously convicted of a
18 misdemeanor or felony may as a condition of his or her
19 supervision be required by the court to attend educational
20 courses designed to prepare the defendant for a high school
21 diploma and to work toward a high school diploma or to work
22 toward passing the high school level Test of General
23 Educational Development (GED) or to work toward completing a
24 vocational training program approved by the court. The
25 defendant placed on supervision must attend a public
26 institution of education to obtain the educational or
27 vocational training required by this subsection (k). The
28 defendant placed on supervision shall be required to pay for
29 the cost of the educational courses or GED test, if a fee is
30 charged for those courses or test. The court shall revoke the
31 supervision of a person who wilfully fails to comply with this
32 subsection (k). The court shall resentence the defendant upon
33 revocation of supervision as provided in Section 5-6-4. This
34 subsection (k) does not apply to a defendant who has a high
35 school diploma or has successfully passed the GED test. This
36 subsection (k) does not apply to a defendant who is determined

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

4 (l) The court shall require a defendant placed on
5 supervision for possession of a substance prohibited by the
6 Cannabis Control Act or Illinois Controlled Substances Act
7 after a previous conviction or disposition of supervision for
8 possession of a substance prohibited by the Cannabis Control
9 Act or Illinois Controlled Substances Act or a sentence of
10 probation under Section 10 of the Cannabis Control Act or
11 Section 410 of the Illinois Controlled Substances Act and after
12 a finding by the court that the person is addicted, to undergo
13 treatment at a substance abuse program approved by the court.

14 (m) The Secretary of State shall require anyone placed on
15 court supervision for a violation of Section 3-707 of the
16 Illinois Vehicle Code or a similar provision of a local
17 ordinance to give proof of his or her financial responsibility
18 as defined in Section 7-315 of the Illinois Vehicle Code. The
19 proof shall be maintained by the individual in a manner
20 satisfactory to the Secretary of State for a minimum period of
21 one year after the date the proof is first filed. The proof
22 shall be limited to a single action per arrest and may not be
23 affected by any post-sentence disposition. The Secretary of
24 State shall suspend the driver's license of any person
25 determined by the Secretary to be in violation of this
26 subsection.

27 (n) Any offender placed on supervision for any offense that
28 the court or probation department has determined to be sexually
29 motivated as defined in the Sex Offender Management Board Act
30 shall be required to refrain from any contact, directly or
31 indirectly, with any persons specified by the court and shall
32 be available for all evaluations and treatment programs
33 required by the court or the probation department.

34 (o) An offender placed on supervision for a sex offense as
35 defined in the Sex Offender Management Board Act shall refrain
36 from residing at the same address or in the same condominium

1 unit or apartment unit or in the same condominium complex or
2 apartment complex with another person he or she knows or
3 reasonably should know is a convicted sex offender or has been
4 placed on supervision for a sex offense. The provisions of this
5 subsection (o) do not apply to a person convicted of a sex
6 offense who is placed in a Department of Corrections licensed
7 transitional housing facility for sex offenders.

8 (Source: P.A. 92-282, eff. 8-7-01; 92-458, eff. 8-22-01;
9 92-651, eff. 7-11-02; 93-475, eff. 8-8-03; 93-970, eff.
10 8-20-04.)

11 (730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

12 Sec. 5-6-4. Violation, Modification or Revocation of
13 Probation, of Conditional Discharge or Supervision or of a
14 sentence of county impact incarceration - Hearing.

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

19 (1) in the case of probation violations, order the
20 issuance of a notice to the offender to be present by the
21 County Probation Department or such other agency
22 designated by the court to handle probation matters; and in
23 the case of conditional discharge or supervision
24 violations, such notice to the offender shall be issued by
25 the Circuit Court Clerk; and in the case of a violation of
26 a sentence of county impact incarceration, such notice
27 shall be issued by the Sheriff;

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

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

34 Personal service of the petition for violation of probation
35 or the issuance of such warrant, summons or notice shall toll

1 the period of probation, conditional discharge, supervision,
2 or sentence of county impact incarceration until the final
3 determination of the charge, and the term of probation,
4 conditional discharge, supervision, or sentence of county
5 impact incarceration shall not run until the hearing and
6 disposition of the petition for violation.

7 (b) The court shall conduct a hearing of the alleged
8 violation. The court shall admit the offender to bail pending
9 the hearing unless the alleged violation is itself a criminal
10 offense in which case the offender shall be admitted to bail on
11 such terms as are provided in the Code of Criminal Procedure of
12 1963, as amended. In any case where an offender remains
13 incarcerated only as a result of his alleged violation of the
14 court's earlier order of probation, supervision, conditional
15 discharge, or county impact incarceration such hearing shall be
16 held within 14 days of the onset of said incarceration, unless
17 the alleged violation is the commission of another offense by
18 the offender during the period of probation, supervision or
19 conditional discharge in which case such hearing shall be held
20 within the time limits described in Section 103-5 of the Code
21 of Criminal Procedure of 1963, as amended.

22 (c) The State has the burden of going forward with the
23 evidence and proving the violation by the preponderance of the
24 evidence. The evidence shall be presented in open court with
25 the right of confrontation, cross-examination, and
26 representation by counsel.

27 (d) Probation, conditional discharge, periodic
28 imprisonment and supervision shall not be revoked for failure
29 to comply with conditions of a sentence or supervision, which
30 imposes financial obligations upon the offender unless such
31 failure is due to his willful refusal to pay.

32 (e) If the court finds that the offender has violated a
33 condition at any time prior to the expiration or termination of
34 the period, it may continue him on the existing sentence, with
35 or without modifying or enlarging the conditions, or may impose
36 any other sentence that was available under Section 5-5-3 of

1 this Code or Section 11-501 of the Illinois Vehicle Code at the
2 time of initial sentencing. If the court finds that the person
3 has failed to successfully complete his or her sentence to a
4 county impact incarceration program, the court may impose any
5 other sentence that was available under Section 5-5-3 of this
6 Code or Section 11-501 of the Illinois Vehicle Code at the time
7 of initial sentencing, except for a sentence of probation or
8 conditional discharge. If the court finds that the offender has
9 violated paragraph (8.6) of subsection (a) of Section 5-6-3,
10 the court shall revoke the probation of the offender. If the
11 court finds that the offender has violated subsection (o) of
12 Section 5-6-3.1, the court shall revoke the supervision of the
13 offender.

14 (f) The conditions of probation, of conditional discharge,
15 of supervision, or of a sentence of county impact incarceration
16 may be modified by the court on motion of the supervising
17 agency or on its own motion or at the request of the offender
18 after notice and a hearing.

19 (g) A judgment revoking supervision, probation,
20 conditional discharge, or a sentence of county impact
21 incarceration is a final appealable order.

22 (h) Resentencing after revocation of probation,
23 conditional discharge, supervision, or a sentence of county
24 impact incarceration shall be under Article 4. Time served on
25 probation, conditional discharge or supervision shall not be
26 credited by the court against a sentence of imprisonment or
27 periodic imprisonment unless the court orders otherwise.

28 (i) Instead of filing a violation of probation, conditional
29 discharge, supervision, or a sentence of county impact
30 incarceration, an agent or employee of the supervising agency
31 with the concurrence of his or her supervisor may serve on the
32 defendant a Notice of Intermediate Sanctions. The Notice shall
33 contain the technical violation or violations involved, the
34 date or dates of the violation or violations, and the
35 intermediate sanctions to be imposed. Upon receipt of the
36 Notice, the defendant shall immediately accept or reject the

1 intermediate sanctions. If the sanctions are accepted, they
2 shall be imposed immediately. If the intermediate sanctions are
3 rejected or the defendant does not respond to the Notice, a
4 violation of probation, conditional discharge, supervision, or
5 a sentence of county impact incarceration shall be immediately
6 filed with the court. The State's Attorney and the sentencing
7 court shall be notified of the Notice of Sanctions. Upon
8 successful completion of the intermediate sanctions, a court
9 may not revoke probation, conditional discharge, supervision,
10 or a sentence of county impact incarceration or impose
11 additional sanctions for the same violation. A notice of
12 intermediate sanctions may not be issued for any violation of
13 probation, conditional discharge, supervision, or a sentence
14 of county impact incarceration which could warrant an
15 additional, separate felony charge. The intermediate sanctions
16 shall include a term of home detention as provided in Article
17 8A of Chapter V of this Code for multiple or repeat violations
18 of the terms and conditions of a sentence of probation,
19 conditional discharge, or supervision.

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

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

27 Section 10. The Probation and Probation Officers Act is
28 amended by adding Section 16.2 as follows:

29 (730 ILCS 110/16.2 new)

30 Sec. 16.2. Verification of sex offender's address. A
31 probation officer supervising a person who has been placed on
32 probation for a sex offense as defined in the Sex Offender
33 Management Board Act shall periodically, but not less than once
34 a month, verify that the person is in compliance with paragraph

1 (8.6) of subsection (a) of Section 5-6-3 of the Unified Code of
2 Corrections.

3 Section 15. The Sex Offender and Child Murderer Community
4 Notification Law is amended by changing Section 120 as follows:

5 (730 ILCS 152/120)

6 Sec. 120. Community notification of sex offenders.

7 (a) The sheriff of the county, except Cook County, shall
8 disclose to the following the name, address, date of birth,
9 place of employment, school attended, and offense or
10 adjudication of all sex offenders required to register under
11 Section 3 of the Sex Offender Registration Act:

12 (1) The boards of institutions of higher education or
13 other appropriate administrative offices of each
14 non-public institution of higher education located in the
15 county where the sex offender is required to register,
16 resides, is employed, or is attending an institution of
17 higher education; and

18 (2) School boards of public school districts and the
19 principal or other appropriate administrative officer of
20 each nonpublic school located in the county where the sex
21 offender is required to register or is employed; and

22 (3) Child care facilities located in the county where
23 the sex offender is required to register or is employed.

24 (a-2) The sheriff of Cook County shall disclose to the
25 following the name, address, date of birth, place of
26 employment, school attended, and offense or adjudication of all
27 sex offenders required to register under Section 3 of the Sex
28 Offender Registration Act:

29 (1) School boards of public school districts and the
30 principal or other appropriate administrative officer of
31 each nonpublic school located within the region of Cook
32 County, as those public school districts and nonpublic
33 schools are identified in LEADS, other than the City of
34 Chicago, where the sex offender is required to register or

1 is employed; and

2 (2) Child care facilities located within the region of
3 Cook County, as those child care facilities are identified
4 in LEADS, other than the City of Chicago, where the sex
5 offender is required to register or is employed; and

6 (3) The boards of institutions of higher education or
7 other appropriate administrative offices of each
8 non-public institution of higher education located in the
9 county, other than the City of Chicago, where the sex
10 offender is required to register, resides, is employed, or
11 attending an institution of higher education.

12 (a-3) The Chicago Police Department shall disclose to the
13 following the name, address, date of birth, place of
14 employment, school attended, and offense or adjudication of all
15 sex offenders required to register under Section 3 of the Sex
16 Offender Registration Act:

17 (1) School boards of public school districts and the
18 principal or other appropriate administrative officer of
19 each nonpublic school located in the police district where
20 the sex offender is required to register or is employed if
21 the offender is required to register or is employed in the
22 City of Chicago; and

23 (2) Child care facilities located in the police
24 district where the sex offender is required to register or
25 is employed if the offender is required to register or is
26 employed in the City of Chicago; and

27 (3) The boards of institutions of higher education or
28 other appropriate administrative offices of each
29 non-public institution of higher education located in the
30 police district where the sex offender is required to
31 register, resides, is employed, or attending an
32 institution of higher education in the City of Chicago.

33 (a-4) The Department of State Police shall provide a list
34 of sex offenders required to register to the Illinois
35 Department of Children and Family Services.

36 (b) The Department of State Police and any law enforcement

1 agency may disclose, in the Department's or agency's
2 discretion, the following information to any person likely to
3 encounter a sex offender, or sexual predator:

4 (1) The offender's name, address, and date of birth.

5 (2) The offense for which the offender was convicted.

6 (3) Adjudication as a sexually dangerous person.

7 (4) The offender's photograph or other such
8 information that will help identify the sex offender.

9 (5) Offender employment information, to protect public
10 safety.

11 (c) The name, address, date of birth, and offense or
12 adjudication for sex offenders required to register under
13 Section 3 of the Sex Offender Registration Act shall be open to
14 inspection by the public as provided in this Section. Every
15 municipal police department shall make available at its
16 headquarters the information on all sex offenders who are
17 required to register in the municipality under the Sex Offender
18 Registration Act. The sheriff shall also make available at his
19 or her headquarters the information on all sex offenders who
20 are required to register under that Act and who live in
21 unincorporated areas of the county. Sex offender information
22 must be made available for public inspection to any person, no
23 later than 72 hours or 3 business days from the date of the
24 request. The request must be made in person, in writing, or by
25 telephone. Availability must include giving the inquirer
26 access to a facility where the information may be copied. A
27 department or sheriff may charge a fee, but the fee may not
28 exceed the actual costs of copying the information. An inquirer
29 must be allowed to copy this information in his or her own
30 handwriting. A department or sheriff must allow access to the
31 information during normal public working hours. The sheriff or
32 a municipal police department may publish the photographs of
33 sex offenders where any victim was 13 years of age or younger
34 and who are required to register in the municipality or county
35 under the Sex Offender Registration Act in a newspaper or
36 magazine of general circulation in the municipality or county

1 or may disseminate the photographs of those sex offenders on
2 the Internet or on television. The law enforcement agency may
3 make available the information on all sex offenders residing
4 within any county.

5 (d) The Department of State Police and any law enforcement
6 agency having jurisdiction may, in the Department's or agency's
7 discretion, place the information specified in subsection (b)
8 on the Internet or in other media.

9 (e) The Department of State Police and any law enforcement
10 agency having jurisdiction may, in the Department's or agency's
11 discretion, only provide the information specified in
12 subsection (b), with respect to an adjudicated juvenile
13 delinquent, to any person when that person's safety may be
14 compromised for some reason related to the juvenile sex
15 offender.

16 (f) The administrator of a transitional housing facility
17 for sex offenders shall comply with the notification procedures
18 established in paragraph (4) of subsection (b) of Section
19 3-17-5 of the Unified Code of Corrections.

20 (Source: P.A. 91-48, eff. 7-1-99; 91-221, eff. 7-22-99; 91-224,
21 eff. 7-1-00; 91-357, eff. 7-29-99; 91-394, eff. 1-1-00; 92-16,
22 6-28-01; 92-828, eff. 8-22-02.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.