



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0050

Introduced 1/19/2007, by Rep. James H. Meyer

SYNOPSIS AS INTRODUCED:

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

Amends the Unified Code of Corrections. Provides that an offender placed on supervision, probation, or mandatory supervised release for an offense committed on or after the effective date of the amendatory Act that would qualify the accused as a child sex offender shall, as a condition of that supervision, probation, or mandatory supervised release, refrain from communicating with or contacting, by means of the Internet, a person who is not related to the accused and whom the accused reasonably believes to be under 18 years of age.

LRB095 03827 RLC 23858 b

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, 5-6-3, 5-6-3.1 as follows:

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

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

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

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

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

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

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

23 (5) attend or reside in a facility established for the

1 instruction or residence of persons on parole or mandatory
2 supervised release;

3 (6) secure permission before visiting or writing a
4 committed person in an Illinois Department of Corrections
5 facility;

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

10 (7.5) if convicted of a sex offense as defined in the
11 Sex Offender Management Board Act, the individual shall
12 undergo and successfully complete sex offender treatment
13 conducted in conformance with the standards developed by
14 the Sex Offender Management Board Act by a treatment
15 provider approved by the Board;

16 (7.6) if convicted of a sex offense as defined in the
17 Sex Offender Management Board Act, refrain from residing at
18 the same address or in the same condominium unit or
19 apartment unit or in the same condominium complex or
20 apartment complex with another person he or she knows or
21 reasonably should know is a convicted sex offender or has
22 been placed on supervision for a sex offense; the
23 provisions of this paragraph do not apply to a person
24 convicted of a sex offense who is placed in a Department of
25 Corrections licensed transitional housing facility for sex
26 offenders, or is in any facility operated or licensed by

1 the Department of Children and Family Services or by the
2 Department of Human Services, or is in any licensed medical
3 facility;

4 (7.7) if convicted for an offense that would qualify
5 the accused as a sexual predator under the Sex Offender
6 Registration Act on or after the effective date of this
7 amendatory Act of the 94th General Assembly, wear an
8 approved electronic monitoring device as defined in
9 Section 5-8A-2 for the duration of the person's parole,
10 mandatory supervised release term, or extended mandatory
11 supervised release term, provided funding is appropriated
12 by the General Assembly;

13 (7.8) if convicted for an offense committed on or after
14 the effective date of this amendatory Act of the 95th
15 General Assembly that would qualify the accused as a child
16 sex offender as defined in Section 11-9.3 or 11-9.4 of the
17 Criminal Code of 1961, refrain from communicating with or
18 contacting, by means of the Internet, a person who is not
19 related to the accused and whom the accused reasonably
20 believes to be under 18 years of age; for purposes of this
21 paragraph (7.8), "Internet" has the meaning ascribed to it
22 in Section 16J-5 of the Criminal Code of 1961, as added by
23 Public Act 94-179; and a person is not related to the
24 accused if the person is not: (i) the spouse, brother, or
25 sister of the accused; (ii) a descendant of the accused;
26 (iii) a first or second cousin of the accused; or (iv) a

1 step-child or adopted child of the accused;

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

4 (9) obtain permission of an agent of the Department of
5 Corrections before changing his or her residence or
6 employment;

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

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

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

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

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

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

9 (16) if convicted of a sex offense as defined in
10 subsection (a-5) of Section 3-1-2 of this Code, unless the
11 offender is a parent or guardian of the person under 18
12 years of age present in the home and no non-familial minors
13 are present, not participate in a holiday event involving
14 children under 18 years of age, such as distributing candy
15 or other items to children on Halloween, wearing a Santa
16 Claus costume on or preceding Christmas, being employed as
17 a department store Santa Claus, or wearing an Easter Bunny
18 costume on or preceding Easter.

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

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

23 (2) undergo medical or psychiatric treatment, or
24 treatment for drug addiction or alcoholism;

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

1 (4) support his dependents;

2 (5) (blank);

3 (6) (blank);

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

9 (8) in addition, if a minor:

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

11 (ii) attend school;

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

13 or

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

16 (b-1) In addition to the conditions set forth in
17 subsections (a) and (b), persons required to register as sex
18 offenders pursuant to the Sex Offender Registration Act, upon
19 release from the custody of the Illinois Department of
20 Corrections, may be required by the Board to comply with the
21 following specific conditions of release:

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

23 (2) comply with all requirements of the Sex Offender
24 Registration Act;

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

1 (4) obtain the approval of an agent of the Department
2 of Corrections prior to accepting employment or pursuing a
3 course of study or vocational training and notify the
4 Department prior to any change in employment, study, or
5 training;

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

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

12 (7) refrain from entering into a designated geographic
13 area except upon terms approved in advance by an agent of
14 the Department of Corrections. The terms may include
15 consideration of the purpose of the entry, the time of day,
16 and others accompanying the person;

17 (8) refrain from having any contact, including written
18 or oral communications, directly or indirectly, personally
19 or by telephone, letter, or through a third party with
20 certain specified persons including, but not limited to,
21 the victim or the victim's family without the prior written
22 approval of an agent of the Department of Corrections;

23 (9) refrain from all contact, directly or indirectly,
24 personally, by telephone, letter, or through a third party,
25 with minor children without prior identification and
26 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

1 Department may impose that restrict the person from
2 high-risk situations and limit access to potential
3 victims.

4 (c) The conditions under which the parole or mandatory
5 supervised release is to be served shall be communicated to the
6 person in writing prior to his release, and he shall sign the
7 same before release. A signed copy of these conditions,
8 including a copy of an order of protection where one had been
9 issued by the criminal court, shall be retained by the person
10 and another copy forwarded to the officer in charge of his
11 supervision.

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

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

19 (Source: P.A. 93-616, eff. 1-1-04; 93-865, eff. 1-1-05; 94-159,
20 eff. 7-11-05; 94-161, eff. 7-11-05; 94-988, eff. 1-1-07.)

21 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

1 (1) not violate any criminal statute of any
2 jurisdiction;

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

5 (3) refrain from possessing a firearm or other
6 dangerous weapon;

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

16 (5) permit the probation officer to visit him at his
17 home or elsewhere to the extent necessary to discharge his
18 duties;

19 (6) perform no less than 30 hours of community service
20 and not more than 120 hours of community service, if
21 community service is available in the jurisdiction and is
22 funded and approved by the county board where the offense
23 was committed, where the offense was related to or in
24 furtherance of the criminal activities of an organized gang
25 and was motivated by the offender's membership in or
26 allegiance to an organized gang. The community service

1 shall include, but not be limited to, the cleanup and
2 repair of any damage caused by a violation of Section
3 21-1.3 of the Criminal Code of 1961 and similar damage to
4 property located within the municipality or county in which
5 the violation occurred. When possible and reasonable, the
6 community service should be performed in the offender's
7 neighborhood. For purposes of this Section, "organized
8 gang" has the meaning ascribed to it in Section 10 of the
9 Illinois Streetgang Terrorism Omnibus Prevention Act;

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

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

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

24 (8.5) if convicted of a felony sex offense as defined
25 in the Sex Offender Management Board Act, the person shall
26 undergo and successfully complete sex offender treatment

1 by a treatment provider approved by the Board and conducted
2 in conformance with the standards developed under the Sex
3 Offender Management Board Act;

4 (8.6) if convicted of a sex offense as defined in the
5 Sex Offender Management Board Act, refrain from residing at
6 the same address or in the same condominium unit or
7 apartment unit or in the same condominium complex or
8 apartment complex with another person he or she knows or
9 reasonably should know is a convicted sex offender or has
10 been placed on supervision for a sex offense; the
11 provisions of this paragraph do not apply to a person
12 convicted of a sex offense who is placed in a Department of
13 Corrections licensed transitional housing facility for sex
14 offenders; ~~and~~

15 (8.7) if convicted for an offense committed on or after
16 the effective date of this amendatory Act of the 95th
17 General Assembly that would qualify the accused as a child
18 sex offender as defined in Section 11-9.3 or 11-9.4 of the
19 Criminal Code of 1961, refrain from communicating with or
20 contacting, by means of the Internet, a person who is not
21 related to the accused and whom the accused reasonably
22 believes to be under 18 years of age; for purposes of this
23 paragraph (8.7), "Internet" has the meaning ascribed to it
24 in Section 16J-5 of the Criminal Code of 1961, as added by
25 Public Act 94-179; and a person is not related to the
26 accused if the person is not: (i) the spouse, brother, or

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

4 (9) if convicted of a felony, physically surrender at a
5 time and place designated by the court, his or her Firearm
6 Owner's Identification Card and any and all firearms in his
7 or her possession; and

8 (10) if convicted of a sex offense as defined in
9 subsection (a-5) of Section 3-1-2 of this Code, unless the
10 offender is a parent or guardian of the person under 18
11 years of age present in the home and no non-familial minors
12 are present, not participate in a holiday event involving
13 children under 18 years of age, such as distributing candy
14 or other items to children on Halloween, wearing a Santa
15 Claus costume on or preceding Christmas, being employed as
16 a department store Santa Claus, or wearing an Easter Bunny
17 costume on or preceding Easter.

18 (b) The Court may in addition to other reasonable
19 conditions relating to the nature of the offense or the
20 rehabilitation of the defendant as determined for each
21 defendant in the proper discretion of the Court require that
22 the person:

23 (1) serve a term of periodic imprisonment under Article
24 7 for a period not to exceed that specified in paragraph
25 (d) of Section 5-7-1;

26 (2) pay a fine and costs;

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

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

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

7 (6) support his dependents;

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

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

10 (ii) attend school;

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

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

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

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

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

26 (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

1 circuit court. The clerk of the circuit court shall pay
2 all monies collected from this fee to the county
3 treasurer for deposit in the substance abuse services
4 fund under Section 5-1086.1 of the Counties Code; and

5 (v) for persons convicted of offenses other than
6 those referenced in clause (iv) above and who are
7 placed on an approved monitoring device as a condition
8 of probation or conditional discharge, the court shall
9 impose a reasonable fee for each day of the use of the
10 device, as established by the county board in
11 subsection (g) of this Section, unless after
12 determining the inability of the defendant to pay the
13 fee, the court assesses a lesser fee or no fee as the
14 case may be. This fee shall be imposed in addition to
15 the fees imposed under subsections (g) and (i) of this
16 Section. The fee shall be collected by the clerk of the
17 circuit court. The clerk of the circuit court shall pay
18 all monies collected from this fee to the county
19 treasurer who shall use the monies collected to defray
20 the costs of corrections. The county treasurer shall
21 deposit the fee collected in the county working cash
22 fund under Section 6-27001 or Section 6-29002 of the
23 Counties Code, as the case may be.

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

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

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

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

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

24 (15) refrain from having any contact, directly or
25 indirectly, with certain specified persons or particular
26 types of persons, including but not limited to members of

1 street gangs and drug users or dealers;

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

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

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

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

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

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

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

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

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

12 (h) Jurisdiction over an offender may be transferred from
13 the sentencing court to the court of another circuit with the
14 concurrence of both courts. Further transfers or retransfers of
15 jurisdiction are also authorized in the same manner. The court
16 to which jurisdiction has been transferred shall have the same
17 powers as the sentencing court.

18 (i) The court shall impose upon an offender sentenced to
19 probation after January 1, 1989 or to conditional discharge
20 after January 1, 1992 or to community service under the
21 supervision of a probation or court services department after
22 January 1, 2004, as a condition of such probation or
23 conditional discharge or supervised community service, a fee of
24 \$50 for each month of probation or conditional discharge
25 supervision or supervised community service ordered by the
26 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

1 imposed by Public Act 93-616. This deletion is intended to
2 control over any other Act of the 93rd General Assembly that
3 retains or incorporates that fee increase.

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

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

21 (k) Any offender who is sentenced to probation or
22 conditional discharge for a felony sex offense as defined in
23 the Sex Offender Management Board Act or any offense that the
24 court or probation department has determined to be sexually
25 motivated as defined in the Sex Offender Management Board Act
26 shall be required to refrain from any contact, directly or

1 indirectly, with any persons specified by the court and shall
2 be available for all evaluations and treatment programs
3 required by the court or the probation department.

4 (Source: P.A. 93-475, eff. 8-8-03; 93-616, eff. 1-1-04; 93-970,
5 eff. 8-20-04; 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
6 94-556, eff. 9-11-05; revised 8-19-05.)

7 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

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

9 (a) When a defendant is placed on supervision, the court
10 shall enter an order for supervision specifying the period of
11 such supervision, and shall defer further proceedings in the
12 case until the conclusion of the period.

13 (b) The period of supervision shall be reasonable under all
14 of the circumstances of the case, but may not be longer than 2
15 years, unless the defendant has failed to pay the assessment
16 required by Section 10.3 of the Cannabis Control Act, Section
17 411.2 of the Illinois Controlled Substances Act, or Section 80
18 of the Methamphetamine Control and Community Protection Act, in
19 which case the court may extend supervision beyond 2 years.
20 Additionally, the court shall order the defendant to perform no
21 less than 30 hours of community service and not more than 120
22 hours of community service, if community service is available
23 in the jurisdiction and is funded and approved by the county
24 board where the offense was committed, when the offense (1) was
25 related to or in furtherance of the criminal activities of an

1 organized gang or was motivated by the defendant's membership
2 in or allegiance to an organized gang; or (2) is a violation of
3 any Section of Article 24 of the Criminal Code of 1961 where a
4 disposition of supervision is not prohibited by Section 5-6-1
5 of this Code. The community service shall include, but not be
6 limited to, the cleanup and repair of any damage caused by
7 violation of Section 21-1.3 of the Criminal Code of 1961 and
8 similar damages to property located within the municipality or
9 county in which the violation occurred. Where possible and
10 reasonable, the community service should be performed in the
11 offender's neighborhood.

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

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

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

24 (2) pay a fine and costs;

25 (3) work or pursue a course of study or vocational
26 training;

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

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

5 (6) support his dependents;

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

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

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

10 (ii) attend school;

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

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

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

22 (9) make restitution or reparation in an amount not to
23 exceed actual loss or damage to property and pecuniary loss
24 or make restitution under Section 5-5-6 to a domestic
25 violence shelter. The court shall determine the amount and
26 conditions of payment;

1 (10) perform some reasonable public or community
2 service;

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

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

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

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

1 accompanying the defendant, and advance approval by a
2 probation officer;

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

7 (16) refrain from having in his or her body the
8 presence of any illicit drug prohibited by the Cannabis
9 Control Act, the Illinois Controlled Substances Act, or the
10 Methamphetamine Control and Community Protection 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 (17) refrain from operating any motor vehicle not
15 equipped with an ignition interlock device as defined in
16 Section 1-129.1 of the Illinois Vehicle Code. Under this
17 condition the court may allow a defendant who is not
18 self-employed to operate a vehicle owned by the defendant's
19 employer that is not equipped with an ignition interlock
20 device in the course and scope of the defendant's
21 employment; and

22 (18) if placed on supervision for a sex offense as
23 defined in subsection (a-5) of Section 3-1-2 of this Code,
24 unless the offender is a parent or guardian of the person
25 under 18 years of age present in the home and no
26 non-familial minors are present, not participate in a

1 holiday event involving children under 18 years of age,
2 such as distributing candy or other items to children on
3 Halloween, wearing a Santa Claus costume on or preceding
4 Christmas, being employed as a department store Santa
5 Claus, or wearing an Easter Bunny costume on or preceding
6 Easter.

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

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

14 (f) Discharge and dismissal upon a successful conclusion of
15 a disposition of supervision shall be deemed without
16 adjudication of guilt and shall not be termed a conviction for
17 purposes of disqualification or disabilities imposed by law
18 upon conviction of a crime. Two years after the discharge and
19 dismissal under this Section, unless the disposition of
20 supervision was for a violation of Sections 3-707, 3-708,
21 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
22 similar provision of a local ordinance, or for a violation of
23 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which
24 case it shall be 5 years after discharge and dismissal, a
25 person may have his record of arrest sealed or expunged as may
26 be provided by law. However, any defendant placed on

1 supervision before January 1, 1980, may move for sealing or
2 expungement of his arrest record, as provided by law, at any
3 time after discharge and dismissal under this Section. A person
4 placed on supervision for a sexual offense committed against a
5 minor as defined in subsection (g) of Section 5 of the Criminal
6 Identification Act or for a violation of Section 11-501 of the
7 Illinois Vehicle Code or a similar provision of a local
8 ordinance shall not have his or her record of arrest sealed or
9 expunged.

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

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

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

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

26 A circuit court may not impose a probation fee in excess of

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

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

19 (k) A defendant at least 17 years of age who is placed on
20 supervision for a misdemeanor in a county of 3,000,000 or more
21 inhabitants and who has not been previously convicted of a
22 misdemeanor or felony may as a condition of his or her
23 supervision be required by the court to attend educational
24 courses designed to prepare the defendant for a high school
25 diploma and to work toward a high school diploma or to work
26 toward passing the high school level Test of General

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

18 (1) The court shall require a defendant placed on
19 supervision for possession of a substance prohibited by the
20 Cannabis Control Act, the Illinois Controlled Substances Act,
21 or the Methamphetamine Control and Community Protection Act
22 after a previous conviction or disposition of supervision for
23 possession of a substance prohibited by the Cannabis Control
24 Act, the Illinois Controlled Substances Act, or the
25 Methamphetamine Control and Community Protection Act or a
26 sentence of probation under Section 10 of the Cannabis Control

1 Act or Section 410 of the Illinois Controlled Substances Act
2 and after a finding by the court that the person is addicted,
3 to undergo treatment at a substance abuse program approved by
4 the court.

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

18 (n) Any offender placed on supervision for any offense that
19 the court or probation department has determined to be sexually
20 motivated as defined in the Sex Offender Management Board Act
21 shall be required to refrain from any contact, directly or
22 indirectly, with any persons specified by the court and shall
23 be available for all evaluations and treatment programs
24 required by the court or the probation department.

25 (o) An offender placed on supervision for a sex offense as
26 defined in the Sex Offender Management Board Act shall refrain

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

9 (p) An offender placed on supervision for an offense
10 committed on or after the effective date of this amendatory Act
11 of the 95th General Assembly that would qualify the accused as
12 a child sex offender as defined in Section 11-9.3 or 11-9.4 of
13 the Criminal Code of 1961 shall refrain from communicating with
14 or contacting, by means of the Internet, a person who is not
15 related to the accused and whom the accused reasonably believes
16 to be under 18 years of age. For purposes of this subsection
17 (p), "Internet" has the meaning ascribed to it in Section 16J-5
18 of the Criminal Code of 1961, as added by Public Act 94-179;
19 and a person is not related to the accused if the person is
20 not: (i) the spouse, brother, or sister of the accused; (ii) a
21 descendant of the accused; (iii) a first or second cousin of
22 the accused; or (iv) a step-child or adopted child of the
23 accused.

24 (Source: P.A. 93-475, eff. 8-8-03; 93-970, eff. 8-20-04;
25 94-159, eff. 7-11-05; 94-161, eff. 7-11-05; 94-556, eff.
26 9-11-05; revised 8-19-05.)