



Sen. Kirk W. Dillard

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09500HB0050sam001

LRB095 03827 RLC 36813 a

1 AMENDMENT TO HOUSE BILL 50

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 50 by replacing  
3 everything after the enacting clause with the following:

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

1 dangerous weapon;

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

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

7 (5) attend or reside in a facility established for the  
8 instruction or residence of persons on parole or mandatory  
9 supervised release;

10 (6) secure permission before visiting or writing a  
11 committed person in an Illinois Department of Corrections  
12 facility;

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

17 (7.5) if convicted of a sex offense as defined in the  
18 Sex Offender Management Board Act, the individual shall  
19 undergo and successfully complete sex offender treatment  
20 conducted in conformance with the standards developed by  
21 the Sex Offender Management Board Act by a treatment  
22 provider approved by the Board;

23 (7.6) if convicted of a sex offense as defined in the  
24 Sex Offender Management Board Act, refrain from residing at  
25 the same address or in the same condominium unit or  
26 apartment unit or in the same condominium complex or

1 apartment complex with another person he or she knows or  
2 reasonably should know is a convicted sex offender or has  
3 been placed on supervision for a sex offense; the  
4 provisions of this paragraph do not apply to a person  
5 convicted of a sex offense who is placed in a Department of  
6 Corrections licensed transitional housing facility for sex  
7 offenders, or is in any facility operated or licensed by  
8 the Department of Children and Family Services or by the  
9 Department of Human Services, or is in any licensed medical  
10 facility;

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

20 (7.8) if convicted for an offense committed on or after  
21 the effective date of this amendatory Act of the 95th  
22 General Assembly that would qualify the accused as a child  
23 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
24 Criminal Code of 1961, refrain from communicating with or  
25 contacting, by means of the Internet, a person who is not  
26 related to the accused and whom the accused reasonably

1 believes to be under 18 years of age; for purposes of this  
2 paragraph (7.8), "Internet" has the meaning ascribed to it  
3 in Section 16J-5 of the Criminal Code of 1961, as added by  
4 Public Act 94-179; and a person is not related to the  
5 accused if the person is not: (i) the spouse, brother, or  
6 sister of the accused; (ii) a descendant of the accused;  
7 (iii) a first or second cousin of the accused; or (iv) a  
8 step-child or adopted child of the accused;

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

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

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

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

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

23 (13) not knowingly associate with other persons on  
24 parole or mandatory supervised release without prior  
25 written permission of his or her parole agent and not  
26 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 (15) follow any specific instructions provided by the  
9 parole agent that are consistent with furthering  
10 conditions set and approved by the Prisoner Review Board or  
11 by law, exclusive of placement on electronic detention, to  
12 achieve the goals and objectives of his or her parole or  
13 mandatory supervised release or to protect the public.  
14 These instructions by the parole agent may be modified at  
15 any time, as the agent deems appropriate; and

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

26 (b) The Board may in addition to other conditions require

1 that the subject:

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

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

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

8 (4) support his dependents;

9 (5) (blank);

10 (6) (blank);

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

16 (7.5) if convicted for an offense committed on or after  
17 the effective date of this amendatory Act of the 95th  
18 General Assembly that would qualify the accused as a child  
19 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
20 Criminal Code of 1961, refrain from communicating with or  
21 contacting, by means of the Internet, a person who is  
22 related to the accused and whom the accused reasonably  
23 believes to be under 18 years of age; for purposes of this  
24 paragraph (7.5), "Internet" has the meaning ascribed to it  
25 in Section 16J-5 of the Criminal Code of 1961, as added by  
26 Public Act 94-179; and a person is related to the accused

1       if the person is: (i) the spouse, brother, or sister of the  
2       accused; (ii) a descendant of the accused; (iii) a first or  
3       second cousin of the accused; or (iv) a step-child or  
4       adopted child of the accused; and

5           (8) in addition, if a minor:

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

7               (ii) attend school;

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

9           or

10              (iv) contribute to his own support at home or in a

11              foster home.

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

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

19              (2) comply with all requirements of the Sex Offender  
20       Registration Act;

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

23              (4) obtain the approval of an agent of the Department  
24       of Corrections prior to accepting employment or pursuing a  
25       course of study or vocational training and notify the  
26       Department prior to any change in employment, study, or

1 training;

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

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

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

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

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

23 (10) neither possess or have under his or her control  
24 any material that is sexually oriented, sexually  
25 stimulating, or that shows male or female sex organs or any  
26 pictures depicting children under 18 years of age nude or



1 any written or audio material describing sexual  
2 intercourse or that depicts or alludes to sexual activity,  
3 including but not limited to visual, auditory, telephonic,  
4 or electronic media, or any matter obtained through access  
5 to any computer or material linked to computer access use;

6 (11) not patronize any business providing sexually  
7 stimulating or sexually oriented entertainment nor utilize  
8 "900" or adult telephone numbers;

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

15 (13) not possess or have under his or her control  
16 certain specified items of contraband related to the  
17 incidence of sexually offending as determined by an agent  
18 of the Department of Corrections;

19 (14) may be required to provide a written daily log of  
20 activities if directed by an agent of the Department of  
21 Corrections;

22 (15) comply with all other special conditions that the  
23 Department may impose that restrict the person from  
24 high-risk situations and limit access to potential  
25 victims.

26 (c) The conditions under which the parole or mandatory

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

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

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

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

17 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

22 (1) not violate any criminal statute of any  
23 jurisdiction;

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

1           (3) refrain from possessing a firearm or other  
2 dangerous weapon;

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

12           (5) permit the probation officer to visit him at his  
13 home or elsewhere to the extent necessary to discharge his  
14 duties;

15           (6) perform no less than 30 hours of community service  
16 and not more than 120 hours of community service, if  
17 community service is available in the jurisdiction and is  
18 funded and approved by the county board where the offense  
19 was committed, where the offense was related to or in  
20 furtherance of the criminal activities of an organized gang  
21 and was motivated by the offender's membership in or  
22 allegiance to an organized gang. The community service  
23 shall include, but not be limited to, the cleanup and  
24 repair of any damage caused by a violation of Section  
25 21-1.3 of the Criminal Code of 1961 and similar damage to  
26 property located within the municipality or county in which

1 the violation occurred. When possible and reasonable, the  
2 community service should be performed in the offender's  
3 neighborhood. For purposes of this Section, "organized  
4 gang" has the meaning ascribed to it in Section 10 of the  
5 Illinois Streetgang Terrorism Omnibus Prevention Act;

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

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

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

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

26 (8.6) if convicted of a sex offense as defined in the

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

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

26 (9) if convicted of a felony, physically surrender at a

1 time and place designated by the court, his or her Firearm  
2 Owner's Identification Card and any and all firearms in his  
3 or her possession; and

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

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

19 (1) serve a term of periodic imprisonment under Article  
20 7 for a period not to exceed that specified in paragraph  
21 (d) of Section 5-7-1;

22 (2) pay a fine and costs;

23 (3) work or pursue a course of study or vocational  
24 training;

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

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

3           (6) support his dependents;

4           (7) 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;

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 convicted of a crime of  
14 violence as defined in Section 2 of the Crime Victims  
15 Compensation Act committed in a school, on the real  
16 property comprising a school, or within 1,000 feet of  
17 the real property comprising a school;

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

20           (9) perform some reasonable public or community  
21 service;

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

26               (i) remain within the interior premises of the



1 place designated for his confinement during the hours  
2 designated by the court;

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

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

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

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

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

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

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

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

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

24           (16) refrain from having in his or her body the  
25 presence of any illicit drug prohibited by the Cannabis  
26 Control Act, the Illinois Controlled Substances Act, or the

1 Methamphetamine Control and Community Protection Act,  
2 unless prescribed by a physician, and submit samples of his  
3 or her blood or urine or both for tests to determine the  
4 presence of any illicit drug; and -

5 (17) if convicted for an offense committed on or after  
6 the effective date of this amendatory Act of the 95th  
7 General Assembly that would qualify the accused as a child  
8 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
9 Criminal Code of 1961, refrain from communicating with or  
10 contacting, by means of the Internet, a person who is  
11 related to the accused and whom the accused reasonably  
12 believes to be under 18 years of age; for purposes of this  
13 paragraph (17), "Internet" has the meaning ascribed to it  
14 in Section 16J-5 of the Criminal Code of 1961, as added by  
15 Public Act 94-179; and a person is related to the accused  
16 if the person is: (i) the spouse, brother, or sister of the  
17 accused; (ii) a descendant of the accused; (iii) a first or  
18 second cousin of the accused; or (iv) a step-child or  
19 adopted child of the accused.

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

1 any motor vehicle during the period of probation or conditional  
2 discharge, except as may be necessary in the course of the  
3 minor's lawful employment.

4 (d) An offender sentenced to probation or to conditional  
5 discharge shall be given a certificate setting forth the  
6 conditions thereof.

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

19 Persons committed to imprisonment as a condition of  
20 probation or conditional discharge shall not be committed to  
21 the Department of Corrections.

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

26 (g) An offender sentenced to probation or to conditional

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

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

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

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

23 A circuit court may not impose a probation fee under this  
24 subsection (i) in excess of \$25 per month unless: (1) the  
25 circuit court has adopted, by administrative order issued by  
26 the chief judge, a standard probation fee guide determining an

1 offender's ability to pay, under guidelines developed by the  
2 Administrative Office of the Illinois Courts; and (2) the  
3 circuit court has authorized, by administrative order issued by  
4 the chief judge, the creation of a Crime Victim's Services  
5 Fund, to be administered by the Chief Judge or his or her  
6 designee, for services to crime victims and their families. Of  
7 the amount collected as a probation fee, up to \$5 of that fee  
8 collected per month may be used to provide services to crime  
9 victims and their families.

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

15 (i-5) In addition to the fees imposed under subsection (i)  
16 of this Section, in the case of an offender convicted of a  
17 felony sex offense (as defined in the Sex Offender Management  
18 Board Act) or an offense that the court or probation department  
19 has determined to be sexually motivated (as defined in the Sex  
20 Offender Management Board Act), the court or the probation  
21 department shall assess additional fees to pay for all costs of  
22 treatment, assessment, evaluation for risk and treatment, and  
23 monitoring the offender, based on that offender's ability to  
24 pay those costs either as they occur or under a payment plan.

25 (j) All fines and costs imposed under this Section for any  
26 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle



1 Code, or a similar provision of a local ordinance, and any  
2 violation of the Child Passenger Protection Act, or a similar  
3 provision of a local ordinance, shall be collected and  
4 disbursed by the circuit clerk as provided under Section 27.5  
5 of the Clerks of Courts Act.

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

15 (Source: P.A. 93-475, eff. 8-8-03; 93-616, eff. 1-1-04; 93-970,  
16 eff. 8-20-04; 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
17 94-556, eff. 9-11-05; revised 8-19-05.)

18 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

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

20 (a) When a defendant is placed on supervision, the court  
21 shall enter an order for supervision specifying the period of  
22 such supervision, and shall defer further proceedings in the  
23 case until the conclusion of the period.

24 (b) The period of supervision shall be reasonable under all  
25 of the circumstances of the case, but may not be longer than 2

1 years, unless the defendant has failed to pay the assessment  
2 required by Section 10.3 of the Cannabis Control Act, Section  
3 411.2 of the Illinois Controlled Substances Act, or Section 80  
4 of the Methamphetamine Control and Community Protection Act, in  
5 which case the court may extend supervision beyond 2 years.  
6 Additionally, the court shall order the defendant to perform no  
7 less than 30 hours of community service and not more than 120  
8 hours of community service, if community service is available  
9 in the jurisdiction and is funded and approved by the county  
10 board where the offense was committed, when the offense (1) was  
11 related to or in furtherance of the criminal activities of an  
12 organized gang or was motivated by the defendant's membership  
13 in or allegiance to an organized gang; or (2) is a violation of  
14 any Section of Article 24 of the Criminal Code of 1961 where a  
15 disposition of supervision is not prohibited by Section 5-6-1  
16 of this Code. The community service shall include, but not be  
17 limited to, the cleanup and repair of any damage caused by  
18 violation of Section 21-1.3 of the Criminal Code of 1961 and  
19 similar damages to property located within the municipality or  
20 county in which the violation occurred. Where possible and  
21 reasonable, the community service should be performed in the  
22 offender's neighborhood.

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

26 (c) The court may in addition to other reasonable

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

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

9 (2) pay a fine and costs;

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

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

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

16 (6) support his dependents;

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

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

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

21 (ii) attend school;

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

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

25 (v) with the consent of the superintendent of the  
26 facility, attend an educational program at a facility

1 other than the school in which the offense was  
2 committed if he or she is placed on supervision for a  
3 crime of violence as defined in Section 2 of the Crime  
4 Victims Compensation Act committed in a school, on the  
5 real property comprising a school, or within 1,000 feet  
6 of the real property comprising a school;

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

12 (10) perform some reasonable public or community  
13 service;

14 (11) comply with the terms and conditions of an order  
15 of protection issued by the court pursuant to the Illinois  
16 Domestic Violence Act of 1986 or an order of protection  
17 issued by the court of another state, tribe, or United  
18 States territory. If the court has ordered the defendant to  
19 make a report and appear in person under paragraph (1) of  
20 this subsection, a copy of the order of protection shall be  
21 transmitted to the person or agency so designated by the  
22 court;

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

1 fine authorized for the offense for which the defendant was  
2 sentenced;

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

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

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

18 (16) refrain from having in his or her body the  
19 presence of any illicit drug prohibited by the Cannabis  
20 Control Act, the Illinois Controlled Substances Act, or the  
21 Methamphetamine Control and Community Protection 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

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

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

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

20 (e) At the conclusion of the period of supervision, if the  
21 court determines that the defendant has successfully complied  
22 with all of the conditions of supervision, the court shall  
23 discharge the defendant and enter a judgment dismissing the  
24 charges.

25 (f) Discharge and dismissal upon a successful conclusion of  
26 a disposition of supervision shall be deemed without

1 adjudication of guilt and shall not be termed a conviction for  
2 purposes of disqualification or disabilities imposed by law  
3 upon conviction of a crime. Two years after the discharge and  
4 dismissal under this Section, unless the disposition of  
5 supervision was for a violation of Sections 3-707, 3-708,  
6 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a  
7 similar provision of a local ordinance, or for a violation of  
8 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which  
9 case it shall be 5 years after discharge and dismissal, a  
10 person may have his record of arrest sealed or expunged as may  
11 be provided by law. However, any defendant placed on  
12 supervision before January 1, 1980, may move for sealing or  
13 expungement of his arrest record, as provided by law, at any  
14 time after discharge and dismissal under this Section. A person  
15 placed on supervision for a sexual offense committed against a  
16 minor as defined in subsection (g) of Section 5 of the Criminal  
17 Identification Act or for a violation of Section 11-501 of the  
18 Illinois Vehicle Code or a similar provision of a local  
19 ordinance shall not have his or her record of arrest sealed or  
20 expunged.

21 (g) A defendant placed on supervision and who during the  
22 period of supervision undergoes mandatory drug or alcohol  
23 testing, or both, or is assigned to be placed on an approved  
24 electronic monitoring device, shall be ordered to pay the costs  
25 incidental to such mandatory drug or alcohol testing, or both,  
26 and costs incidental to such approved electronic monitoring in

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

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

19 (i) The court shall impose upon a defendant placed on  
20 supervision after January 1, 1992 or to community service under  
21 the supervision of a probation or court services department  
22 after January 1, 2004, as a condition of supervision or  
23 supervised community service, a fee of \$50 for each month of  
24 supervision or supervised community service ordered by the  
25 court, unless after determining the inability of the person  
26 placed on supervision or supervised community service to pay



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

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

23 (j) All fines and costs imposed under this Section for any  
24 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
25 Code, or a similar provision of a local ordinance, and any  
26 violation of the Child Passenger Protection Act, or a similar

1 provision of a local ordinance, shall be collected and  
2 disbursed by the circuit clerk as provided under Section 27.5  
3 of the Clerks of Courts Act.

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

1 mentally incapable of completing the educational or vocational  
2 program.

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

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

1 determined by the Secretary to be in violation of this  
2 subsection.

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

10 (o) An offender placed on supervision for a sex offense as  
11 defined in the Sex Offender Management Board Act shall refrain  
12 from residing at the same address or in the same condominium  
13 unit or apartment unit or in the same condominium complex or  
14 apartment complex with another person he or she knows or  
15 reasonably should know is a convicted sex offender or has been  
16 placed on supervision for a sex offense. The provisions of this  
17 subsection (o) do not apply to a person convicted of a sex  
18 offense who is placed in a Department of Corrections licensed  
19 transitional housing facility for sex offenders.

20 (p) An offender placed on supervision for an offense  
21 committed on or after the effective date of this amendatory Act  
22 of the 95th General Assembly that would qualify the accused as  
23 a child sex offender as defined in Section 11-9.3 or 11-9.4 of  
24 the Criminal Code of 1961 shall refrain from communicating with  
25 or contacting, by means of the Internet, a person who is not  
26 related to the accused and whom the accused reasonably believes

1 to be under 18 years of age. For purposes of this subsection  
2 (p), "Internet" has the meaning ascribed to it in Section 16J-5  
3 of the Criminal Code of 1961, as added by Public Act 94-179;  
4 and a person is not related to the accused if the person is  
5 not: (i) the spouse, brother, or sister of the accused; (ii) a  
6 descendant of the accused; (iii) a first or second cousin of  
7 the accused; or (iv) a step-child or adopted child of the  
8 accused.

9 (q) 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, if so ordered by the court,  
14 refrain from communicating with or contacting, by means of the  
15 Internet, a person who is related to the accused and whom the  
16 accused reasonably believes to be under 18 years of age. For  
17 purposes of this subsection (q), "Internet" has the meaning  
18 ascribed to it in Section 16J-5 of the Criminal Code of 1961,  
19 as added by Public Act 94-179; and a person is related to the  
20 accused if the person is : (i) the spouse, brother, or sister  
21 of the accused; (ii) a descendant of the accused; (iii) a first  
22 or second cousin of the accused; or (iv) a step-child or  
23 adopted child of the 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.)".