

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

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

7 Sec. 5-6-3. Conditions of Probation and of Conditional
8 Discharge.

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

11 (1) not violate any criminal statute of any
12 jurisdiction;

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

15 (3) refrain from possessing a firearm or other
16 dangerous weapon;

17 (4) not leave the State without the consent of the
18 court or, in circumstances in which the reason for the
19 absence is of such an emergency nature that prior consent
20 by the court is not possible, without the prior
21 notification and approval of the person's probation
22 officer. Transfer of a person's probation or conditional
23 discharge supervision to another state is subject to

1 acceptance by the other state pursuant to the Interstate
2 Compact for Adult Offender Supervision;

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

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

23 (7) if he or she is at least 17 years of age and has
24 been sentenced to probation or conditional discharge for a
25 misdemeanor or felony in a county of 3,000,000 or more
26 inhabitants and has not been previously convicted of a

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

24 (8) if convicted of possession of a substance
25 prohibited by the Cannabis Control Act, the Illinois
26 Controlled Substances Act, or the Methamphetamine Control

1 and Community Protection Act after a previous conviction or
2 disposition of supervision for possession of a substance
3 prohibited by the Cannabis Control Act or Illinois
4 Controlled Substances Act or after a sentence of probation
5 under Section 10 of the Cannabis Control Act, Section 410
6 of the Illinois Controlled Substances Act, or Section 70 of
7 the Methamphetamine Control and Community Protection Act
8 and upon a finding by the court that the person is
9 addicted, undergo treatment at a substance abuse program
10 approved by the court;

11 (8.5) if convicted of a felony sex offense as defined
12 in the Sex Offender Management Board Act, the person shall
13 undergo and successfully complete sex offender treatment
14 by a treatment provider approved by the Board and conducted
15 in conformance with the standards developed under the Sex
16 Offender Management Board Act;

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

1 offenders; ~~and~~

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

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

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

21 (1) serve a term of periodic imprisonment under Article
22 7 for a period not to exceed that specified in paragraph
23 (d) of Section 5-7-1;

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) and in addition, if a minor:

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

8 (ii) attend school;

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

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

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

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

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

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

1 the offender:

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

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

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

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

1 treasurer for deposit in the substance abuse services
2 fund under Section 5-1086.1 of the Counties Code; and

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

22 (11) comply with the terms and conditions of an order
23 of protection issued by the court pursuant to the Illinois
24 Domestic Violence Act of 1986, as now or hereafter amended,
25 or an order of protection issued by the court of another
26 state, tribe, or United States territory. A copy of the

1 order of protection shall be transmitted to the probation
2 officer or agency having responsibility for the case;

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

9 (13) contribute a reasonable sum of money, not to
10 exceed the maximum amount of the fine authorized for the
11 offense for which the defendant was sentenced, (i) to a
12 "local anti-crime program", as defined in Section 7 of the
13 Anti-Crime Advisory Council Act, or (ii) for offenses under
14 the jurisdiction of the Department of Natural Resources, to
15 the fund established by the Department of Natural Resources
16 for the purchase of evidence for investigation purposes and
17 to conduct investigations as outlined in Section 805-105 of
18 the Department of Natural Resources (Conservation) Law;

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

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

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

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

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

25 (e) Except where the offender has committed a fourth or
26 subsequent violation of subsection (c) of Section 6-303 of the

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

11 Persons committed to imprisonment as a condition of
12 probation or conditional discharge shall not be committed to
13 the Department of Corrections.

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

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

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

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

21 (i) The court shall impose upon an offender sentenced to
22 probation after January 1, 1989 or to conditional discharge
23 after January 1, 1992 or to community service under the
24 supervision of a probation or court services department after
25 January 1, 2004, as a condition of such probation or
26 conditional discharge or supervised community service, a fee of

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

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

1 victims and their families.

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

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

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

24 (k) Any offender who is sentenced to probation or
25 conditional discharge for a felony sex offense as defined in
26 the Sex Offender Management Board Act or any offense that the

1 court or probation department has determined to be sexually
2 motivated as defined in the Sex Offender Management Board Act
3 shall be required to refrain from any contact, directly or
4 indirectly, with any persons specified by the court and shall
5 be available for all evaluations and treatment programs
6 required by the court or the probation department.

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

10 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

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

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

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

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

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

18 (c) 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) make a report to and appear in person before or
24 participate with the court or such courts, person, or
25 social service agency as directed by the court in the order
26 of supervision;

- 1 (2) pay a fine and costs;
- 2 (3) work or pursue a course of study or vocational
3 training;
- 4 (4) undergo medical, psychological or psychiatric
5 treatment; or treatment for drug addiction or alcoholism;
- 6 (5) attend or reside in a facility established for the
7 instruction or residence of defendants on probation;
- 8 (6) support his dependents;
- 9 (7) refrain from possessing a firearm or other
10 dangerous weapon;
- 11 (8) and in addition, if a minor:
 - 12 (i) reside with his parents or in a foster home;
 - 13 (ii) attend school;
 - 14 (iii) attend a non-residential program for youth;
 - 15 (iv) contribute to his own support at home or in a
16 foster home; or
 - 17 (v) with the consent of the superintendent of the
18 facility, attend an educational program at a facility
19 other than the school in which the offense was
20 committed if he or she is placed on supervision for a
21 crime of violence as defined in Section 2 of the Crime
22 Victims Compensation Act committed in a school, on the
23 real property comprising a school, or within 1,000 feet
24 of the real property comprising a school;
- 25 (9) make restitution or reparation in an amount not to
26 exceed actual loss or damage to property and pecuniary loss

1 or make restitution under Section 5-5-6 to a domestic
2 violence shelter. The court shall determine the amount and
3 conditions of payment;

4 (10) perform some reasonable public or community
5 service;

6 (11) comply with the terms and conditions of an order
7 of protection issued by the court pursuant to the Illinois
8 Domestic Violence Act of 1986 or an order of protection
9 issued by the court of another state, tribe, or United
10 States territory. If the court has ordered the defendant to
11 make a report and appear in person under paragraph (1) of
12 this subsection, a copy of the order of protection shall be
13 transmitted to the person or agency so designated by the
14 court;

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

21 (13) contribute a reasonable sum of money, not to
22 exceed the maximum amount of the fine authorized for the
23 offense for which the defendant was sentenced, (i) to a
24 "local anti-crime program", as defined in Section 7 of the
25 Anti-Crime Advisory Council Act, or (ii) for offenses under
26 the jurisdiction of the Department of Natural Resources, to

1 the fund established by the Department of Natural Resources
2 for the purchase of evidence for investigation purposes and
3 to conduct investigations as outlined in Section 805-105 of
4 the Department of Natural Resources (Conservation) Law;

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

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

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

22 (17) refrain from operating any motor vehicle not
23 equipped with an ignition interlock device as defined in
24 Section 1-129.1 of the Illinois Vehicle Code. Under this
25 condition the court may allow a defendant who is not
26 self-employed to operate a vehicle owned by the defendant's

1 employer that is not equipped with an ignition interlock
2 device in the course and scope of the defendant's
3 employment; and

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

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

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

22 (f) Discharge and dismissal upon a successful conclusion of
23 a disposition of supervision shall be deemed without
24 adjudication of guilt and shall not be termed a conviction for
25 purposes of disqualification or disabilities imposed by law
26 upon conviction of a crime. Two years after the discharge and

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

18 (g) A defendant placed on supervision and who during the
19 period of supervision undergoes mandatory drug or alcohol
20 testing, or both, or is assigned to be placed on an approved
21 electronic monitoring device, shall be ordered to pay the costs
22 incidental to such mandatory drug or alcohol testing, or both,
23 and costs incidental to such approved electronic monitoring in
24 accordance with the defendant's ability to pay those costs. The
25 county board with the concurrence of the Chief Judge of the
26 judicial circuit in which the county is located shall establish

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

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

16 (i) The court shall impose upon a defendant placed on
17 supervision after January 1, 1992 or to community service under
18 the supervision of a probation or court services department
19 after January 1, 2004, as a condition of supervision or
20 supervised community service, a fee of \$50 for each month of
21 supervision or supervised community service ordered by the
22 court, unless after determining the inability of the person
23 placed on supervision or supervised community service to pay
24 the fee, the court assesses a lesser fee. The court may not
25 impose the fee on a minor who is made a ward of the State under
26 the Juvenile Court Act of 1987 while the minor is in placement.

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

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

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

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

26 (l) The court shall require a defendant placed on

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

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

26 (n) Any offender placed on supervision for any offense that

1 the court or probation department has determined to be sexually
2 motivated as defined in the Sex Offender Management Board Act
3 shall be required to refrain from any contact, directly or
4 indirectly, with any persons specified by the court and shall
5 be available for all evaluations and treatment programs
6 required by the court or the probation department.

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

17 (Source: P.A. 93-475, eff. 8-8-03; 93-970, eff. 8-20-04;
18 94-159, eff. 7-11-05; 94-161, eff. 7-11-05; 94-556, eff.
19 9-11-05; revised 8-19-05.)