



Rep. Maria Antonia Berrios

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1 AMENDMENT TO SENATE BILL 2349

2 AMENDMENT NO. _____. Amend Senate Bill 2349 on page 1, by
3 replacing lines 5 through 7 with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Illinois Child Online Exploitation Reporting Act.

6 Section 5. Definitions. As used in this Act unless the
7 context otherwise requires:

8 "Electronic communications service" means any service
9 which provides to users thereof the ability to send or receive
10 wire or electronic communications.

11 "Remote computing service" means the provision to the
12 public of computer storage or processing services by means of
13 an electronic communications system.

14 Section 10. Registration. Any entity, subject to the
15 reporting requirements of 42 U.S.C. 13032, while engaged in

1 providing an electronic communication service or a remote
2 computing service to the public, must provide the following
3 information to the Cyber Tipline at the National Center for
4 Missing and Exploited Children in order to facilitate the
5 required reporting of child pornography crimes, pursuant to 42
6 U.S.C. 13032:

7 (a) the agent's name, phone number, and email address; and

8 (b) the name of the agent's employer.

9 Section 15. Scope. This Act is applicable to electronic
10 communications services and remote computing services
11 incorporated or organized under the laws of this State or
12 maintaining property or assets in this State.

13 Section 20. Penalties. A provider of electronic
14 communication services or remote computing services who
15 violates this Act by failing to register under Section 10 is
16 subject to a civil penalty in an amount not to exceed \$500 for
17 each day that the violation continues. The Attorney General may
18 bring an action in the name of the People of the State of
19 Illinois to enforce the provisions of this Act.

20 Section 105. The Criminal Code of 1961 is amended by
21 changing Sections 11-9.4, 11-20.2, 11-21, 11-23, and 11-24 and
22 by adding Sections 10-8.1 and 11-6.6 as follows:"; and

1 on page 13, by inserting immediately below line 6 the
2 following:

3 "(720 ILCS 5/11-20.2) (from Ch. 38, par. 11-20.2)

4 Sec. 11-20.2. Duty to report child pornography.

5 (a) Any commercial film and photographic print processor or
6 computer technician who has knowledge of or observes, within
7 the scope of his professional capacity or employment, any film,
8 photograph, videotape, negative, ~~or~~ slide, computer hard drive
9 or any other magnetic or optical media which depicts a child
10 whom the processor or computer technician knows or reasonably
11 should know to be under the age of 18 where such child is:

12 (i) actually or by simulation engaged in any act of sexual
13 penetration or sexual conduct ~~intercourse~~ with any person or
14 animal; or

15 (ii) actually or by simulation engaged in any act of sexual
16 penetration or sexual conduct ~~contact~~ involving the sex organs
17 of the child and the mouth, anus, or sex organs of another
18 person or animal; or which involves the mouth, anus or sex
19 organs of the child and the sex organs of another person or
20 animal; or

21 (iii) actually or by simulation engaged in any act of
22 masturbation; or

23 (iv) actually or by simulation portrayed as being the
24 object of, or otherwise engaged in, any act of lewd fondling,
25 touching, or caressing involving another person or animal; or

1 (v) actually or by simulation engaged in any act of
2 excretion or urination within a sexual context; or

3 (vi) actually or by simulation portrayed or depicted as
4 bound, fettered, or subject to sadistic, masochistic, or
5 sadomasochistic abuse in any sexual context; or

6 (vii) depicted or portrayed in any pose, posture or setting
7 involving a lewd exhibition of the unclothed or transparently
8 clothed genitals, pubic area, buttocks, or, if such person is
9 female, a fully or partially developed breast of the child or
10 other person;

11 shall report or cause a report to be made pursuant to
12 subsections (b) and (c) such instance to a peace officer
13 ~~immediately or~~ as soon as reasonably possible. Failure to make
14 such report shall be a business offense with a fine of \$1,000.

15 (b) Commercial film and photographic film processors shall
16 report or cause a report to be made to the local law
17 enforcement agency of the jurisdiction in which the image or
18 images described in subsection (a) are discovered.

19 (c) Computer technicians shall report or cause the report
20 to be made to the local law enforcement agency of the
21 jurisdiction in which the image or images described in
22 subsection (a) are discovered or to the Illinois Child
23 Exploitation e-Tipline at reportchildporn@atg.state.il.us.

24 (d) Reports required by this Act shall include the
25 following information: (i) name, address, and telephone number
26 of the person filing the report; (ii) the employer of the

1 person filing the report, if any; (iii) the name, address and
2 telephone number of the person whose property is the subject of
3 the report, if known; (iv) the circumstances which led to the
4 filing of the report, including a description of the reported
5 content.

6 (e) If a report is filed with the Cyber Tipline at the
7 National Center for Missing and Exploited Children or in
8 accordance with the requirements of 42 U.S.C. 13032, the
9 requirements of this Act will be deemed to have been met.

10 (f) A computer technician or an employer caused to report
11 child pornography under this Section is immune from any
12 criminal, civil, or administrative liability in connection
13 with making the report, except for willful or wanton
14 misconduct.

15 (g) For the purposes of this Section, a "computer
16 technician" is a person who installs, maintains,
17 troubleshoots, repairs or upgrades computer hardware,
18 software, computer networks, peripheral equipment, electronic
19 mail systems, or provides user assistance for any of the
20 aforementioned tasks.

21 (Source: P.A. 84-1280.)"; and

22 on page 21, by inserting immediately below line 17 the
23 following:

24 "Section 110. The Unified Code of Corrections is amended by

1 changing Sections 3-3-7, 5-6-3, 5-6-3.1, and 5-8-1 as follows:

2 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

3 (Text of Section after amendment by P.A. 95-464, 95-579,
4 and 95-640)

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

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

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

14 (2) refrain from possessing a firearm or other
15 dangerous weapon;

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

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

21 (5) attend or reside in a facility established for the
22 instruction or residence of persons on parole or mandatory
23 supervised release;

24 (6) secure permission before visiting or writing a
25 committed person in an Illinois Department of Corrections

1 facility;

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

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

12 (7.6) if convicted of a sex offense as defined in the
13 Sex Offender Management Board Act, refrain from residing at
14 the same address or in the same condominium unit or
15 apartment unit or in the same condominium complex or
16 apartment complex with another person he or she knows or
17 reasonably should know is a convicted sex offender or has
18 been placed on supervision for a sex offense; the
19 provisions of this paragraph do not apply to a person
20 convicted of a sex offense who is placed in a Department of
21 Corrections licensed transitional housing facility for sex
22 offenders, or is in any facility operated or licensed by
23 the Department of Children and Family Services or by the
24 Department of Human Services, or is in any licensed medical
25 facility;

26 (7.7) if convicted for an offense that would qualify

1 the accused as a sexual predator under the Sex Offender
2 Registration Act on or after the effective date of this
3 amendatory Act of the 94th General Assembly, wear an
4 approved electronic monitoring device as defined in
5 Section 5-8A-2 for the duration of the person's parole,
6 mandatory supervised release term, or extended mandatory
7 supervised release term;

8 (7.8) if convicted for an offense committed on or after
9 the effective date of this amendatory Act of the 95th
10 General Assembly that would qualify the accused as a child
11 sex offender as defined in Section 11-9.3 or 11-9.4 of the
12 Criminal Code of 1961, refrain from communicating with or
13 contacting, by means of the Internet, a person who is not
14 related to the accused and whom the accused reasonably
15 believes to be under 18 years of age; for purposes of this
16 paragraph (7.8), "Internet" has the meaning ascribed to it
17 in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~
18 ~~Public Act 94-179~~; and a person is not related to the
19 accused if the person is not: (i) the spouse, brother, or
20 sister of the accused; (ii) a descendant of the accused;
21 (iii) a first or second cousin of the accused; or (iv) a
22 step-child or adopted child of the accused;

23 (7.9) ~~(7.8)~~ if convicted under Section 11-6, 11-20.1,
24 11-20.3, or 11-21 of the Criminal Code of 1961, consent to
25 search of computers, PDAs, cellular phones, and other
26 devices under his or her control that are capable of

1 accessing the Internet or storing electronic files, in
2 order to confirm Internet protocol addresses reported in
3 accordance with the Sex Offender Registration Act and
4 compliance with conditions in this Act;

5 (7.10) ~~(7.8)~~ if convicted for an offense that would
6 qualify the accused as a sex offender or sexual predator
7 under the Sex Offender Registration Act on or after the
8 effective date of this amendatory Act of the 95th General
9 Assembly, not possess prescription drugs for erectile
10 dysfunction;

11 (7.11) if convicted for an offense under Section 11-6,
12 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
13 Code of 1961, or any attempt to commit any of these
14 offenses, committed on or after the effective date of this
15 amendatory Act of the 95th General Assembly:

16 (i) not access or use a computer or any other
17 device with Internet capability without the prior
18 written approval of the Department;

19 (ii) submit to periodic unannounced examinations
20 of the offender's computer or any other device with
21 Internet capability by the offender's supervising
22 agent, a law enforcement officer, or assigned computer
23 or information technology specialist, including the
24 retrieval and copying of all data from the computer or
25 device and any internal or external peripherals and
26 removal of such information, equipment, or device to

1 conduct a more thorough inspection;

2 (iii) submit to the installation on the offender's
3 computer or device with Internet capability, at the
4 offender's expense, of one or more hardware or software
5 systems to monitor the Internet use; and

6 (iv) submit to any other appropriate restrictions
7 concerning the offender's use of or access to a
8 computer or any other device with Internet capability
9 imposed by the Board, the Department or the offender's
10 supervising agent;

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

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

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

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

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

25 (13) not knowingly associate with other persons on
26 parole or mandatory supervised release without prior

1 written permission of his or her parole agent and not
2 associate with persons who are members of an organized gang
3 as that term is defined in the Illinois Streetgang
4 Terrorism Omnibus Prevention Act;

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

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

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

1 costume on or preceding Easter.

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

4 (1) work or pursue a course of study or vocational
5 training;

6 (2) undergo medical or psychiatric treatment, or
7 treatment for drug addiction or alcoholism;

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

10 (4) support his dependents;

11 (5) (blank);

12 (6) (blank);

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

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

1 in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~
2 ~~Public Act 94-179~~; and a person is related to the accused
3 if the person is: (i) the spouse, brother, or sister of the
4 accused; (ii) a descendant of the accused; (iii) a first or
5 second cousin of the accused; or (iv) a step-child or
6 adopted child of the accused;

7 (7.6) if convicted for an offense committed on or after
8 the effective date of this amendatory Act of the 95th
9 General Assembly that would qualify as a sex offense as
10 defined in the Sex Offender Registration Act:

11 (i) not access or use a computer or any other
12 device with Internet capability without the prior
13 written approval of the Department;

14 (ii) submit to periodic unannounced examinations
15 of the offender's computer or any other device with
16 Internet capability by the offender's supervising
17 agent, a law enforcement officer, or assigned computer
18 or information technology specialist, including the
19 retrieval and copying of all data from the computer or
20 device and any internal or external peripherals and
21 removal of such information, equipment, or device to
22 conduct a more thorough inspection;

23 (iii) submit to the installation on the offender's
24 computer or device with Internet capability, at the
25 offender's expense, of one or more hardware or software
26 systems to monitor the Internet use; and

1 (iv) submit to any other appropriate restrictions
2 concerning the offender's use of or access to a
3 computer or any other device with Internet capability
4 imposed by the Board, the Department or the offender's
5 supervising agent; and

6 (8) 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 or

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

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

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

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

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

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

1 Department prior to any change in employment, study, or
2 training;

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

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

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

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

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

24 (10) neither possess or have under his or her control
25 any material that is sexually oriented, sexually
26 stimulating, or that shows male or female sex organs or any

1 pictures depicting children under 18 years of age nude or
2 any written or audio material describing sexual
3 intercourse or that depicts or alludes to sexual activity,
4 including but not limited to visual, auditory, telephonic,
5 or electronic media, or any matter obtained through access
6 to any computer or material linked to computer access use;

7 (11) not patronize any business providing sexually
8 stimulating or sexually oriented entertainment nor utilize
9 "900" or adult telephone numbers;

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

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

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

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

- 1 (16) take an annual polygraph exam;
- 2 (17) maintain a log of his or her travel; or
- 3 (18) obtain prior approval of his or her parole officer
- 4 before driving alone in a motor vehicle.

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

6 supervised release is to be served shall be communicated to the

7 person in writing prior to his release, and he shall sign the

8 same before release. A signed copy of these conditions,

9 including a copy of an order of protection where one had been

10 issued by the criminal court, shall be retained by the person

11 and another copy forwarded to the officer in charge of his

12 supervision.

13 (d) After a hearing under Section 3-3-9, the Prisoner

14 Review Board may modify or enlarge the conditions of parole or

15 mandatory supervised release.

16 (e) The Department shall inform all offenders committed to

17 the Department of the optional services available to them upon

18 release and shall assist inmates in availing themselves of such

19 optional services upon their release on a voluntary basis.

20 (f) When the subject is in compliance with all conditions

21 of his or her parole or mandatory supervised release, the

22 subject shall receive a reduction of the period of his or her

23 parole or mandatory supervised release of 90 days upon passage

24 of the high school level Test of General Educational

25 Development during the period of his or her parole or mandatory

26 supervised release. This reduction in the period of a subject's

1 term of parole or mandatory supervised release shall be
2 available only to subjects who have not previously earned a
3 high school diploma or who have not previously passed the high
4 school level Test of General Educational Development.

5 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
6 94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;
7 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; revised 12-26-07.)

8 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

9 (Text of Section after amendment by P.A. 95-464, 95-578,
10 and 95-696)

11 Sec. 5-6-3. Conditions of Probation and of Conditional
12 Discharge.

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

15 (1) not violate any criminal statute of any
16 jurisdiction;

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

19 (3) refrain from possessing a firearm or other
20 dangerous weapon;

21 (4) not leave the State without the consent of the
22 court or, in circumstances in which the reason for the
23 absence is of such an emergency nature that prior consent
24 by the court is not possible, without the prior
25 notification and approval of the person's probation

1 officer. Transfer of a person's probation or conditional
2 discharge supervision to another state is subject to
3 acceptance by the other state pursuant to the Interstate
4 Compact for Adult Offender Supervision;

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

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

25 (7) if he or she is at least 17 years of age and has
26 been sentenced to probation or conditional discharge for a

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

26 (8) if convicted of possession of a substance

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

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

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

1 convicted of a sex offense who is placed in a Department of
2 Corrections licensed transitional housing facility for sex
3 offenders;

4 (8.7) if convicted for an offense committed on or after
5 the effective date of this amendatory Act of the 95th
6 General Assembly that would qualify the accused as a child
7 sex offender as defined in Section 11-9.3 or 11-9.4 of the
8 Criminal Code of 1961, refrain from communicating with or
9 contacting, by means of the Internet, a person who is not
10 related to the accused and whom the accused reasonably
11 believes to be under 18 years of age; for purposes of this
12 paragraph (8.7), "Internet" has the meaning ascribed to it
13 in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~
14 ~~Public Act 94-179~~; and a person is not related to the
15 accused if the person is not: (i) the spouse, brother, or
16 sister of the accused; (ii) a descendant of the accused;
17 (iii) a first or second cousin of the accused; or (iv) a
18 step-child or adopted child of the accused;

19 (8.8) if convicted for an offense under Section 11-6,
20 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
21 Code of 1961, or any attempt to commit any of these
22 offenses, committed on or after the effective date of this
23 amendatory Act of the 95th General Assembly:

24 (i) not access or use a computer or any other
25 device with Internet capability without the prior
26 written approval of the offender's probation officer,

1 except in connection with the offender's employment or
2 search for employment with the prior approval of the
3 offender's probation officer;

4 (ii) submit to periodic unannounced examinations
5 of the offender's computer or any other device with
6 Internet capability by the offender's probation
7 officer, a law enforcement officer, or assigned
8 computer or information technology specialist,
9 including the retrieval and copying of all data from
10 the computer or device and any internal or external
11 peripherals and removal of such information,
12 equipment, or device to conduct a more thorough
13 inspection;

14 (iii) submit to the installation on the offender's
15 computer or device with Internet capability, at the
16 offender's expense, of one or more hardware or software
17 systems to monitor the Internet use; and

18 (iv) submit to any other appropriate restrictions
19 concerning the offender's use of or access to a
20 computer or any other device with Internet capability
21 imposed by the offender's probation officer;

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

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

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

10 (b) The Court may in addition to other reasonable
11 conditions relating to the nature of the offense or the
12 rehabilitation of the defendant as determined for each
13 defendant in the proper discretion of the Court require that
14 the person:

15 (1) serve a term of periodic imprisonment under Article
16 7 for a period not to exceed that specified in paragraph
17 (d) of Section 5-7-1;

18 (2) pay a fine and costs;

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

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

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

25 (6) support his dependents;

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

- 1 (i) reside with his parents or in a foster home;
- 2 (ii) attend school;
- 3 (iii) attend a non-residential program for youth;
- 4 (iv) contribute to his own support at home or in a
5 foster home;
- 6 (v) with the consent of the superintendent of the
7 facility, attend an educational program at a facility
8 other than the school in which the offense was
9 committed if he or she is convicted of a crime of
10 violence as defined in Section 2 of the Crime Victims
11 Compensation Act committed in a school, on the real
12 property comprising a school, or within 1,000 feet of
13 the real property comprising a school;
- 14 (8) make restitution as provided in Section 5-5-6 of
15 this Code;
- 16 (9) perform some reasonable public or community
17 service;
- 18 (10) serve a term of home confinement. In addition to
19 any other applicable condition of probation or conditional
20 discharge, the conditions of home confinement shall be that
21 the offender:
- 22 (i) remain within the interior premises of the
23 place designated for his confinement during the hours
24 designated by the court;
- 25 (ii) admit any person or agent designated by the
26 court into the offender's place of confinement at any

1 time for purposes of verifying the offender's
2 compliance with the conditions of his confinement; and

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

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

23 (v) for persons convicted of offenses other than
24 those referenced in clause (iv) above and who are
25 placed on an approved monitoring device as a condition
26 of probation or conditional discharge, the court shall

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

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

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, (i) to a
6 "local anti-crime program", as defined in Section 7 of the
7 Anti-Crime Advisory Council Act, or (ii) for offenses under
8 the jurisdiction of the Department of Natural Resources, to
9 the fund established by the Department of Natural Resources
10 for the purchase of evidence for investigation purposes and
11 to conduct investigations as outlined in Section 805-105 of
12 the Department of Natural Resources (Conservation) Law;

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

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

25 (16) refrain from having in his or her body the
26 presence of any illicit drug prohibited by the Cannabis

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

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

21 (18) if convicted for an offense committed on or after
22 the effective date of this amendatory Act of the 95th
23 General Assembly that would qualify as a sex offense as
24 defined in the Sex Offender Registration Act:

25 (i) not access or use a computer or any other
26 device with Internet capability without the prior

1 written approval of the offender's probation officer,
2 except in connection with the offender's employment or
3 search for employment with the prior approval of the
4 offender's probation officer;

5 (ii) submit to periodic unannounced examinations
6 of the offender's computer or any other device with
7 Internet capability by the offender's probation
8 officer, a law enforcement officer, or assigned
9 computer or information technology specialist,
10 including the retrieval and copying of all data from
11 the computer or device and any internal or external
12 peripherals and removal of such information,
13 equipment, or device to conduct a more thorough
14 inspection;

15 (iii) submit to the installation on the offender's
16 computer or device with Internet capability, at the
17 subject's expense, of one or more hardware or software
18 systems to monitor the Internet use; and

19 (iv) submit to any other appropriate restrictions
20 concerning the offender's use of or access to a
21 computer or any other device with Internet capability
22 imposed by the offender's probation officer.

23 (c) The court may as a condition of probation or of
24 conditional discharge require that a person under 18 years of
25 age found guilty of any alcohol, cannabis or controlled
26 substance violation, refrain from acquiring a driver's license

1 during the period of probation or conditional discharge. If
2 such person is in possession of a permit or license, the court
3 may require that the minor refrain from driving or operating
4 any motor vehicle during the period of probation or conditional
5 discharge, except as may be necessary in the course of the
6 minor's lawful employment.

7 (d) An offender sentenced to probation or to conditional
8 discharge shall be given a certificate setting forth the
9 conditions thereof.

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

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

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

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

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

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

1 powers as the sentencing court.

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

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

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

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

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

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

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

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

14 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
15 94-556, eff. 9-11-05; 95-331, eff. 8-21-07; 95-464, eff.
16 6-1-08; 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; revised
17 12-26-07.)

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

19 (Text of Section after amendment by P.A. 95-464 and 95-696)
20 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

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

25 (b) The period of supervision shall be reasonable under all

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

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

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

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

10 (2) pay a fine and costs;

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

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

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

17 (6) support his dependents;

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

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

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

22 (ii) attend school;

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

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

26 (v) with the consent of the superintendent of the

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

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

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

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

24 (12) reimburse any "local anti-crime program" as
25 defined in Section 7 of the Anti-Crime Advisory Council Act
26 for any reasonable expenses incurred by the program on the

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

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

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

20 (15) refrain from having any contact, directly or
21 indirectly, with certain specified persons or particular
22 types of person, 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;

5 (17) refrain from operating any motor vehicle not
6 equipped with an ignition interlock device as defined in
7 Section 1-129.1 of the Illinois Vehicle Code; under. ~~Under~~
8 this condition the court may allow a defendant who is not
9 self-employed to operate a vehicle owned by the defendant's
10 employer that is not equipped with an ignition interlock
11 device in the course and scope of the defendant's
12 employment; and

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

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

26 (e) At the conclusion of the period of supervision, if the

1 court determines that the defendant has successfully complied
2 with all of the conditions of supervision, the court shall
3 discharge the defendant and enter a judgment dismissing the
4 charges.

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

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

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

25 (i) The court shall impose upon a defendant placed on
26 supervision after January 1, 1992 or to community service under

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

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

1 to exceed \$5 of that fee collected per month may be used to
2 provide services to crime victims and their families.

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

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

1 subsection (k). The court shall resentence the defendant upon
2 revocation of supervision as provided in Section 5-6-4. This
3 subsection (k) does not apply to a defendant who has a high
4 school diploma or has successfully passed the GED test. This
5 subsection (k) does not apply to a defendant who is determined
6 by the court to be developmentally disabled or otherwise
7 mentally incapable of completing the educational or vocational
8 program.

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

22 (m) The Secretary of State shall require anyone placed on
23 court supervision for a violation of Section 3-707 of the
24 Illinois Vehicle Code or a similar provision of a local
25 ordinance to give proof of his or her financial responsibility
26 as defined in Section 7-315 of the Illinois Vehicle Code. The

1 proof shall be maintained by the individual in a manner
2 satisfactory to the Secretary of State for a minimum period of
3 3 years after the date the proof is first filed. The proof
4 shall be limited to a single action per arrest and may not be
5 affected by any post-sentence disposition. The Secretary of
6 State shall suspend the driver's license of any person
7 determined by the Secretary to be in violation of this
8 subsection.

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

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

26 (p) An offender placed on supervision for an offense

1 committed on or after June 1, 2008 (the effective date of
2 Public Act 95-464) ~~this amendatory Act of the 95th General~~
3 ~~Assembly~~ that would qualify the accused as a child sex offender
4 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
5 1961 shall refrain from communicating with or contacting, by
6 means of the Internet, a person who is not related to the
7 accused and whom the accused reasonably believes to be under 18
8 years of age. For purposes of this subsection (p), "Internet"
9 has the meaning ascribed to it in Section 16J-5 of the Criminal
10 Code of 1961, ~~as added by Public Act 94-179~~; and a person is
11 not related to the accused if the person is not: (i) the
12 spouse, brother, or sister of the accused; (ii) a descendant of
13 the accused; (iii) a first or second cousin of the accused; or
14 (iv) a step-child or adopted child of the accused.

15 (q) An offender placed on supervision for an offense
16 committed on or after June 1, 2008 (the effective date of
17 Public Act 95-464) ~~this amendatory Act of the 95th General~~
18 ~~Assembly~~ that would qualify the accused as a child sex offender
19 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
20 1961 shall, if so ordered by the court, refrain from
21 communicating with or contacting, by means of the Internet, a
22 person who is related to the accused and whom the accused
23 reasonably believes to be under 18 years of age. For purposes
24 of this subsection (q), "Internet" has the meaning ascribed to
25 it 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 if

1 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 adopted
4 child of the accused.

5 (r) An offender placed on supervision for an offense under
6 Section 11-6, 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of
7 the Criminal Code of 1961, or any attempt to commit any of
8 these offenses, committed on or after the effective date of
9 this amendatory Act of the 95th General Assembly shall:

10 (i) not access or use a computer or any other device
11 with Internet capability without the prior written
12 approval of the court, except in connection with the
13 offender's employment or search for employment with the
14 prior approval of the court;

15 (ii) submit to periodic unannounced examinations of
16 the offender's computer or any other device with Internet
17 capability by the offender's probation officer, a law
18 enforcement officer, or assigned computer or information
19 technology specialist, including the retrieval and copying
20 of all data from the computer or device and any internal or
21 external peripherals and removal of such information,
22 equipment, or device to conduct a more thorough inspection;

23 (iii) submit to the installation on the offender's
24 computer or device with Internet capability, at the
25 offender's expense, of one or more hardware or software
26 systems to monitor the Internet use; and

1 (iv) submit to any other appropriate restrictions
2 concerning the offender's use of or access to a computer or
3 any other device with Internet capability imposed by the
4 court.

5 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
6 94-556, eff. 9-11-05; 95-211, eff. 1-1-08; 95-331, eff.
7 8-21-07; 95-464, eff. 6-1-08; 95-696, eff. 6-1-08; revised
8 11-19-07.)

9 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

10 Sec. 5-8-1. Sentence of Imprisonment for Felony.

11 (a) Except as otherwise provided in the statute defining
12 the offense, a sentence of imprisonment for a felony shall be a
13 determinate sentence set by the court under this Section,
14 according to the following limitations:

15 (1) for first degree murder,

16 (a) a term shall be not less than 20 years and not
17 more than 60 years, or

18 (b) if a trier of fact finds beyond a reasonable
19 doubt that the murder was accompanied by exceptionally
20 brutal or heinous behavior indicative of wanton
21 cruelty or, except as set forth in subsection (a) (1) (c)
22 of this Section, that any of the aggravating factors
23 listed in subsection (b) of Section 9-1 of the Criminal
24 Code of 1961 are present, the court may sentence the
25 defendant to a term of natural life imprisonment, or

1 (c) the court shall sentence the defendant to a
2 term of natural life imprisonment when the death
3 penalty is not imposed if the defendant,

4 (i) has previously been convicted of first
5 degree murder under any state or federal law, or

6 (ii) is a person who, at the time of the
7 commission of the murder, had attained the age of
8 17 or more and is found guilty of murdering an
9 individual under 12 years of age; or, irrespective
10 of the defendant's age at the time of the
11 commission of the offense, is found guilty of
12 murdering more than one victim, or

13 (iii) is found guilty of murdering a peace
14 officer, fireman, or emergency management worker
15 when the peace officer, fireman, or emergency
16 management worker was killed in the course of
17 performing his official duties, or to prevent the
18 peace officer or fireman from performing his
19 official duties, or in retaliation for the peace
20 officer, fireman, or emergency management worker
21 from performing his official duties, and the
22 defendant knew or should have known that the
23 murdered individual was a peace officer, fireman,
24 or emergency management worker, or

25 (iv) is found guilty of murdering an employee
26 of an institution or facility of the Department of

1 Corrections, or any similar local correctional
2 agency, when the employee was killed in the course
3 of performing his official duties, or to prevent
4 the employee from performing his official duties,
5 or in retaliation for the employee performing his
6 official duties, or

7 (v) is found guilty of murdering an emergency
8 medical technician - ambulance, emergency medical
9 technician - intermediate, emergency medical
10 technician - paramedic, ambulance driver or other
11 medical assistance or first aid person while
12 employed by a municipality or other governmental
13 unit when the person was killed in the course of
14 performing official duties or to prevent the
15 person from performing official duties or in
16 retaliation for performing official duties and the
17 defendant knew or should have known that the
18 murdered individual was an emergency medical
19 technician - ambulance, emergency medical
20 technician - intermediate, emergency medical
21 technician - paramedic, ambulance driver, or other
22 medical assistant or first aid personnel, or

23 (vi) is a person who, at the time of the
24 commission of the murder, had not attained the age
25 of 17, and is found guilty of murdering a person
26 under 12 years of age and the murder is committed

1 during the course of aggravated criminal sexual
2 assault, criminal sexual assault, or aggravated
3 kidnaping, or

4 (vii) is found guilty of first degree murder
5 and the murder was committed by reason of any
6 person's activity as a community policing
7 volunteer or to prevent any person from engaging in
8 activity as a community policing volunteer. For
9 the purpose of this Section, "community policing
10 volunteer" has the meaning ascribed to it in
11 Section 2-3.5 of the Criminal Code of 1961.

12 For purposes of clause (v), "emergency medical
13 technician - ambulance", "emergency medical technician
14 - intermediate", "emergency medical technician -
15 paramedic", have the meanings ascribed to them in the
16 Emergency Medical Services (EMS) Systems Act.

17 (d) (i) if the person committed the offense while
18 armed with a firearm, 15 years shall be added to
19 the term of imprisonment imposed by the court;

20 (ii) if, during the commission of the offense,
21 the person personally discharged a firearm, 20
22 years shall be added to the term of imprisonment
23 imposed by the court;

24 (iii) if, during the commission of the
25 offense, the person personally discharged a
26 firearm that proximately caused great bodily harm,

1 permanent disability, permanent disfigurement, or
2 death to another person, 25 years or up to a term
3 of natural life shall be added to the term of
4 imprisonment imposed by the court.

5 (1.5) for second degree murder, a term shall be not
6 less than 4 years and not more than 20 years;

7 (2) for a person adjudged a habitual criminal under
8 Article 33B of the Criminal Code of 1961, as amended, the
9 sentence shall be a term of natural life imprisonment;

10 (2.5) for a person convicted under the circumstances
11 described in paragraph (3) of subsection (b) of Section
12 12-13, paragraph (2) of subsection (d) of Section 12-14,
13 paragraph (1.2) of subsection (b) of Section 12-14.1, or
14 paragraph (2) of subsection (b) of Section 12-14.1 of the
15 Criminal Code of 1961, the sentence shall be a term of
16 natural life imprisonment;

17 (3) except as otherwise provided in the statute
18 defining the offense, for a Class X felony, the sentence
19 shall be not less than 6 years and not more than 30 years;

20 (4) for a Class 1 felony, other than second degree
21 murder, the sentence shall be not less than 4 years and not
22 more than 15 years;

23 (5) for a Class 2 felony, the sentence shall be not
24 less than 3 years and not more than 7 years;

25 (6) for a Class 3 felony, the sentence shall be not
26 less than 2 years and not more than 5 years;

1 (7) for a Class 4 felony, the sentence shall be not
2 less than 1 year and not more than 3 years.

3 (b) The sentencing judge in each felony conviction shall
4 set forth his reasons for imposing the particular sentence he
5 enters in the case, as provided in Section 5-4-1 of this Code.
6 Those reasons may include any mitigating or aggravating factors
7 specified in this Code, or the lack of any such circumstances,
8 as well as any other such factors as the judge shall set forth
9 on the record that are consistent with the purposes and
10 principles of sentencing set out in this Code.

11 (c) A motion to reduce a sentence may be made, or the court
12 may reduce a sentence without motion, within 30 days after the
13 sentence is imposed. A defendant's challenge to the correctness
14 of a sentence or to any aspect of the sentencing hearing shall
15 be made by a written motion filed within 30 days following the
16 imposition of sentence. However, the court may not increase a
17 sentence once it is imposed.

18 If a motion filed pursuant to this subsection is timely
19 filed within 30 days after the sentence is imposed, the
20 proponent of the motion shall exercise due diligence in seeking
21 a determination on the motion and the court shall thereafter
22 decide such motion within a reasonable time.

23 If a motion filed pursuant to this subsection is timely
24 filed within 30 days after the sentence is imposed, then for
25 purposes of perfecting an appeal, a final judgment shall not be
26 considered to have been entered until the motion to reduce a

1 sentence has been decided by order entered by the trial court.

2 A motion filed pursuant to this subsection shall not be
3 considered to have been timely filed unless it is filed with
4 the circuit court clerk within 30 days after the sentence is
5 imposed together with a notice of motion, which notice of
6 motion shall set the motion on the court's calendar on a date
7 certain within a reasonable time after the date of filing.

8 (d) Except where a term of natural life is imposed, every
9 sentence shall include as though written therein a term in
10 addition to the term of imprisonment. For those sentenced under
11 the law in effect prior to February 1, 1978, such term shall be
12 identified as a parole term. For those sentenced on or after
13 February 1, 1978, such term shall be identified as a mandatory
14 supervised release term. Subject to earlier termination under
15 Section 3-3-8, the parole or mandatory supervised release term
16 shall be as follows:

17 (1) for first degree murder or a Class X felony except
18 for the offenses of predatory criminal sexual assault of a
19 child, aggravated criminal sexual assault, and criminal
20 sexual assault if committed on or after the effective date
21 of this amendatory Act of the 94th General Assembly and
22 except for the offense of aggravated child pornography
23 under Section 11-20.3 of the Criminal Code of 1961, if
24 committed on or after January 1, 2009, 3 years;

25 (2) for a Class 1 felony or a Class 2 felony except for
26 the offense of criminal sexual assault if committed on or

1 after the effective date of this amendatory Act of the 94th
2 General Assembly and except for the offenses of manufacture
3 and dissemination of child pornography under clauses
4 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code
5 of 1961, if committed on or after January 1, 2009, 2 years;

6 (3) for a Class 3 felony or a Class 4 felony, 1 year;

7 (4) for defendants who commit the offense of predatory
8 criminal sexual assault of a child, aggravated criminal
9 sexual assault, or criminal sexual assault, on or after the
10 effective date of this amendatory Act of the 94th General
11 Assembly, or who commit the offense of aggravated child
12 pornography, manufacture of child pornography, or
13 dissemination of child pornography after January 1, 2009,
14 the term of mandatory supervised release shall range from a
15 minimum of 3 years to a maximum of the natural life of the
16 defendant;

17 (5) if the victim is under 18 years of age, for a
18 second or subsequent offense of aggravated criminal sexual
19 abuse or felony criminal sexual abuse, 4 years, at least
20 the first 2 years of which the defendant shall serve in an
21 electronic home detention program under Article 8A of
22 Chapter V of this Code.

23 (e) A defendant who has a previous and unexpired sentence
24 of imprisonment imposed by another state or by any district
25 court of the United States and who, after sentence for a crime
26 in Illinois, must return to serve the unexpired prior sentence

1 may have his sentence by the Illinois court ordered to be
2 concurrent with the prior sentence in the other state. The
3 court may order that any time served on the unexpired portion
4 of the sentence in the other state, prior to his return to
5 Illinois, shall be credited on his Illinois sentence. The other
6 state shall be furnished with a copy of the order imposing
7 sentence which shall provide that, when the offender is
8 released from confinement of the other state, whether by parole
9 or by termination of sentence, the offender shall be
10 transferred by the Sheriff of the committing county to the
11 Illinois Department of Corrections. The court shall cause the
12 Department of Corrections to be notified of such sentence at
13 the time of commitment and to be provided with copies of all
14 records regarding the sentence.

15 (f) A defendant who has a previous and unexpired sentence
16 of imprisonment imposed by an Illinois circuit court for a
17 crime in this State and who is subsequently sentenced to a term
18 of imprisonment by another state or by any district court of
19 the United States and who has served a term of imprisonment
20 imposed by the other state or district court of the United
21 States, and must return to serve the unexpired prior sentence
22 imposed by the Illinois Circuit Court may apply to the court
23 which imposed sentence to have his sentence reduced.

24 The circuit court may order that any time served on the
25 sentence imposed by the other state or district court of the
26 United States be credited on his Illinois sentence. Such

1 application for reduction of a sentence under this subsection
2 (f) shall be made within 30 days after the defendant has
3 completed the sentence imposed by the other state or district
4 court of the United States.

5 (Source: P.A. 94-165, eff. 7-11-05; 94-243, eff. 1-1-06;
6 94-715, eff. 12-13-05.)

7 Section 999. Effective date. Sections 1, 5, 10, 15, 20, and
8 this Section take effect upon becoming law."