



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB0327

Introduced 1/27/2009, by Rep. Jack D. Franks

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-7

from Ch. 38, par. 1003-3-7

730 ILCS 5/5-6-3

from Ch. 38, par. 1005-6-3

Amends the Unified Code of Corrections. Provides that a person convicted of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse, when the victim of any of these offenses was under 18 years of age at the time of the commission of the offense, and the defendant used force or the threat of force in the commission of the offense shall, as a condition of parole, mandatory supervised release, or probation (if probation is available for such offense) wear an approved electronic monitoring device that has Global Positioning System (GPS) capability for the duration of the defendant's natural life.

LRB096 03069 RLC 13084 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by  
5 changing Sections 3-3-7 and 5-6-3 as follows:

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

7 (Text of Section after amendment by P.A. 95-983)

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

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

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

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

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

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

1           (5) attend or reside in a facility established for the  
2 instruction or residence of persons on parole or mandatory  
3 supervised release;

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

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

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

17           (7.6) 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, or is in any facility operated or licensed by  
2 the Department of Children and Family Services or by the  
3 Department of Human Services, or is in any licensed medical  
4 facility;

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

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

1 the accused;

2 (7.9) if convicted under Section 11-6, 11-20.1,  
3 11-20.3, or 11-21 of the Criminal Code of 1961, consent to  
4 search of computers, PDAs, cellular phones, and other  
5 devices under his or her control that are capable of  
6 accessing the Internet or storing electronic files, in  
7 order to confirm Internet protocol addresses reported in  
8 accordance with the Sex Offender Registration Act and  
9 compliance with conditions in this Act;

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

15 (7.11) if convicted for an offense under Section 11-6,  
16 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal  
17 Code of 1961, or any attempt to commit any of these  
18 offenses, committed on or after June 1, 2009 (the effective  
19 date of Public Act 95-983) ~~this amendatory Act of the 95th~~  
20 ~~General Assembly:~~

21 (i) not access or use a computer or any other  
22 device with Internet capability without the prior  
23 written approval of the Department;

24 (ii) submit to periodic unannounced examinations  
25 of the offender's computer or any other device with  
26 Internet capability by the offender's supervising

1 agent, a law enforcement officer, or assigned computer  
2 or information technology specialist, including the  
3 retrieval and copying of all data from the computer or  
4 device and any internal or external peripherals and  
5 removal of such information, equipment, or device to  
6 conduct a more thorough inspection;

7 (iii) submit to the installation on the offender's  
8 computer or device with Internet capability, at the  
9 offender's expense, of one or more hardware or software  
10 systems to monitor the Internet use; and

11 (iv) submit to any other appropriate restrictions  
12 concerning the offender's use of or access to a  
13 computer or any other device with Internet capability  
14 imposed by the Board, the Department or the offender's  
15 supervising agent;

16 (7.12) if convicted of any of the following offenses  
17 committed on or after the effective date of this amendatory  
18 Act of the 96th General Assembly when the victim was under  
19 18 years of age at the time of the commission of the  
20 offense and the defendant used force or the threat of force  
21 in the commission of the offense: criminal sexual assault,  
22 aggravated criminal sexual assault, predatory criminal  
23 sexual assault of a child, criminal sexual abuse, or  
24 aggravated criminal sexual abuse, wear an approved  
25 electronic monitoring device as defined in Section 5-8A-2  
26 that has Global Positioning System (GPS) capability for the

1 duration of the defendant's natural life;

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

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

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

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

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

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

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

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

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

19           (17) if convicted of a violation of an order of  
20 protection under Section 12-30 of the Criminal Code of  
21 1961, be placed under electronic surveillance as provided  
22 in Section 5-8A-7 of this Code.

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

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



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

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

5           (4) support his dependents;

6           (5) (blank);

7           (6) (blank);

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

13           (7.5) if convicted for an offense committed on or after  
14 the effective date of this amendatory Act of the 95th  
15 General Assembly that would qualify the accused as a child  
16 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
17 Criminal Code of 1961, refrain from communicating with or  
18 contacting, by means of the Internet, a person who is  
19 related to the accused and whom the accused reasonably  
20 believes to be under 18 years of age; for purposes of this  
21 paragraph (7.5), "Internet" has the meaning ascribed to it  
22 in Section 16J-5 of the Criminal Code of 1961; and a person  
23 is related to the accused if the person is: (i) the spouse,  
24 brother, or sister of the accused; (ii) a descendant of the  
25 accused; (iii) a first or second cousin of the accused; or  
26 (iv) a step-child or adopted child of the accused;

1           (7.6) if convicted for an offense committed on or after  
2           June 1, 2009 (the effective date of Public Act 95-983) ~~this~~  
3           ~~amendatory Act of the 95th General Assembly~~ that would  
4           qualify as a sex offense as defined in the Sex Offender  
5           Registration Act:

6                   (i) not access or use a computer or any other  
7           device with Internet capability without the prior  
8           written approval of the Department;

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

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

22                   (iv) submit to any other appropriate restrictions  
23          concerning the offender's use of or access to a  
24          computer or any other device with Internet capability  
25          imposed by the Board, the Department or the offender's  
26          supervising agent; and

- 1           (8) in addition, if a minor:
- 2                 (i) reside with his parents or in a foster home;
- 3                 (ii) attend school;
- 4                 (iii) attend a non-residential program for youth;
- 5           or
- 6                 (iv) contribute to his own support at home or in a
- 7           foster home.

8           (b-1) In addition to the conditions set forth in

9           subsections (a) and (b), persons required to register as sex

10           offenders pursuant to the Sex Offender Registration Act, upon

11           release from the custody of the Illinois Department of

12           Corrections, may be required by the Board to comply with the

13           following specific conditions of release:

- 14                 (1) reside only at a Department approved location;
- 15                 (2) comply with all requirements of the Sex Offender
- 16           Registration Act;
- 17                 (3) notify third parties of the risks that may be
- 18           occasioned by his or her criminal record;
- 19                 (4) obtain the approval of an agent of the Department
- 20           of Corrections prior to accepting employment or pursuing a
- 21           course of study or vocational training and notify the
- 22           Department prior to any change in employment, study, or
- 23           training;
- 24                 (5) not be employed or participate in any volunteer
- 25           activity that involves contact with children, except under
- 26           circumstances approved in advance and in writing by an

1 agent of the Department of Corrections;

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

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

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

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

19 (10) neither possess or have under his or her control  
20 any material that is sexually oriented, sexually  
21 stimulating, or that shows male or female sex organs or any  
22 pictures depicting children under 18 years of age nude or  
23 any written or audio material describing sexual  
24 intercourse or that depicts or alludes to sexual activity,  
25 including but not limited to visual, auditory, telephonic,  
26 or electronic media, or any matter obtained through access

1 to any computer or material linked to computer access use;

2 (11) not patronize any business providing sexually  
3 stimulating or sexually oriented entertainment nor utilize  
4 "900" or adult telephone numbers;

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

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

15 (14) may be required to provide a written daily log of  
16 activities if directed by an agent of the Department of  
17 Corrections;

18 (15) comply with all other special conditions that the  
19 Department may impose that restrict the person from  
20 high-risk situations and limit access to potential  
21 victims;

22 (16) take an annual polygraph exam;

23 (17) maintain a log of his or her travel; or

24 (18) obtain prior approval of his or her parole officer  
25 before driving alone in a motor vehicle.

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

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

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

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

15 (f) When the subject is in compliance with all conditions  
16 of his or her parole or mandatory supervised release, the  
17 subject shall receive a reduction of the period of his or her  
18 parole or mandatory supervised release of 90 days upon passage  
19 of the high school level Test of General Educational  
20 Development during the period of his or her parole or mandatory  
21 supervised release. This reduction in the period of a subject's  
22 term of parole or mandatory supervised release shall be  
23 available only to subjects who have not previously earned a  
24 high school diploma or who have not previously passed the high  
25 school level Test of General Educational Development.

26 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;

1 94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;  
2 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;  
3 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; revised 10-20-08.)

4 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

5 (Text of Section after amendment by P.A. 95-983)

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

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

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

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

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

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

25 (5) permit the probation officer to visit him at his

1 home or elsewhere to the extent necessary to discharge his  
2 duties;

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

20 (7) if he or she is at least 17 years of age and has  
21 been sentenced to probation or conditional discharge for a  
22 misdemeanor or felony in a county of 3,000,000 or more  
23 inhabitants and has not been previously convicted of a  
24 misdemeanor or felony, may be required by the sentencing  
25 court to attend educational courses designed to prepare the  
26 defendant for a high school diploma and to work toward a



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

21 (8) if convicted of possession of a substance  
22 prohibited by the Cannabis Control Act, the Illinois  
23 Controlled Substances Act, or the Methamphetamine Control  
24 and Community Protection Act after a previous conviction or  
25 disposition of supervision for possession of a substance  
26 prohibited by the Cannabis Control Act or Illinois

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

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

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

25 (8.7) if convicted for an offense committed on or after  
26 June 1, 2008 (the effective date of Public Act 95-464) ~~this~~

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

14 (8.8) if convicted for an offense under Section 11-6,  
15 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal  
16 Code of 1961, or any attempt to commit any of these  
17 offenses, committed on or after June 1, 2009 (the effective  
18 date of Public Act 95-983) ~~this amendatory Act of the 95th~~  
19 ~~General Assembly:~~

20 (i) not access or use a computer or any other  
21 device with Internet capability without the prior  
22 written approval of the offender's probation officer,  
23 except in connection with the offender's employment or  
24 search for employment with the prior approval of the  
25 offender's probation officer;

26 (ii) submit to periodic unannounced examinations

1 of the offender's computer or any other device with  
2 Internet capability by the offender's probation  
3 officer, a law enforcement officer, or assigned  
4 computer or information technology specialist,  
5 including the retrieval and copying of all data from  
6 the computer or device and any internal or external  
7 peripherals and removal of such information,  
8 equipment, or device to conduct a more thorough  
9 inspection;

10 (iii) submit to the installation on the offender's  
11 computer or device with Internet capability, at the  
12 offender's expense, of one or more hardware or software  
13 systems to monitor the Internet use; and

14 (iv) submit to any other appropriate restrictions  
15 concerning the offender's use of or access to a  
16 computer or any other device with Internet capability  
17 imposed by the offender's probation officer;

18 (8.9) if convicted of any of the following offenses  
19 committed on or after the effective date of this amendatory  
20 Act of the 96th General Assembly when the victim was under  
21 18 years of age at the time of the commission of the  
22 offense and the defendant used force or the threat of force  
23 in the commission of the offense: criminal sexual abuse or  
24 aggravated criminal sexual abuse, wear an approved  
25 electronic monitoring device as defined in Section 5-8A-2  
26 that has Global Positioning System (GPS) capability for the

1 duration of the defendant's natural life;

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 (17) if convicted for an offense committed on or after  
13 June 1, 2008 (the effective date of Public Act 95-464) ~~this~~  
14 ~~amendatory Act of the 95th General Assembly~~ that would  
15 qualify the accused as a child sex offender as defined in  
16 Section 11-9.3 or 11-9.4 of the Criminal Code of 1961,  
17 refrain from communicating with or contacting, by means of  
18 the Internet, a person who is related to the accused and  
19 whom the accused reasonably believes to be under 18 years  
20 of age; for purposes of this paragraph (17), "Internet" has  
21 the meaning ascribed to it in Section 16J-5 of the Criminal  
22 Code of 1961; and a person is related to the accused if the  
23 person is: (i) the spouse, brother, or sister of the  
24 accused; (ii) a descendant of the accused; (iii) a first or  
25 second cousin of the accused; or (iv) a step-child or  
26 adopted child of the accused; and

1           (18) if convicted for an offense committed on or after  
2           June 1, 2009 (the effective date of Public Act 95-983) ~~this~~  
3           ~~amendatory Act of the 95th General Assembly~~ that would  
4           qualify as a sex offense as defined in the Sex Offender  
5           Registration Act:

6                   (i) not access or use a computer or any other  
7                   device with Internet capability without the prior  
8                   written approval of the offender's probation officer,  
9                   except in connection with the offender's employment or  
10                  search for employment with the prior approval of the  
11                  offender's probation officer;

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

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

26                  (iv) submit to any other appropriate restrictions

1           concerning the offender's use of or access to a  
2           computer or any other device with Internet capability  
3           imposed by the offender's probation officer.

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

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

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

25          Persons committed to imprisonment as a condition of  
26          probation or conditional discharge shall not be committed to

1 the Department of Corrections.

2 (f) The court may combine a sentence of periodic  
3 imprisonment under Article 7 or a sentence to a county impact  
4 incarceration program under Article 8 with a sentence of  
5 probation or conditional discharge.

6 (g) An offender sentenced to probation or to conditional  
7 discharge and who during the term of either undergoes mandatory  
8 drug or alcohol testing, or both, or is assigned to be placed  
9 on an approved electronic monitoring device, shall be ordered  
10 to pay all costs incidental to such mandatory drug or alcohol  
11 testing, or both, and all costs incidental to such approved  
12 electronic monitoring in accordance with the defendant's  
13 ability to pay those costs. The county board with the  
14 concurrence of the Chief Judge of the judicial circuit in which  
15 the county is located shall establish reasonable fees for the  
16 cost of maintenance, testing, and incidental expenses related  
17 to the mandatory drug or alcohol testing, or both, and all  
18 costs incidental to approved electronic monitoring, involved  
19 in a successful probation program for the county. The  
20 concurrence of the Chief Judge shall be in the form of an  
21 administrative order. The fees shall be collected by the clerk  
22 of the circuit court. The clerk of the circuit court shall pay  
23 all moneys collected from these fees to the county treasurer  
24 who shall use the moneys collected to defray the costs of drug  
25 testing, alcohol testing, and electronic monitoring. The  
26 county treasurer shall deposit the fees collected in the county

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

3 (h) Jurisdiction over an offender may be transferred from  
4 the sentencing court to the court of another circuit with the  
5 concurrence of both courts. Further transfers or retransfers of  
6 jurisdiction are also authorized in the same manner. The court  
7 to which jurisdiction has been transferred shall have the same  
8 powers as the sentencing court.

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

1 treasurer for deposit in the probation and court services fund  
2 under Section 15.1 of the Probation and Probation Officers Act.

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

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

21 (i-5) In addition to the fees imposed under subsection (i)  
22 of this Section, in the case of an offender convicted of a  
23 felony sex offense (as defined in the Sex Offender Management  
24 Board Act) or an offense that the court or probation department  
25 has determined to be sexually motivated (as defined in the Sex  
26 Offender Management Board Act), the court or the probation

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

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

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

21 (l) The court may order an offender who is sentenced to  
22 probation or conditional discharge for a violation of an order  
23 of protection be placed under electronic surveillance as  
24 provided in Section 5-8A-7 of this Code.

25 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
26 94-556, eff. 9-11-05; 95-331, eff. 8-21-07; 95-464, eff.



1 6-1-08; 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff.  
2 1-1-09; 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; revised  
3 10-20-08.)