



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

**HB0463**

Introduced 2/4/2009, by Rep. Brandon W. Phelps

#### SYNOPSIS AS INTRODUCED:

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

Amends the Unified Code of Corrections. Provides that a person serving a mandatory supervised release term, probation, or supervision for an offense that would qualify the offender as a sex offender under the Sex Offender Registration Act committed on or after the effective date of the amendatory Act, where the trier of fact at the offender's trial made a finding that a computer or any other device with Internet capability was used to facilitate the commission of the offense shall: (1) not access or use a computer or any other device with Internet capability without the prior written approval of specified officials; (2) submit to periodic unannounced examinations of the offender's computer or any other device with Internet capability by certain specified officials; (3) submit to the installation on the offender's computer or device with Internet capability, at the offender's expense, of one or more hardware or software systems to monitor the Internet use; and (4) submit to any other appropriate restrictions concerning the offender's use of or access to a computer or any other device with Internet capability.

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CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by  
5 changing Sections 3-3-7, 5-6-3, and 5-6-3.1 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 for an offense that would qualify  
17 the subject as a sex offender or sexual predator under the  
18 Sex Offender Registration Act committed on or after the  
19 effective date of this amendatory Act of the 96th General  
20 Assembly, where the trier of fact at the subject's trial  
21 made a finding that a computer or any other device with  
22 Internet capability was used to facilitate the commission  
23 of the offense:

24 (i) not access or use a computer or any other  
25 device with Internet capability without the prior  
26 written approval of the Board; except the subject may

1 use a computer or any other device with Internet  
2 capability in connection with that subject's  
3 employment or search for employment with the prior  
4 approval of the person's supervising officer;

5 (ii) submit to periodic unannounced examinations  
6 of the person's computer or any other device with  
7 Internet capability by the subject's supervising  
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 subject'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 subject's use of or access to a computer  
21 or any other device with Internet capability imposed by  
22 the Board.

23 For purposes of this paragraph (7.12):

24 "Computer" has the meaning ascribed to it in  
25 Section 16J-5 of the Criminal Code of 1961.

26 "Internet" means the global information system

1           that is logically linked together by a globally unique  
2           address space based on the Internet Protocol (IP), or  
3           its subsequent extensions, and that is able to support  
4           communications using the Transmission Control  
5           Protocol/Internet Protocol (TCP/IP) suite, or its  
6           subsequent extensions, or other IP-compatible  
7           protocols, and that provides, uses, or makes  
8           accessible, either publicly or privately, high level  
9           services layered on the communications and related  
10           infrastructure;

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;

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; and

2 (17) if convicted of a violation of an order of  
3 protection under Section 12-30 of the Criminal Code of  
4 1961, be placed under electronic surveillance as provided  
5 in Section 5-8A-7 of this Code.

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

8 (1) work or pursue a course of study or vocational  
9 training;

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

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

14 (4) support his dependents;

15 (5) (blank);

16 (6) (blank);

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

22 (7.5) if convicted for an offense committed on or after  
23 the effective date of this amendatory Act of the 95th  
24 General Assembly that would qualify the accused as a child  
25 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
26 Criminal Code of 1961, refrain from communicating with or

1           contacting, by means of the Internet, a person who is  
2           related to the accused and whom the accused reasonably  
3           believes to be under 18 years of age; for purposes of this  
4           paragraph (7.5), "Internet" has the meaning ascribed to it  
5           in Section 16J-5 of the Criminal Code of 1961; and a person  
6           is related to the accused if the person is: (i) the spouse,  
7           brother, or sister of the accused; (ii) a descendant of the  
8           accused; (iii) a first or second cousin of the accused; or  
9           (iv) a step-child or adopted child of the accused;

10           (7.6) if convicted for an offense committed on or after  
11           June 1, 2009 (the effective date of Public Act 95-983) ~~this~~  
12           ~~amendatory Act of the 95th General Assembly~~ that would  
13           qualify as a sex offense as defined in the Sex Offender  
14           Registration Act:

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

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

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

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

10 (8) in addition, if a minor:

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

12 (ii) attend school;

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

14 or

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

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

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

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

26 (3) notify third parties of the risks that may be

1 occasioned by his or her criminal record;

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

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

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

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

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

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

1 approval of an agent of the Department of Corrections;

2 (10) neither possess or have under his or her control  
3 any material that is sexually oriented, sexually  
4 stimulating, or that shows male or female sex organs or any  
5 pictures depicting children under 18 years of age nude or  
6 any written or audio material describing sexual  
7 intercourse or that depicts or alludes to sexual activity,  
8 including but not limited to visual, auditory, telephonic,  
9 or electronic media, or any matter obtained through access  
10 to any computer or material linked to computer access use;

11 (11) not patronize any business providing sexually  
12 stimulating or sexually oriented entertainment nor utilize  
13 "900" or adult telephone numbers;

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

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

24 (14) may be required to provide a written daily log of  
25 activities if directed by an agent of the Department of  
26 Corrections;

1           (15) comply with all other special conditions that the  
2           Department may impose that restrict the person from  
3           high-risk situations and limit access to potential  
4           victims;

5           (16) take an annual polygraph exam;

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

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

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

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

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

24          (f) When the subject is in compliance with all conditions  
25          of his or her parole or mandatory supervised release, the  
26          subject shall receive a reduction of the period of his or her

1 parole or mandatory supervised release of 90 days upon passage  
2 of the high school level Test of General Educational  
3 Development during the period of his or her parole or mandatory  
4 supervised release. This reduction in the period of a subject's  
5 term of parole or mandatory supervised release shall be  
6 available only to subjects who have not previously earned a  
7 high school diploma or who have not previously passed the high  
8 school level Test of General Educational Development.

9 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
10 94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;  
11 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;  
12 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; revised 10-20-08.)

13 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

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

19 (1) not violate any criminal statute of any  
20 jurisdiction;

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

23 (3) refrain from possessing a firearm or other  
24 dangerous weapon;

25 (4) not leave the State without the consent of the



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

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

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

1 gang" has the meaning ascribed to it in Section 10 of the  
2 Illinois Streetgang Terrorism Omnibus Prevention Act;

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

1 determined by the court to be developmentally disabled or  
2 otherwise mentally incapable of completing the educational  
3 or vocational program;

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

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

23 (8.6) if convicted of a sex offense as defined in the  
24 Sex Offender Management Board Act, refrain from residing at  
25 the same address or in the same condominium unit or  
26 apartment unit or in the same condominium complex or

1 apartment complex with another person he or she knows or  
2 reasonably should know is a convicted sex offender or has  
3 been placed on supervision for a sex offense; the  
4 provisions of this paragraph do not apply to a person  
5 convicted of a sex offense who is placed in a Department of  
6 Corrections licensed transitional housing facility for sex  
7 offenders;

8 (8.7) if convicted for an offense committed on or after  
9 June 1, 2008 (the effective date of Public Act 95-464) ~~this~~  
10 ~~amendatory Act of the 95th General Assembly~~ that would  
11 qualify the accused as a child sex offender as defined in  
12 Section 11-9.3 or 11-9.4 of the Criminal Code of 1961,  
13 refrain from communicating with or contacting, by means of  
14 the Internet, a person who is not related to the accused  
15 and whom the accused reasonably believes to be under 18  
16 years of age; for purposes of this paragraph (8.7),  
17 "Internet" has the meaning ascribed to it in Section 16J-5  
18 of the Criminal Code of 1961; and a person is not related  
19 to the accused if the person is not: (i) the spouse,  
20 brother, or sister of the accused; (ii) a descendant of the  
21 accused; (iii) a first or second cousin of the accused; or  
22 (iv) a step-child or adopted child of the accused;

23 (8.8) if convicted for an offense under Section 11-6,  
24 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal  
25 Code of 1961, or any attempt to commit any of these  
26 offenses, committed on or after June 1, 2009 (the effective

1 date of Public Act 95-983) ~~this amendatory Act of the 95th~~  
2 ~~General Assembly:~~

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

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 probation  
12 officer, a law enforcement officer, or assigned  
13 computer or information technology specialist,  
14 including the retrieval and copying of all data from  
15 the computer or device and any internal or external  
16 peripherals and removal of such information,  
17 equipment, or device to conduct a more thorough  
18 inspection;

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

23 (iv) submit to any other appropriate restrictions  
24 concerning the offender's use of or access to a  
25 computer or any other device with Internet capability  
26 imposed by the offender's probation officer;

1           (8.9) if convicted for an offense that would qualify  
2           the person as a sex offender or sexual predator under the  
3           Sex Offender Registration Act committed on or after the  
4           effective date of this amendatory Act of the 96th General  
5           Assembly, where the trier of fact at the person's trial  
6           made a finding that a computer or any other device with  
7           Internet capability was used to facilitate the commission  
8           of the offense:

9           (i) not access or use a computer or any other  
10           device with Internet capability without the prior  
11           written approval of the person's probation officer;  
12           except the person may use a computer or any other  
13           device with Internet capability in connection with  
14           that person's employment or search for employment with  
15           the prior approval of the person's probation officer;

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

25           (iii) submit to the installation on the person's  
26           computer or device with Internet capability, at the

1 person's expense, of one or more hardware or software  
2 systems to monitor the Internet use; and

3 (iv) submit to any other appropriate restrictions  
4 concerning the person's use of or access to a computer  
5 or any other device with Internet capability imposed by  
6 the person's probation officer.

7 For purposes of this paragraph (8.9):

8 "Computer" has the meaning ascribed to it in  
9 Section 16J-5 of the Criminal Code of 1961.

10 "Internet" means the global information system  
11 that is logically linked together by a globally unique  
12 address space based on the Internet Protocol (IP), or  
13 its subsequent extensions, and that is able to support  
14 communications using the Transmission Control  
15 Protocol/Internet Protocol (TCP/IP) suite, or its  
16 subsequent extensions, or other IP-compatible  
17 protocols, and that provides, uses, or makes  
18 accessible, either publicly or privately, high level  
19 services layered on the communications and related  
20 infrastructure;

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

25 (10) if convicted of a sex offense as defined in  
26 subsection (a-5) of Section 3-1-2 of this Code, unless the

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

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

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

17 (2) pay a fine and costs;

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

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

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

24 (6) support his dependents;

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

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



1           (ii) attend school;  
2           (iii) attend a non-residential program for youth;  
3           (iv) contribute to his own support at home or in a  
4 foster home;

5           (v) with the consent of the superintendent of the  
6 facility, attend an educational program at a facility  
7 other than the school in which the offense was  
8 committed if he or she is convicted of a crime of  
9 violence as defined in Section 2 of the Crime Victims  
10 Compensation Act committed in a school, on the real  
11 property comprising a school, or within 1,000 feet of  
12 the real property comprising a school;

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

15           (9) perform some reasonable public or community  
16 service;

17           (10) serve a term of home confinement. In addition to  
18 any other applicable condition of probation or conditional  
19 discharge, the conditions of home confinement shall be that  
20 the offender:

21           (i) remain within the interior premises of the  
22 place designated for his confinement during the hours  
23 designated by the court;

24           (ii) admit any person or agent designated by the  
25 court into the offender's place of confinement at any  
26 time for purposes of verifying the offender's

1 compliance with the conditions of his confinement; and

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

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

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

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

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, as now or hereafter amended,  
18 or an order of protection issued by the court of another  
19 state, tribe, or United States territory. A copy of the  
20 order of protection shall be transmitted to the probation  
21 officer or agency having responsibility for the case;

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

1 sentenced;

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

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

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

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

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

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

20 (18) if convicted for an offense committed on or after  
21 June 1, 2009 (the effective date of Public Act 95-983) ~~this~~  
22 ~~amendatory Act of the 95th General Assembly~~ that would  
23 qualify as a sex offense as defined in the Sex Offender  
24 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 (l) The court may order an offender who is sentenced to  
15 probation or conditional discharge for a violation of an order  
16 of protection be placed under electronic surveillance as  
17 provided in Section 5-8A-7 of this Code.

18 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
19 94-556, eff. 9-11-05; 95-331, eff. 8-21-07; 95-464, eff.  
20 6-1-08; 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff.  
21 1-1-09; 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; revised  
22 10-20-08.)

23 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

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

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

1           (a) When a defendant is placed on supervision, the court  
2 shall enter an order for supervision specifying the period of  
3 such supervision, and shall defer further proceedings in the  
4 case until the conclusion of the period.

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

1 reasonable, the community service should be performed in the  
2 offender's neighborhood.

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

6 (c) The court may in addition to other reasonable  
7 conditions relating to the nature of the offense or the  
8 rehabilitation of the defendant as determined for each  
9 defendant in the proper discretion of the court require that  
10 the person:

11 (1) make a report to and appear in person before or  
12 participate with the court or such courts, person, or  
13 social service agency as directed by the court in the order  
14 of supervision;

15 (2) pay a fine and costs;

16 (3) work or pursue a course of study or vocational  
17 training;

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

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

22 (6) support his dependents;

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

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

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

- 1           (ii) attend school;
- 2           (iii) attend a non-residential program for youth;
- 3           (iv) contribute to his own support at home or in a  
4 foster home; or
- 5           (v) with the consent of the superintendent of the  
6 facility, attend an educational program at a facility  
7 other than the school in which the offense was  
8 committed if he or she is placed on supervision for a  
9 crime of violence as defined in Section 2 of the Crime  
10 Victims Compensation Act committed in a school, on the  
11 real property comprising a school, or within 1,000 feet  
12 of the real property comprising a school;
- 13       (9) make restitution or reparation in an amount not to  
14 exceed actual loss or damage to property and pecuniary loss  
15 or make restitution under Section 5-5-6 to a domestic  
16 violence shelter. The court shall determine the amount and  
17 conditions of payment;
- 18       (10) perform some reasonable public or community  
19 service;
- 20       (11) comply with the terms and conditions of an order  
21 of protection issued by the court pursuant to the Illinois  
22 Domestic Violence Act of 1986 or an order of protection  
23 issued by the court of another state, tribe, or United  
24 States territory. If the court has ordered the defendant to  
25 make a report and appear in person under paragraph (1) of  
26 this subsection, a copy of the order of protection shall be

1 transmitted to the person or agency so designated by the  
2 court;

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;

25 (15) refrain from having any contact, directly or  
26 indirectly, with certain specified persons or particular

1 types of person, including but not limited to members of  
2 street gangs and drug users or dealers;

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

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

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



1 Claus, or wearing an Easter Bunny costume on or preceding  
2 Easter.

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

5 (e) At the conclusion of the period of supervision, if the  
6 court determines that the defendant has successfully complied  
7 with all of the conditions of supervision, the court shall  
8 discharge the defendant and enter a judgment dismissing the  
9 charges.

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

1 minor as defined in subsection (g) of Section 5 of the Criminal  
2 Identification Act or for a violation of Section 11-501 of the  
3 Illinois Vehicle Code or a similar provision of a local  
4 ordinance shall not have his or her record of arrest sealed or  
5 expunged.

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

1 or Section 6-29002 of the Counties Code, as the case may be.

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

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

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

1 Illinois Courts; and (2) the circuit court has authorized, by  
2 administrative order issued by the chief judge, the creation of  
3 a Crime Victim's Services Fund, to be administered by the Chief  
4 Judge or his or her designee, for services to crime victims and  
5 their families. Of the amount collected as a probation fee, not  
6 to exceed \$5 of that fee collected per month may be used to  
7 provide services to crime victims and their families.

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

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

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

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

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

14           (n) Any offender placed on supervision for any offense that  
15 the 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           (o) An offender placed on supervision for a sex offense as  
22 defined in the Sex Offender Management Board Act shall refrain  
23 from residing at the same address or in the same condominium  
24 unit or apartment unit or in the same condominium complex or  
25 apartment complex with another person he or she knows or  
26 reasonably should know is a convicted sex offender or has been

1 placed on supervision for a sex offense. The provisions of this  
2 subsection (o) do not apply to a person convicted of a sex  
3 offense who is placed in a Department of Corrections licensed  
4 transitional housing facility for sex offenders.

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

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

1 purposes of this subsection (q), "Internet" has the meaning  
2 ascribed to it in Section 16J-5 of the Criminal Code of 1961;  
3 and a person is related to the accused if the person is: (i)  
4 the spouse, brother, or sister of the accused; (ii) a  
5 descendant of the accused; (iii) a first or second cousin of  
6 the accused; or (iv) a step-child or adopted child of the  
7 accused.

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

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

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

26 (iii) submit to the installation on the offender's



1 computer or device with Internet capability, at the  
2 offender's expense, of one or more hardware or software  
3 systems to monitor the Internet use; and

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

8 (s) An offender placed on supervision for an offense that  
9 would qualify the offender as a sex offender under the Sex  
10 Offender Registration Act committed on or after the effective  
11 date of this amendatory Act of the 96th General Assembly, where  
12 the trier of fact at the offender's trial made a finding that a  
13 computer or any other device with Internet capability was used  
14 to facilitate the commission of the offense shall:

15 (i) not access or use a computer or any other  
16 device with Internet capability without the prior  
17 written approval of the court; except the offender may  
18 use a computer or any other device with Internet  
19 capability in connection with that offender's  
20 employment or search for employment with the prior  
21 approval of the court;

22 (ii) submit to periodic unannounced examinations  
23 of the offender's computer or any other device with  
24 Internet capability by the offender's probation  
25 officer, a law enforcement officer, or assigned  
26 computer or information technology specialist,

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

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

10 (iv) submit to any other appropriate restrictions  
11 concerning the offender's use of or access to a  
12 computer or any other device with Internet capability  
13 imposed by the court.

14 For purposes of this subsection (s):

15 "Computer" has the meaning ascribed to it in Section  
16 16J-5 of the Criminal Code of 1961.

17 "Internet" means the global information system that is  
18 logically linked together by a globally unique address  
19 space based on the Internet Protocol (IP), or its  
20 subsequent extensions, and that is able to support  
21 communications using the Transmission Control  
22 Protocol/Internet Protocol (TCP/IP) suite, or its  
23 subsequent extensions, or other IP-compatible protocols,  
24 and that provides, uses, or makes accessible, either  
25 publicly or privately, high level services layered on the  
26 communications and related infrastructure.

1 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
2 94-556, eff. 9-11-05; 95-211, eff. 1-1-08; 95-331, eff.  
3 8-21-07; 95-464, eff. 6-1-08; 95-696, eff. 6-1-08; 95-876, eff.  
4 8-21-08; 95-983, eff. 6-1-09.)