



Sen. Dan Rutherford

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09600HB3714sam001

LRB096 08017 RLC 26688 a

1 AMENDMENT TO HOUSE BILL 3714

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3714 by replacing  
3 the title with the following:

4 "AN ACT concerning criminal law."; and

5 by replacing everything after the enacting clause with the  
6 following:

7 "Section 5. The Unified Code of Corrections is amended by  
8 changing Section 5-6-3 as follows:

9 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

10 (Text of Section before amendment by P.A. 95-983)

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

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

15 (1) not violate any criminal statute of any

1 jurisdiction;

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

4 (3) refrain from possessing a firearm or other  
5 dangerous weapon where the offense is a felony or, if a  
6 misdemeanor, the offense involved the intentional or  
7 knowing infliction of bodily harm or threat of bodily harm;

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

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

20 (6) perform no less than 30 hours of community service  
21 and not more than 120 hours of community service, if  
22 community service is available in the jurisdiction and is  
23 funded and approved by the county board where the offense  
24 was committed, where the offense was related to or in  
25 furtherance of the criminal activities of an organized gang  
26 and was motivated by the offender's membership in or

1 allegiance to an organized gang. The community service  
2 shall include, but not be limited to, the cleanup and  
3 repair of any damage caused by a violation of Section  
4 21-1.3 of the Criminal Code of 1961 and similar damage to  
5 property located within the municipality or county in which  
6 the violation occurred. When possible and reasonable, the  
7 community service should be performed in the offender's  
8 neighborhood. For purposes of this Section, "organized  
9 gang" has the meaning ascribed to it in Section 10 of the  
10 Illinois Streetgang Terrorism Omnibus Prevention Act;

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

1           probation or conditional discharge shall be required to pay  
2           for the cost of the educational courses or GED test, if a  
3           fee is charged for those courses or test. The court shall  
4           resentence the offender whose probation or conditional  
5           discharge has been revoked as provided in Section 5-6-4.  
6           This clause (7) does not apply to a person who has a high  
7           school diploma or has successfully passed the GED test.  
8           This clause (7) does not apply to a person who is  
9           determined by the court to be developmentally disabled or  
10          otherwise mentally incapable of completing the educational  
11          or vocational program;

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

25           (8.5) if convicted of a felony sex offense as defined  
26          in the Sex Offender Management Board Act, the person shall

1           undergo and successfully complete sex offender treatment  
2           by a treatment provider approved by the Board and conducted  
3           in conformance with the standards developed under the Sex  
4           Offender Management Board Act;

5           (8.6) if convicted of a sex offense as defined in the  
6           Sex Offender Management Board Act, refrain from residing at  
7           the same address or in the same condominium unit or  
8           apartment unit or in the same condominium complex or  
9           apartment complex with another person he or she knows or  
10          reasonably should know is a convicted sex offender or has  
11          been placed on supervision for a sex offense; the  
12          provisions of this paragraph do not apply to a person  
13          convicted of a sex offense who is placed in a Department of  
14          Corrections licensed transitional housing facility for sex  
15          offenders;

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

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

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

9 (10) 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.

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

24 (1) serve a term of periodic imprisonment under Article  
25 7 for a period not to exceed that specified in paragraph  
26 (d) of Section 5-7-1;

- 1           (2) pay a fine and costs;
- 2           (3) work or pursue a course of study or vocational  
3 training;
- 4           (4) undergo medical, psychological or psychiatric  
5 treatment; or treatment for drug addiction or alcoholism;
- 6           (5) attend or reside in a facility established for the  
7 instruction or residence of defendants on probation;
- 8           (6) support his dependents;
- 9           (7) and in addition, if a minor:
- 10           (i) reside with his parents or in a foster home;
- 11           (ii) attend school;
- 12           (iii) attend a non-residential program for youth;
- 13           (iv) contribute to his own support at home or in a  
14 foster home;
- 15           (v) with the consent of the superintendent of the  
16 facility, attend an educational program at a facility  
17 other than the school in which the offense was  
18 committed if he or she is convicted of a crime of  
19 violence as defined in Section 2 of the Crime Victims  
20 Compensation Act committed in a school, on the real  
21 property comprising a school, or within 1,000 feet of  
22 the real property comprising a school;
- 23           (8) make restitution as provided in Section 5-5-6 of  
24 this Code;
- 25           (9) perform some reasonable public or community  
26 service;

1           (10) serve a term of home confinement. In addition to  
2 any other applicable condition of probation or conditional  
3 discharge, the conditions of home confinement shall be that  
4 the offender:

5           (i) remain within the interior premises of the  
6 place designated for his confinement during the hours  
7 designated by the court;

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

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

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



1 Section. The fee shall be collected by the clerk of the  
2 circuit court. The clerk of the circuit court shall pay  
3 all monies collected from this fee to the county  
4 treasurer for deposit in the substance abuse services  
5 fund under Section 5-1086.1 of the Counties Code; and

6 (v) for persons convicted of offenses other than  
7 those referenced in clause (iv) above and 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 defendant 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 who shall use the monies collected to defray  
21 the costs of corrections. The county treasurer shall  
22 deposit the fee collected in the county working cash  
23 fund under Section 6-27001 or Section 6-29002 of the  
24 Counties Code, as the case may be.

25 (11) comply with the terms and conditions of an order  
26 of protection issued by the court pursuant to the Illinois

1 Domestic Violence Act of 1986, as now or hereafter amended,  
2 or an order of protection issued by the court of another  
3 state, tribe, or United States territory. A copy of the  
4 order of protection shall be transmitted to the probation  
5 officer or agency having responsibility for the case;

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

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

22 (14) refrain from entering into a designated  
23 geographic area except upon such terms as the court finds  
24 appropriate. Such terms may include consideration of the  
25 purpose of the entry, the time of day, other persons  
26 accompanying the defendant, and advance approval by a

1           probation officer, if the defendant has been placed on  
2           probation or advance approval by the court, if the  
3           defendant was placed on conditional discharge;

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

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

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

1 accused; (iii) a first or second cousin of the accused; or  
2 (iv) a step-child or adopted child of the accused; and -

3 (19) refrain from possessing a firearm or other  
4 dangerous weapon where the offense is a misdemeanor that  
5 did not involve the intentional or knowing infliction of  
6 bodily harm or threat of bodily harm.

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

17 (d) An offender sentenced to probation or to conditional  
18 discharge shall be given a certificate setting forth the  
19 conditions thereof.

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

1 impact incarceration under Section 5-8-1.2.

2 Persons committed to imprisonment as a condition of  
3 probation or conditional discharge shall not be committed to  
4 the Department of Corrections.

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

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

1 who shall use the moneys collected to defray the costs of drug  
2 testing, alcohol testing, and electronic monitoring. The  
3 county treasurer shall deposit the fees collected in the county  
4 working cash fund under Section 6-27001 or Section 6-29002 of  
5 the Counties Code, as the case may be.

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

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

1 court services department. The fee shall be collected by the  
2 clerk of the circuit court. The clerk of the circuit court  
3 shall pay all monies collected from this fee to the county  
4 treasurer for deposit in the probation and court services fund  
5 under Section 15.1 of the Probation and Probation Officers Act.

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

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

24 (i-5) In addition to the fees imposed under subsection (i)  
25 of this Section, in the case of an offender convicted of a  
26 felony sex offense (as defined in the Sex Offender Management

1 Board Act) or an offense that the court or probation department  
2 has determined to be sexually motivated (as defined in the Sex  
3 Offender Management Board Act), the court or the probation  
4 department shall assess additional fees to pay for all costs of  
5 treatment, assessment, evaluation for risk and treatment, and  
6 monitoring the offender, based on that offender's ability to  
7 pay those costs either as they occur or under a payment plan.

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

24 (l) The court may order an offender who is sentenced to  
25 probation or conditional discharge for a violation of an order  
26 of protection be placed under electronic surveillance as



1 provided in Section 5-8A-7 of this Code.

2 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
3 94-556, eff. 9-11-05; 95-331, eff. 8-21-07; 95-464, eff.  
4 6-1-08; 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff.  
5 1-1-09; 95-876, eff. 8-21-08.)

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

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

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

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

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

15 (3) refrain from possessing a firearm or other  
16 dangerous weapon where the offense is a felony or, if a  
17 misdemeanor, the offense involved the intentional or  
18 knowing infliction of bodily harm or threat of bodily harm;

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

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

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

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

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

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

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

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

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

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

1 offenders;

2 (8.7) if convicted for an offense committed on or after  
3 June 1, 2008 (the effective date of Public Act 95-464) ~~this~~  
4 ~~amendatory Act of the 95th General Assembly~~ that would  
5 qualify the accused as a child sex offender as defined in  
6 Section 11-9.3 or 11-9.4 of the Criminal Code of 1961,  
7 refrain from communicating with or contacting, by means of  
8 the Internet, a person who is not related to the accused  
9 and whom the accused reasonably believes to be under 18  
10 years of age; for purposes of this paragraph (8.7),  
11 "Internet" has the meaning ascribed to it in Section 16J-5  
12 of the Criminal Code of 1961; and a person is not related  
13 to the accused if the person is not: (i) the spouse,  
14 brother, or sister of the accused; (ii) a descendant of the  
15 accused; (iii) a first or second cousin of the accused; or  
16 (iv) a step-child or adopted child of the accused;

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

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

1 search for employment with the prior approval of the  
2 offender's probation officer;

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

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

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

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; and -

23 (19) refrain from possessing a firearm or other  
24 dangerous weapon where the offense is a misdemeanor that  
25 did not involve the intentional or knowing infliction of  
26 bodily harm or threat of bodily harm.

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

11           (d) An offender sentenced to probation or to conditional  
12 discharge shall be given a certificate setting forth the  
13 conditions thereof.

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

22           Persons committed to imprisonment as a condition of  
23 probation or conditional discharge shall not be committed to  
24 the Department of Corrections.

25           (f) The court may combine a sentence of periodic  
26 imprisonment under Article 7 or a sentence to a county impact

1 incarceration program under Article 8 with a sentence of  
2 probation or conditional discharge.

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

26 (h) Jurisdiction over an offender may be transferred from

1 the sentencing court to the court of another circuit with the  
2 concurrence of both courts. Further transfers or retransfers of  
3 jurisdiction are also authorized in the same manner. The court  
4 to which jurisdiction has been transferred shall have the same  
5 powers as the sentencing court.

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

26 A circuit court may not impose a probation fee under this



1 subsection (i) in excess of \$25 per month unless: (1) the  
2 circuit court has adopted, by administrative order issued by  
3 the chief judge, a standard probation fee guide determining an  
4 offender's ability to pay, under guidelines developed by the  
5 Administrative Office of the Illinois Courts; and (2) the  
6 circuit court has authorized, by administrative order issued by  
7 the chief judge, the creation of a Crime Victim's Services  
8 Fund, to be administered by the Chief Judge or his or her  
9 designee, for services to crime victims and their families. Of  
10 the amount collected as a probation fee, up to \$5 of that fee  
11 collected per month may be used to provide services to crime  
12 victims and their families.

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

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

1 pay those costs either as they occur or under a payment plan.

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

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

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

22 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
23 94-556, eff. 9-11-05; 95-331, eff. 8-21-07; 95-464, eff.  
24 6-1-08; 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff.  
25 1-1-09; 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; revised  
26 10-20-08.)

1           Section 95. No acceleration or delay. Where this Act makes  
2 changes in a statute that is represented in this Act by text  
3 that is not yet or no longer in effect (for example, a Section  
4 represented by multiple versions), the use of that text does  
5 not accelerate or delay the taking effect of (i) the changes  
6 made by this Act or (ii) provisions derived from any other  
7 Public Act.

8           Section 99. Effective date. This Act takes effect upon  
9 becoming law.".