



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4078

Introduced 2/27/2009, by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

720 ILCS 5/33-8 new

730 ILCS 5/3-3-7

730 ILCS 5/5-6-3

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

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

Amends the Criminal Code of 1961 and the Unified Code of Corrections. Provides that a person who has been elected to any office in this State who is convicted of a felony or convicted of a misdemeanor involving a violation of his or her official oath of office shall, as a condition of his or her sentence, forfeit any monetary rights derived from any book, movie, television, radio program, or Internet depiction or detailing of the crime for which he or she was convicted. Provides that the order shall extend to the period in which the elected official is serving a sentence in a penal institution and any period of probation, parole, or mandatory supervised release.

LRB096 08471 RLC 18590 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 1961 is amended by adding
5 Section 33-8 as follows:

6 (720 ILCS 5/33-8 new)

7 Sec. 33-8. Elected official convicted of certain offenses;
8 forfeit profits.

9 (a) A person who has been elected to any office in this
10 State who is convicted of a felony or convicted of a
11 misdemeanor involving a violation of his or her official oath
12 of office shall, as a condition of his or her sentence, forfeit
13 any monetary rights derived from any book, movie, television,
14 radio program, or Internet depiction or detailing of the crime
15 for which he or she was convicted. The order shall extend to
16 the period in which the elected official is serving a sentence
17 in a penal institution and any period of probation, parole, or
18 mandatory supervised release.

19 (b) The Attorney General may maintain an action in the
20 circuit court of the county in which the elected official
21 resides to recover any profits or other monetary interest
22 derived from such a book, movie, television, radio, or Internet
23 depiction or detailing. If the court orders the recovery of the

1 profits or monetary interest from the convicted person, the
2 moneys shall be paid into the General Revenue Fund.

3 (c) For the purposes of this Section, "elected official"
4 includes any former elected official whose term of office is
5 terminated by operation of law for conviction of an offense,
6 who is removed from office on conviction of impeachment for
7 misconduct in office, or who resigned from office prior, upon,
8 or after conviction.

9 Section 10. The Unified Code of Corrections is amended by
10 changing Sections 3-3-7 and 5-6-3 as follows:

11 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

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

13 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
14 Release.

15 (a) The conditions of parole or mandatory supervised
16 release shall be such as the Prisoner Review Board deems
17 necessary to assist the subject in leading a law-abiding life.
18 The conditions of every parole and mandatory supervised release
19 are that the subject:

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

22 (2) refrain from possessing a firearm or other
23 dangerous weapon;

24 (3) report to an agent of the Department of

1 Corrections;

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

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

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

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

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

21 (7.6) if convicted of a sex offense as defined in the
22 Sex Offender Management Board Act, refrain from residing at
23 the same address or in the same condominium unit or
24 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

1 been placed on supervision for a sex offense; the
2 provisions of this paragraph do not apply to a person
3 convicted of a sex offense who is placed in a Department of
4 Corrections licensed transitional housing facility for sex
5 offenders, or is in any facility operated or licensed by
6 the Department of Children and Family Services or by the
7 Department of Human Services, or is in any licensed medical
8 facility;

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

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

1 is not related to the accused if the person is not: (i) the
2 spouse, brother, or sister of the accused; (ii) a
3 descendant of the accused; (iii) a first or second cousin
4 of the accused; or (iv) a step-child or adopted child of
5 the accused;

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

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

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

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

1 written approval of the Department;

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

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

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

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

22 (9) obtain permission of an agent of the Department of
23 Corrections before changing his or her residence or
24 employment;

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

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

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

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

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

19 (15) follow any specific instructions provided by the
20 parole agent that are consistent with furthering
21 conditions set and approved by the Prisoner Review Board or
22 by law, exclusive of placement on electronic detention, to
23 achieve the goals and objectives of his or her parole or
24 mandatory supervised release or to protect the public.
25 These instructions by the parole agent may be modified at
26 any time, as the agent deems appropriate;

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

11 (17) if convicted of a violation of an order of
12 protection under Section 12-30 of the Criminal Code of
13 1961, be placed under electronic surveillance as provided
14 in Section 5-8A-7 of this Code; and -

15 (18) if an elected official convicted of a felony or
16 convicted of a misdemeanor involving a violation of his or
17 her official oath of office, comply with the provisions of
18 Section 33-8 of the Criminal Code of 1961.

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

21 (1) work or pursue a course of study or vocational
22 training;

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

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

1 (4) support his dependents;

2 (5) (blank);

3 (6) (blank);

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

9 (7.5) if convicted for an offense committed on or after
10 the effective date of this amendatory Act of the 95th
11 General Assembly that would qualify the accused as a child
12 sex offender as defined in Section 11-9.3 or 11-9.4 of the
13 Criminal Code of 1961, refrain from communicating with or
14 contacting, by means of the Internet, a person who is
15 related to the accused and whom the accused reasonably
16 believes to be under 18 years of age; for purposes of this
17 paragraph (7.5), "Internet" has the meaning ascribed to it
18 in Section 16J-5 of the Criminal Code of 1961; and a person
19 is related to the accused if the person is: (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 (7.6) if convicted for an offense committed on or after
24 June 1, 2009 (the effective date of Public Act 95-983) ~~this~~
25 ~~amendatory Act of the 95th General Assembly~~ that would
26 qualify as a sex offense as defined in the Sex Offender

1 Registration Act:

2 (i) not access or use a computer or any other
3 device with Internet capability without the prior
4 written approval of the Department;

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 supervising
8 agent, a law enforcement officer, or assigned computer
9 or information technology specialist, including the
10 retrieval and copying of all data from the computer or
11 device and any internal or external peripherals and
12 removal of such information, equipment, or device to
13 conduct a more thorough inspection;

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

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

23 (8) in addition, if a minor:

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

25 (ii) attend school;

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

1 or

2 (iv) contribute to his own support at home or in a
3 foster home.

4 (b-1) In addition to the conditions set forth in
5 subsections (a) and (b), persons required to register as sex
6 offenders pursuant to the Sex Offender Registration Act, upon
7 release from the custody of the Illinois Department of
8 Corrections, may be required by the Board to comply with the
9 following specific conditions of release:

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

11 (2) comply with all requirements of the Sex Offender
12 Registration Act;

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

15 (4) obtain the approval of an agent of the Department
16 of Corrections prior to accepting employment or pursuing a
17 course of study or vocational training and notify the
18 Department prior to any change in employment, study, or
19 training;

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

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

26 (7) refrain from entering into a designated geographic

1 area except upon terms approved in advance by an agent of
2 the Department of Corrections. The terms may include
3 consideration of the purpose of the entry, the time of day,
4 and others accompanying the person;

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

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

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

24 (11) not patronize any business providing sexually
25 stimulating or sexually oriented entertainment nor utilize
26 "900" or adult telephone numbers;

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

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

11 (14) may be required to provide a written daily log of
12 activities if directed by an agent of the Department of
13 Corrections;

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

18 (16) take an annual polygraph exam;

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

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

22 (c) The conditions under which the parole or mandatory
23 supervised release is to be served shall be communicated to the
24 person in writing prior to his release, and he shall sign the
25 same before release. A signed copy of these conditions,
26 including a copy of an order of protection where one had been

1 issued by the criminal court, shall be retained by the person
2 and another copy forwarded to the officer in charge of his
3 supervision.

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

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

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

22 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
23 94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;
24 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
25 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; revised 10-20-08.)

1 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

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

7 (1) not violate any criminal statute of any
8 jurisdiction;

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

11 (3) refrain from possessing a firearm or other
12 dangerous weapon;

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

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

25 (6) perform no less than 30 hours of community service
26 and not more than 120 hours of community service, if

1 community service is available in the jurisdiction and is
2 funded and approved by the county board where the offense
3 was committed, where the offense was related to or in
4 furtherance of the criminal activities of an organized gang
5 and was motivated by the offender's membership in or
6 allegiance to an organized gang. The community service
7 shall include, but not be limited to, the cleanup and
8 repair of any damage caused by a violation of Section
9 21-1.3 of the Criminal Code of 1961 and similar damage to
10 property located within the municipality or county in which
11 the violation occurred. When possible and reasonable, the
12 community service should be performed in the offender's
13 neighborhood. For purposes of this Section, "organized
14 gang" has the meaning ascribed to it in Section 10 of the
15 Illinois Streetgang Terrorism Omnibus Prevention Act;

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

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

17 (8) if convicted of possession of a substance
18 prohibited by the Cannabis Control Act, the Illinois
19 Controlled Substances Act, or the Methamphetamine Control
20 and Community Protection Act after a previous conviction or
21 disposition of supervision for possession of a substance
22 prohibited by the Cannabis Control Act or Illinois
23 Controlled Substances Act or after a sentence of probation
24 under Section 10 of the Cannabis Control Act, Section 410
25 of the Illinois Controlled Substances Act, or Section 70 of
26 the Methamphetamine Control and Community Protection Act

1 and upon a finding by the court that the person is
2 addicted, undergo treatment at a substance abuse program
3 approved by the court;

4 (8.5) if convicted of a felony sex offense as defined
5 in the Sex Offender Management Board Act, the person shall
6 undergo and successfully complete sex offender treatment
7 by a treatment provider approved by the Board and conducted
8 in conformance with the standards developed under the Sex
9 Offender Management Board Act;

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

21 (8.7) if convicted for an offense committed on or after
22 June 1, 2008 (the effective date of Public Act 95-464) ~~this~~
23 ~~amendatory Act of the 95th General Assembly~~ that would
24 qualify the accused as a child sex offender as defined in
25 Section 11-9.3 or 11-9.4 of the Criminal Code of 1961,
26 refrain from communicating with or contacting, by means of

1 the Internet, a person who is not related to the accused
2 and whom the accused reasonably believes to be under 18
3 years of age; for purposes of this paragraph (8.7),
4 "Internet" has the meaning ascribed to it in Section 16J-5
5 of the Criminal Code of 1961; and a person is not related
6 to the accused if the person is not: (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 (8.8) if convicted for an offense under Section 11-6,
11 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
12 Code of 1961, or any attempt to commit any of these
13 offenses, committed on or after June 1, 2009 (the effective
14 date of Public Act 95-983) ~~this amendatory Act of the 95th~~
15 ~~General Assembly:~~

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

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 offender's probation officer;

14 (9) if convicted of a felony, physically surrender at a
15 time and place designated by the court, his or her Firearm
16 Owner's Identification Card and any and all firearms in his
17 or her possession; ~~and~~

18 (10) 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 (11) if an elected official convicted of a felony or
3 convicted of a misdemeanor involving a violation of his or
4 her official oath of office, comply with the provisions of
5 Section 33-8 of the Criminal Code of 1961.

6 (b) 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) serve a term of periodic imprisonment under Article
12 7 for a period not to exceed that specified in paragraph
13 (d) of Section 5-7-1;

14 (2) pay a fine and costs;

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

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

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

21 (6) support his dependents;

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

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

24 (ii) attend school;

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

26 (iv) contribute to his own support at home or in a

1 foster home;

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

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

12 (9) perform some reasonable public or community
13 service;

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

18 (i) remain within the interior premises of the
19 place designated for his confinement during the hours
20 designated by the court;

21 (ii) admit any person or agent designated by the
22 court into the offender's place of confinement at any
23 time for purposes of verifying the offender's
24 compliance with the conditions of his confinement; and

25 (iii) if further deemed necessary by the court or
26 the Probation or Court Services Department, be placed

1 on an approved electronic monitoring device, subject
2 to Article 8A of Chapter V;

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

19 (v) for persons convicted of offenses other than
20 those referenced in clause (iv) above and who are
21 placed on an approved monitoring device as a condition
22 of probation or conditional discharge, the court shall
23 impose a reasonable fee for each day of the use of the
24 device, as established by the county board in
25 subsection (g) of this Section, unless after
26 determining the inability of the defendant to pay the

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

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

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

25 (13) contribute a reasonable sum of money, not to
26 exceed the maximum amount of the fine authorized for the

1 offense for which the defendant was sentenced, (i) to a
2 "local anti-crime program", as defined in Section 7 of the
3 Anti-Crime Advisory Council Act, or (ii) for offenses under
4 the jurisdiction of the Department of Natural Resources, to
5 the fund established by the Department of Natural Resources
6 for the purchase of evidence for investigation purposes and
7 to conduct investigations as outlined in Section 805-105 of
8 the Department of Natural Resources (Conservation) Law;

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

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

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

1 presence of any illicit drug;

2 (17) 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 related to the accused and
9 whom the accused reasonably believes to be under 18 years
10 of age; for purposes of this paragraph (17), "Internet" has
11 the meaning ascribed to it in Section 16J-5 of the Criminal
12 Code of 1961; and a person is related to the accused if the
13 person is: (i) the spouse, brother, or sister of the
14 accused; (ii) a descendant of the accused; (iii) a first or
15 second cousin of the accused; or (iv) a step-child or
16 adopted child of the accused; and

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

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

1 offender's probation officer;

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

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

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

20 (c) The court may as a condition of probation or of
21 conditional discharge require that a person under 18 years of
22 age found guilty of any alcohol, cannabis or controlled
23 substance violation, refrain from acquiring a driver's license
24 during the period of probation or conditional discharge. If
25 such person is in possession of a permit or license, the court
26 may require that the minor refrain from driving or operating

1 any motor vehicle during the period of probation or conditional
2 discharge, except as may be necessary in the course of the
3 minor's lawful employment.

4 (d) An offender sentenced to probation or to conditional
5 discharge shall be given a certificate setting forth the
6 conditions thereof.

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

15 Persons committed to imprisonment as a condition of
16 probation or conditional discharge shall not be committed to
17 the Department of Corrections.

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

22 (g) An offender sentenced to probation or to conditional
23 discharge and who during the term of either undergoes mandatory
24 drug or alcohol testing, or both, or is assigned to be placed
25 on an approved electronic monitoring device, shall be ordered
26 to pay all costs incidental to such mandatory drug or alcohol

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

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

25 (i) The court shall impose upon an offender sentenced to
26 probation after January 1, 1989 or to conditional discharge

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

19 A circuit court may not impose a probation fee under this
20 subsection (i) in excess of \$25 per month unless: (1) the
21 circuit court has adopted, by administrative order issued by
22 the chief judge, a standard probation fee guide determining an
23 offender's ability to pay, under guidelines developed by the
24 Administrative Office of the Illinois Courts; and (2) the
25 circuit court has authorized, by administrative order issued by
26 the chief judge, the creation of a Crime Victim's Services

1 Fund, to be administered by the Chief Judge or his or her
2 designee, for services to crime victims and their families. Of
3 the amount collected as a probation fee, up to \$5 of that fee
4 collected per month may be used to provide services to crime
5 victims and their families.

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

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

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

1 of the Clerks of Courts Act.

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

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

15 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
16 94-556, eff. 9-11-05; 95-331, eff. 8-21-07; 95-464, eff.
17 6-1-08; 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff.
18 1-1-09; 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; revised
19 10-20-08.)