



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4665

by Rep. Monique D. Davis

SYNOPSIS AS INTRODUCED:

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

Amends the Unified Code of Corrections. Provides that an offender convicted of or placed on supervision for an offense committed on or after the effective date of the amendatory Act that would qualify the accused as a child sex offender shall wear an approved electronic monitoring device for the duration of the person's natural life. Effective immediately.

LRB096 15273 RLC 30364 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 Unified Code of Corrections is amended by
5 changing Sections 3-3-7, 5-6-3, and 5-6-3.1 as follows:

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

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

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

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

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

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

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

23 (5) attend or reside in a facility established for the

1 instruction or residence of persons on parole or mandatory
2 supervised release;

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

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

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

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

1 the Department of Children and Family Services or by the
2 Department of Human Services, or is in any licensed medical
3 facility;

4 (7.7) if convicted for an offense that would qualify
5 the accused as a sexual predator under the Sex Offender
6 Registration Act on or after the effective date of this
7 amendatory Act of the 94th General Assembly, wear an
8 approved electronic monitoring device as defined in
9 Section 5-8A-2 for the duration of the person's parole,
10 mandatory supervised release term, or extended mandatory
11 supervised release term and if convicted for an offense of
12 criminal sexual assault, aggravated criminal sexual
13 assault, predatory criminal sexual assault of a child,
14 criminal sexual abuse, aggravated criminal sexual abuse,
15 or ritualized abuse of a child committed on or after August
16 11, 2009 (the effective date of Public Act 96-236) ~~this~~
17 ~~amendatory Act of the 96th General Assembly~~ when the victim
18 was under 18 years of age at the time of the commission of
19 the offense and the defendant used force or the threat of
20 force in the commission of the offense wear an approved
21 electronic monitoring device as defined in Section 5-8A-2
22 that has Global Positioning System (GPS) capability for the
23 duration of the person's parole, mandatory supervised
24 release term, or extended mandatory supervised release
25 term;

26 (7.8) if convicted for an offense committed on or after

1 the effective date of this amendatory Act of the 95th
2 General Assembly that would qualify the accused as a child
3 sex offender as defined in Section 11-9.3 or 11-9.4 of the
4 Criminal Code of 1961, refrain from communicating with or
5 contacting, by means of the Internet, a person who is not
6 related to the accused and whom the accused reasonably
7 believes to be under 18 years of age; for purposes of this
8 paragraph (7.8), "Internet" has the meaning ascribed to it
9 in Section 16J-5 of the Criminal Code of 1961; and a person
10 is not related to the accused if the person is not: (i) the
11 spouse, brother, or sister of the accused; (ii) a
12 descendant of the accused; (iii) a first or second cousin
13 of the accused; or (iv) a step-child or adopted child of
14 the accused;

15 (7.9) if convicted under Section 11-6, 11-20.1,
16 11-20.3, or 11-21 of the Criminal Code of 1961, consent to
17 search of computers, PDAs, cellular phones, and other
18 devices under his or her control that are capable of
19 accessing the Internet or storing electronic files, in
20 order to confirm Internet protocol addresses reported in
21 accordance with the Sex Offender Registration Act and
22 compliance with conditions in this Act;

23 (7.10) if convicted for an offense that would qualify
24 the accused as a sex offender or sexual predator under the
25 Sex Offender Registration Act on or after the effective
26 date of this amendatory Act of the 95th General Assembly,

1 not possess prescription drugs for erectile dysfunction;

2 (7.11) if convicted for an offense under Section 11-6,
3 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
4 Code of 1961, or any attempt to commit any of these
5 offenses, committed on or after June 1, 2009 (the effective
6 date of Public Act 95-983):

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

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

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

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

1 supervising agent;

2 (7.12) if convicted of a sex offense as defined in the
3 Sex Offender Registration Act committed on or after January
4 1, 2010 (the effective date of Public Act 96-262) ~~this~~
5 ~~amendatory Act of the 96th General Assembly~~, refrain from
6 accessing or using a social networking website as defined
7 in Section 16D-2 of the Criminal Code of 1961;

8 (7.13) ~~(7.12)~~ if convicted of a sex offense as defined
9 in Section 2 of the Sex Offender Registration Act committed
10 on or after January 1, 2010 (the effective date of Public
11 Act 96-362) ~~this amendatory Act of the 96th General~~
12 ~~Assembly~~ that requires the person to register as a sex
13 offender under that Act, may not knowingly use any computer
14 scrub software on any computer that the sex offender uses;

15 (7.14) if convicted of an offense committed on or after
16 the effective date of this amendatory Act of the 96th
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, wear an approved electronic
20 monitoring device as defined in Section 5-8A-2 for the
21 duration of the person's natural life;

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

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

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

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

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

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

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

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

1 These instructions by the parole agent may be modified at
2 any time, as the agent deems appropriate;

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

13 (17) if convicted of a violation of an order of
14 protection under Section 12-30 of the Criminal Code of
15 1961, be placed under electronic surveillance as provided
16 in Section 5-8A-7 of this Code.

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

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

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

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

25 (4) support his dependents;

26 (5) (blank);

1 (6) (blank);

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

7 (7.5) if convicted for an offense committed on or after
8 the effective date of this amendatory Act of the 95th
9 General Assembly that would qualify the accused as a child
10 sex offender as defined in Section 11-9.3 or 11-9.4 of the
11 Criminal Code of 1961, refrain from communicating with or
12 contacting, by means of the Internet, a person who is
13 related to the accused and whom the accused reasonably
14 believes to be under 18 years of age; for purposes of this
15 paragraph (7.5), "Internet" has the meaning ascribed to it
16 in Section 16J-5 of the Criminal Code of 1961; and a person
17 is related to the accused if the person is: (i) the spouse,
18 brother, or sister of the accused; (ii) a descendant of the
19 accused; (iii) a first or second cousin of the accused; or
20 (iv) a step-child or adopted child of the accused;

21 (7.6) if convicted for an offense committed on or after
22 June 1, 2009 (the effective date of Public Act 95-983) that
23 would qualify as a sex offense as defined in the Sex
24 Offender Registration Act:

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

1 written approval of the 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; and

20 (8) in addition, if a minor:

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

22 (ii) attend school;

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

24 or

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

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

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

8 (2) comply with all requirements of the Sex Offender
9 Registration Act;

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

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

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

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

23 (7) refrain from entering into a designated geographic
24 area except upon terms approved in advance by an agent of
25 the Department of Corrections. The terms may include
26 consideration of the purpose of the entry, the time of day,

1 and others accompanying the person;

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

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

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

21 (11) not patronize any business providing sexually
22 stimulating or sexually oriented entertainment nor utilize
23 "900" or adult telephone numbers;

24 (12) not reside near, visit, or be in or about parks,
25 schools, day care centers, swimming pools, beaches,
26 theaters, or any other places where minor children

1 congregate without advance approval of an agent of the
2 Department of Corrections and immediately report any
3 incidental contact with minor children to the Department;

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

8 (14) may be required to provide a written daily log of
9 activities if directed by an agent of the Department of
10 Corrections;

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

15 (16) take an annual polygraph exam;

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

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

19 (c) The conditions under which the parole or mandatory
20 supervised release is to be served shall be communicated to the
21 person in writing prior to his release, and he shall sign the
22 same before release. A signed copy of these conditions,
23 including a copy of an order of protection where one had been
24 issued by the criminal court, shall be retained by the person
25 and another copy forwarded to the officer in charge of his
26 supervision.

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

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

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

19 (Source: P.A. 95-464, eff. 6-1-08; 95-539, eff. 1-1-08; 95-579,
20 eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09; 95-876,
21 eff. 8-21-08; 95-983, eff. 6-1-09; 96-236, eff. 8-11-09;
22 96-262, eff. 1-1-10; 96-328, eff. 8-11-09; 96-362, eff. 1-1-10;
23 revised 9-25-09.)

24 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

25 Sec. 5-6-3. Conditions of Probation and of Conditional

1 Discharge.

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

4 (1) not violate any criminal statute of any
5 jurisdiction;

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

8 (3) refrain from possessing a firearm or other
9 dangerous weapon where the offense is a felony or, if a
10 misdemeanor, the offense involved the intentional or
11 knowing infliction of bodily harm or threat of bodily harm;

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

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

24 (6) perform no less than 30 hours of community service
25 and not more than 120 hours of community service, if
26 community service is available in the jurisdiction and is

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

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

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

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

1 addicted, undergo treatment at a substance abuse program
2 approved by the court;

3 (8.5) if convicted of a felony sex offense as defined
4 in the Sex Offender Management Board Act, the person shall
5 undergo and successfully complete sex offender treatment
6 by a treatment provider approved by the Board and conducted
7 in conformance with the standards developed under the Sex
8 Offender Management Board Act;

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

20 (8.7) if convicted for an offense committed on or after
21 June 1, 2008 (the effective date of Public Act 95-464) that
22 would qualify the accused as a child sex offender as
23 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
24 1961, refrain from communicating with or contacting, by
25 means of the Internet, a person who is not related to the
26 accused and whom the accused reasonably believes to be

1 under 18 years of age; for purposes of this paragraph
2 (8.7), "Internet" has the meaning ascribed to it in Section
3 16J-5 of the Criminal Code of 1961; and a person is not
4 related to the accused if the person is not: (i) the
5 spouse, brother, or sister of the accused; (ii) a
6 descendant of the accused; (iii) a first or second cousin
7 of the accused; or (iv) a step-child or adopted child of
8 the accused;

9 (8.8) if convicted for an offense under Section 11-6,
10 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
11 Code of 1961, or any attempt to commit any of these
12 offenses, committed on or after June 1, 2009 (the effective
13 date of Public Act 95-983):

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

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

1 peripherals and removal of such information,
2 equipment, or device to conduct a more thorough
3 inspection;

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

8 (iv) submit to any other appropriate restrictions
9 concerning the offender's use of or access to a
10 computer or any other device with Internet capability
11 imposed by the offender's probation officer;

12 (8.9) if convicted of a sex offense as defined in the
13 Sex Offender Registration Act committed on or after January
14 1, 2010 (the effective date of Public Act 96-262) ~~this~~
15 ~~amendatory Act of the 96th General Assembly~~, refrain from
16 accessing or using a social networking website as defined
17 in Section 16D-2 of the Criminal Code of 1961;

18 (8.10) if convicted of an offense committed on or after
19 the effective date of this amendatory Act of the 96th
20 General Assembly that would qualify the accused as a child
21 sex offender as defined in Section 11-9.3 or 11-9.4 of the
22 Criminal Code of 1961, wear an approved electronic
23 monitoring device as defined in Section 5-8A-2 for the
24 duration of the person's natural life;

25 (9) if convicted of a felony, physically surrender at a
26 time and place designated by the court, his or her Firearm

1 Owner's Identification Card and any and all firearms in his
2 or her possession;

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

13 (11) if convicted of a sex offense as defined in
14 Section 2 of the Sex Offender Registration Act committed on
15 or after January 1, 2010 (the effective date of Public Act
16 96-362) ~~this amendatory Act of the 96th General Assembly~~
17 that requires the person to register as a sex offender
18 under that Act, may not knowingly use any computer scrub
19 software on any computer that the sex offender uses.

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

25 (1) serve a term of periodic imprisonment under Article
26 7 for a period not to exceed that specified in paragraph

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

1 service;

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

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

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

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

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

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

7 (v) for persons convicted of offenses other than
8 those referenced in clause (iv) above and who are
9 placed on an approved monitoring device as a condition
10 of probation or conditional discharge, the court shall
11 impose a reasonable fee for each day of the use of the
12 device, as established by the county board in
13 subsection (g) of this Section, unless after
14 determining the inability of the defendant to pay the
15 fee, the court assesses a lesser fee or no fee as the
16 case may be. This fee shall be imposed in addition to
17 the fees imposed under subsections (g) and (i) of this
18 Section. The fee shall be collected by the clerk of the
19 circuit court. The clerk of the circuit court shall pay
20 all monies collected from this fee to the county
21 treasurer who shall use the monies collected to defray
22 the costs of corrections. The county treasurer shall
23 deposit the fee collected in the county working cash
24 fund under Section 6-27001 or Section 6-29002 of the
25 Counties Code, as the case may be.

26 (11) comply with the terms and conditions of an order

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

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

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

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

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

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

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

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

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

4 (18) if convicted for an offense committed on or after
5 June 1, 2009 (the effective date of Public Act 95-983) that
6 would qualify as a sex offense as defined in the Sex
7 Offender Registration Act:

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

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

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

1 systems to monitor the Internet use; and

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

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

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

20 (d) An offender sentenced to probation or to conditional
21 discharge shall be given a certificate setting forth the
22 conditions thereof.

23 (e) Except where the offender has committed a fourth or
24 subsequent violation of subsection (c) of Section 6-303 of the
25 Illinois Vehicle Code, the court shall not require as a
26 condition of the sentence of probation or conditional discharge

1 that the offender be committed to a period of imprisonment in
2 excess of 6 months. This 6 month limit shall not include
3 periods of confinement given pursuant to a sentence of county
4 impact incarceration under Section 5-8-1.2.

5 Persons committed to imprisonment as a condition of
6 probation or conditional discharge shall not be committed to
7 the Department of Corrections.

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

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

1 administrative order. The fees shall be collected by the clerk
2 of the circuit court. The clerk of the circuit court shall pay
3 all moneys collected from these fees to the county treasurer
4 who shall use the moneys collected to defray the costs of drug
5 testing, alcohol testing, and electronic monitoring. The
6 county treasurer shall deposit the fees collected in the county
7 working cash fund under Section 6-27001 or Section 6-29002 of
8 the Counties Code, as the case may be.

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

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

1 ward of the State under the Juvenile Court Act of 1987 while
2 the minor is in placement. The fee shall be imposed only upon
3 an offender who is actively supervised by the probation and
4 court services department. The fee shall be collected by the
5 clerk of the circuit court. The clerk of the circuit court
6 shall pay all monies collected from this fee to the county
7 treasurer for deposit in the probation and court services fund
8 under Section 15.1 of the Probation and Probation Officers Act.

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

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

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

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

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

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

5 (Source: P.A. 95-331, eff. 8-21-07; 95-464, eff. 6-1-08;
6 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff. 1-1-09;
7 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; 96-262, eff. 1-1-10;
8 96-328, eff. 8-11-09; 96-362, eff. 1-1-10; 96-695, eff.
9 8-25-09; revised 9-25-09.)

10 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

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

12 (a) When a defendant is placed on supervision, the court
13 shall enter an order for supervision specifying the period of
14 such supervision, and shall defer further proceedings in the
15 case until the conclusion of the period.

16 (b) The period of supervision shall be reasonable under all
17 of the circumstances of the case, but may not be longer than 2
18 years, unless the defendant has failed to pay the assessment
19 required by Section 10.3 of the Cannabis Control Act, Section
20 411.2 of the Illinois Controlled Substances Act, or Section 80
21 of the Methamphetamine Control and Community Protection Act, in
22 which case the court may extend supervision beyond 2 years.
23 Additionally, the court shall order the defendant to perform no
24 less than 30 hours of community service and not more than 120
25 hours of community service, if community service is available

1 in the jurisdiction and is funded and approved by the county
2 board where the offense was committed, when the offense (1) was
3 related to or in furtherance of the criminal activities of an
4 organized gang or was motivated by the defendant's membership
5 in or allegiance to an organized gang; or (2) is a violation of
6 any Section of Article 24 of the Criminal Code of 1961 where a
7 disposition of supervision is not prohibited by Section 5-6-1
8 of this Code. The community service shall include, but not be
9 limited to, the cleanup and repair of any damage caused by
10 violation of Section 21-1.3 of the Criminal Code of 1961 and
11 similar damages to property located within the municipality or
12 county in which the violation occurred. Where possible and
13 reasonable, the community service should be performed in the
14 offender's neighborhood.

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

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

23 (1) make a report to and appear in person before or
24 participate with the court or such courts, person, or
25 social service agency as directed by the court in the order
26 of supervision;

- 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) refrain from possessing a firearm or other
10 dangerous weapon;
- 11 (8) and in addition, if a minor:
 - 12 (i) reside with his parents or in a foster home;
 - 13 (ii) attend school;
 - 14 (iii) attend a non-residential program for youth;
 - 15 (iv) contribute to his own support at home or in a
16 foster home; or
 - 17 (v) with the consent of the superintendent of the
18 facility, attend an educational program at a facility
19 other than the school in which the offense was
20 committed if he or she is placed on supervision for a
21 crime of violence as defined in Section 2 of the Crime
22 Victims Compensation Act committed in a school, on the
23 real property comprising a school, or within 1,000 feet
24 of the real property comprising a school;
- 25 (9) make restitution or reparation in an amount not to
26 exceed actual loss or damage to property and pecuniary loss

1 or make restitution under Section 5-5-6 to a domestic
2 violence shelter. The court shall determine the amount and
3 conditions of payment;

4 (10) perform some reasonable public or community
5 service;

6 (11) comply with the terms and conditions of an order
7 of protection issued by the court pursuant to the Illinois
8 Domestic Violence Act of 1986 or an order of protection
9 issued by the court of another state, tribe, or United
10 States territory. If the court has ordered the defendant to
11 make a report and appear in person under paragraph (1) of
12 this subsection, a copy of the order of protection shall be
13 transmitted to the person or agency so designated by the
14 court;

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

21 (13) contribute a reasonable sum of money, not to
22 exceed the maximum amount of the fine authorized for the
23 offense for which the defendant was sentenced, (i) to a
24 "local anti-crime program", as defined in Section 7 of the
25 Anti-Crime Advisory Council Act, or (ii) for offenses under
26 the jurisdiction of the Department of Natural Resources, to

1 the fund established by the Department of Natural Resources
2 for the purchase of evidence for investigation purposes and
3 to conduct investigations as outlined in Section 805-105 of
4 the Department of Natural Resources (Conservation) Law;

5 (14) refrain from entering into a designated
6 geographic area except upon such terms as the court finds
7 appropriate. Such terms may include consideration of the
8 purpose of the entry, the time of day, other persons
9 accompanying the defendant, and advance approval by a
10 probation officer;

11 (15) refrain from having any contact, directly or
12 indirectly, with certain specified persons or particular
13 types of person, including but not limited to members of
14 street gangs and drug users or dealers;

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

22 (17) refrain from operating any motor vehicle not
23 equipped with an ignition interlock device as defined in
24 Section 1-129.1 of the Illinois Vehicle Code; under this
25 condition the court may allow a defendant who is not
26 self-employed to operate a vehicle owned by the defendant's

1 employer that is not equipped with an ignition interlock
2 device in the course and scope of the defendant's
3 employment; and

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

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

17 (e) At the conclusion of the period of supervision, if the
18 court determines that the defendant has successfully complied
19 with all of the conditions of supervision, the court shall
20 discharge the defendant and enter a judgment dismissing the
21 charges.

22 (f) Discharge and dismissal upon a successful conclusion of
23 a disposition of supervision shall be deemed without
24 adjudication of guilt and shall not be termed a conviction for
25 purposes of disqualification or disabilities imposed by law
26 upon conviction of a crime. Two years after the discharge and

1 dismissal under this Section, unless the disposition of
2 supervision was for a violation of Sections 3-707, 3-708,
3 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
4 similar provision of a local ordinance, or for a violation of
5 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which
6 case it shall be 5 years after discharge and dismissal, a
7 person may have his record of arrest sealed or expunged as may
8 be provided by law. However, any defendant placed on
9 supervision before January 1, 1980, may move for sealing or
10 expungement of his arrest record, as provided by law, at any
11 time after discharge and dismissal under this Section. A person
12 placed on supervision for a sexual offense committed against a
13 minor as defined in clause (a)(1)(L) of Section 5.2 of the
14 Criminal Identification Act or for a violation of Section
15 11-501 of the Illinois Vehicle Code or a similar provision of a
16 local ordinance shall not have his or her record of arrest
17 sealed or expunged.

18 (g) A defendant placed on supervision and who during the
19 period of supervision undergoes mandatory drug or alcohol
20 testing, or both, or is assigned to be placed on an approved
21 electronic monitoring device, shall be ordered to pay the costs
22 incidental to such mandatory drug or alcohol testing, or both,
23 and costs incidental to such approved electronic monitoring in
24 accordance with the defendant's ability to pay those costs. The
25 county board with the concurrence of the Chief Judge of the
26 judicial circuit in which the county is located shall establish

1 reasonable fees for the cost of maintenance, testing, and
2 incidental expenses related to the mandatory drug or alcohol
3 testing, or both, and all costs incidental to approved
4 electronic monitoring, of all defendants placed on
5 supervision. The concurrence of the Chief Judge shall be in the
6 form of an administrative order. The fees shall be collected by
7 the clerk of the circuit court. The clerk of the circuit court
8 shall pay all moneys collected from these fees to the county
9 treasurer who shall use the moneys collected to defray the
10 costs of drug testing, alcohol testing, and electronic
11 monitoring. The county treasurer shall deposit the fees
12 collected in the county working cash fund under Section 6-27001
13 or Section 6-29002 of the Counties Code, as the case may be.

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

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

1 The fee shall be imposed only upon a defendant who is actively
2 supervised by the probation and court services department. The
3 fee shall be collected by the clerk of the circuit court. The
4 clerk of the circuit court shall pay all monies collected from
5 this fee to the county treasurer for deposit in the probation
6 and court services fund pursuant to Section 15.1 of the
7 Probation and Probation Officers Act.

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

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

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

26 (1) The court shall require a defendant placed on

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

13 (m) The Secretary of State shall require anyone placed on
14 court supervision for a violation of Section 3-707 of the
15 Illinois Vehicle Code or a similar provision of a local
16 ordinance to give proof of his or her financial responsibility
17 as defined in Section 7-315 of the Illinois Vehicle Code. The
18 proof shall be maintained by the individual in a manner
19 satisfactory to the Secretary of State for a minimum period of
20 3 years after the date the proof is first filed. The proof
21 shall be limited to a single action per arrest and may not be
22 affected by any post-sentence disposition. The Secretary of
23 State shall suspend the driver's license of any person
24 determined by the Secretary to be in violation of this
25 subsection.

26 (n) Any offender placed on supervision for any offense that

1 the court or probation department has determined to be sexually
2 motivated as defined in the Sex Offender Management Board Act
3 shall be required to refrain from any contact, directly or
4 indirectly, with any persons specified by the court and shall
5 be available for all evaluations and treatment programs
6 required by the court or the probation department.

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

17 (p) An offender placed on supervision for an offense
18 committed on or after June 1, 2008 (the effective date of
19 Public Act 95-464) 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 shall 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 believes
24 to be under 18 years of age. For purposes of this subsection
25 (p), "Internet" has the meaning ascribed to it in Section 16J-5
26 of the Criminal Code of 1961; and a person is not related to

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

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

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

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

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

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

12 (iii) submit to the installation on the offender's
13 computer or device with Internet capability, at the
14 offender'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 computer or
18 any other device with Internet capability imposed by the
19 court.

20 (s) An offender placed on supervision for an offense that
21 is a sex offense as defined in Section 2 of the Sex Offender
22 Registration Act that is committed on or after January 1, 2010
23 (the effective date of Public Act 96-362) ~~this amendatory Act~~
24 ~~of the 96th General Assembly~~ that requires the person to
25 register as a sex offender under that Act, may not knowingly
26 use any computer scrub software on any computer that the sex

1 offender uses.

2 (t) ~~(s)~~ An offender placed on supervision for a sex offense
3 as defined in the Sex Offender Registration Act committed on or
4 after January 1, 2010 (the effective date of Public Act 96-262)
5 ~~this amendatory Act of the 96th General Assembly~~ shall refrain
6 from accessing or using a social networking website as defined
7 in Section 16D-2 of the Criminal Code of 1961.

8 (u) An offender placed on supervision for an offense
9 committed on or after the effective date of this amendatory Act
10 of the 96th General Assembly that would qualify the accused as
11 a child sex offender, as defined in Section 11-9.3 or 11-9.4 of
12 the Criminal Code of 1961, shall wear an approved electronic
13 monitoring device as defined in Section 5-8A-2 for the duration
14 of the person's natural life.

15 (Source: P.A. 95-211, eff. 1-1-08; 95-331, eff. 8-21-07;
16 95-464, eff. 6-1-08; 95-696, eff. 6-1-08; 95-876, eff. 8-21-08;
17 95-983, eff. 6-1-09; 96-262, eff. 1-1-10; 96-362, eff. 1-1-10;
18 96-409, eff. 1-1-10; revised 9-25-09.)

19 Section 95. No acceleration or delay. Where this Act makes
20 changes in a statute that is represented in this Act by text
21 that is not yet or no longer in effect (for example, a Section
22 represented by multiple versions), the use of that text does
23 not accelerate or delay the taking effect of (i) the changes
24 made by this Act or (ii) provisions derived from any other
25 Public Act.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.