



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2595

Introduced 1/21/2010, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

| | |
|----------------------|------------------------------|
| 25 ILCS 70/2 | from Ch. 63, par. 42.82 |
| 705 ILCS 405/6-1 | from Ch. 37, par. 806-1 |
| 705 ILCS 405/6-6 | from Ch. 37, par. 806-6 |
| 725 ILCS 185/4 | from Ch. 38, par. 304 |
| 730 ILCS 5/Act title | |
| 730 ILCS 5/3-2.5-110 | |
| 730 ILCS 5/3-3-11.05 | |
| 730 ILCS 5/5-5-10 | |
| 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 |
| 730 ILCS 110/9b | from Ch. 38, par. 204-1b |
| 730 ILCS 110/15 | from Ch. 38, par. 204-7 |
| 730 ILCS 110/15.1 | from Ch. 38, par. 204-7.1 |
| 730 ILCS 110/16 | from Ch. 38, par. 204-8 |
| 730 ILCS 110/16.1 | |
| 730 ILCS 110/19 new | |
| 730 ILCS 110/20 new | |

Amends the Correctional Budget and Impact Note Act, the Juvenile Court Act of 1987, the Pretrial Services Act, the Unified Code of Corrections, and the Probation and Probation Officers Act. Provides that the Division of Probation Services is established as an independent agency headed by a Director appointed by the Governor (rather than as a Division of the Illinois Supreme Court). Contains transition provisions. Effective immediately.

LRB096 17862 RLC 33230 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 Correctional Budget and Impact Note Act is
5 amended by changing Section 2 as follows:

6 (25 ILCS 70/2) (from Ch. 63, par. 42.82)

7 Sec. 2. Budget impact note required.

8 (a) Every bill which creates a new criminal offense for
9 which a sentence to the Department of Corrections may be
10 imposed; or which enhances any class or category of offense to
11 a higher grade or penalty for which a sentence to the
12 Department of Corrections is authorized; or which requires a
13 mandatory commitment to the Department of Corrections, shall
14 have prepared for it prior to second reading in the house of
15 introduction a brief explanatory statement or note which shall
16 include a reliable estimate of the probable impact of such bill
17 upon the overall resident population of the Department of
18 Corrections and the probable impact which such bill will have
19 upon the Department's annual budget.

20 (b) Every bill that (i) creates a new criminal offense for
21 which a commitment to a juvenile detention facility, sentence
22 of probation, intermediate sanctions, or community service may
23 be imposed or (ii) enhances any class or category of offense to

1 any grade or penalty for which adjudication, commitment, or
2 disposition by a circuit court to the custody of a Probation
3 and Court Services Department may result shall have prepared
4 for it prior to second reading in the house of introduction a
5 brief explanatory statement or note that shall include a
6 reliable estimate of the probable impact of the bill upon the
7 overall probation caseload Statewide and the probable impact
8 the bill will have on staffing needs and upon the annual
9 budgets of the Division of Probation Services ~~Illinois Supreme~~
10 ~~Court~~ and the counties of this State.

11 (Source: P.A. 89-198, eff. 7-21-95.)

12 Section 10. The Juvenile Court Act of 1987 is amended by
13 changing Sections 6-1 and 6-6 as follows:

14 (705 ILCS 405/6-1) (from Ch. 37, par. 806-1)

15 Sec. 6-1. Probation departments; functions and duties.

16 (1) The chief judge of each circuit shall make provision
17 for probation services for each county in his or her circuit.
18 The appointment of officers to probation or court services
19 departments and the administration of such departments shall be
20 governed by the provisions of the Probation and Probation
21 Officers Act.

22 (2) Every county or every group of counties constituting a
23 probation district shall maintain a court services or probation
24 department subject to the provisions of the Probation and

1 Probation Officers Act. For the purposes of this Act, such a
2 court services or probation department has, but is not limited
3 to, the following powers and duties:

4 (a) When authorized or directed by the court, to
5 receive, investigate and evaluate complaints indicating
6 dependency, requirement of authoritative intervention,
7 addiction or delinquency within the meaning of Sections
8 2-3, 2-4, 3-3, 4-3 or 5-105, respectively; to determine or
9 assist the complainant in determining whether a petition
10 should be filed under Sections 2-13, 3-15, 4-12 or 5-520 or
11 whether referral should be made to an agency, association
12 or other person or whether some other action is advisable;
13 and to see that the indicating filing, referral or other
14 action is accomplished. However, no such investigation,
15 evaluation or supervision by such court services or
16 probation department is to occur with regard to complaints
17 indicating only that a minor may be a chronic or habitual
18 truant.

19 (b) When a petition is filed under Section 2-13, 3-15,
20 4-15 or 5-520, to make pre-hearing investigations and
21 formulate recommendations to the court when the court has
22 authorized or directed the department to do so.

23 (c) To counsel and, by order of the court, to supervise
24 minors referred to the court; to conduct indicated programs
25 of casework, including referrals for medical and mental
26 health service, organized recreation and job placement for

1 wards of the court and, when appropriate, for members of
2 the family of a ward; to act as liaison officer between the
3 court and agencies or associations to which minors are
4 referred or through which they are placed; when so
5 appointed, to serve as guardian of the person of a ward of
6 the court; to provide probation supervision and protective
7 supervision ordered by the court; and to provide like
8 services to wards and probationers of courts in other
9 counties or jurisdictions who have lawfully become local
10 residents.

11 (d) To arrange for placements pursuant to court order.

12 (e) To assume administrative responsibility for such
13 detention, shelter care and other institutions for minors
14 as the court may operate.

15 (f) To maintain an adequate system of case records,
16 statistical records, and financial records related to
17 juvenile detention and shelter care and to make reports to
18 the court and other authorized persons, and to the Division
19 of Probation Services ~~Supreme Court~~ pursuant to the
20 Probation and Probation Officers Act.

21 (g) To perform such other services as may be
22 appropriate to effectuate the purposes of this Act or as
23 may be directed by any order of court made under this Act.

24 (3) The court services or probation department in any
25 probation district or county having less than 1,000,000
26 inhabitants, or any personnel of the department, may be

1 required by the circuit court to render services to the court
2 in other matters as well as proceedings under this Act.

3 (4) In any county or probation district, a probation
4 department may be established as a separate division of a more
5 inclusive department of court services, with any appropriate
6 divisional designation. The organization of any such
7 department of court services and the appointment of officers
8 and other personnel must comply with the Probation and
9 Probations Officers Act.

10 (5) For purposes of this Act only, probation officers
11 appointed to probation or court services departments shall be
12 considered peace officers. In the exercise of their official
13 duties, probation officers, sheriffs, and police officers may,
14 anywhere within the State, arrest any minor who is in violation
15 of any of the conditions of his or her probation, continuance
16 under supervision, or informal supervision, and it shall be the
17 duty of the officer making the arrest to take the minor before
18 the court having jurisdiction over the minor for further
19 action.

20 (Source: P.A. 93-576, eff. 1-1-04.)

21 (705 ILCS 405/6-6) (from Ch. 37, par. 806-6)

22 Sec. 6-6. State share of compensation of probation
23 Personnel. (1) Before the 15th day of each month, ~~beginning~~
24 ~~with August, 1966,~~ there shall be filed with the ~~Supreme Court~~
25 Division of Probation Services an itemized statement of the

1 amounts paid, by the county, probation district or counties
2 cooperating informally under Section 6-2, as compensation for
3 Services rendered under this Act pursuant to the Probation and
4 Probation Officers Act ~~"An Act providing for a system of~~
5 ~~probation, for the appointment and compensation of probation~~
6 ~~officers, and authorizing the suspension of final judgment and~~
7 ~~the imposition of sentence upon persons found guilty of certain~~
8 ~~defined crimes and offenses, and legalizing their ultimate~~
9 ~~discharge without punishment", approved June 10, 1911, as~~
10 amended.

11 (2) Such itemized statement shall be filed by the county
12 treasurer, or, in the case of a probation district or of
13 counties cooperating informally under Section 6-2, by the
14 county treasurer of the most populous county, and shall be
15 certified as to amounts by such county treasurer and the
16 Division of Probation Services ~~Supreme Court~~ or its designee
17 shall establish a means of verifying compliance with this
18 Section in the manner of appointment or reappointment of and
19 the percentage of time spent by such personnel.

20 (3) The Division of Probation Services ~~Supreme Court~~ or its
21 designee shall verify that conditions contained in this Section
22 have been met and transmit the statements to the Comptroller
23 who shall examine and audit the monthly statement and, upon
24 finding it correct, shall voucher for payment to the county
25 treasurer filing the same, for his county, probation district
26 or group of co-operating counties the amount of \$1,000 per

1 month for salaries of qualified probation officers who are paid
2 at least at the annual rate of \$17,000.

3 (4) To qualify for State reimbursement under this Section,
4 county probation departments or probation districts must
5 conform to the provisions of the Probation and Probation
6 Officers Act ~~"An Act providing for a system of probation, for~~
7 ~~the appointment and compensation of probation officers, and~~
8 ~~authorizing the suspension of final judgment and the imposition~~
9 ~~of sentence upon persons found guilty of certain defined crimes~~
10 ~~and offenses, and legalizing their ultimate discharge without~~
11 ~~punishment", approved June 10, 1911, as amended.~~ Whether or not
12 a county probation department or probation district applies for
13 State reimbursement, such department or district must abide by
14 the personnel qualifications and hiring procedures promulgated
15 by the Division of Probation Services pursuant to the Probation
16 and Probation Officers Act ~~Supreme Court pursuant to "An Act~~
17 ~~providing for a system of probation, for the appointment and~~
18 ~~compensation of probation officers, and authorizing the~~
19 ~~suspension of final judgment and the imposition of sentence~~
20 ~~upon persons found guilty of certain defined crimes and~~
21 ~~offenses, and legalizing their ultimate discharge without~~
22 ~~punishment", approved June 10, 1911, as amended.~~

23 (Source: P.A. 85-601.)

24 Section 15. The Pretrial Services Act is amended by
25 changing Section 4 as follows:

1 (725 ILCS 185/4) (from Ch. 38, par. 304)

2 Sec. 4. All pretrial services agency personnel shall be
3 full-time employees supervised by the director and, except for
4 secretarial staff, subject to the hiring and training
5 requirements established by the Division of Probation Services
6 ~~Supreme Court~~ as provided in the Probation and Probation
7 Officers Act ~~"An Act providing for a system of probation, for~~
8 ~~the appointment and compensation of probation officers, and~~
9 ~~authorizing the suspension of final judgment and the imposition~~
10 ~~of sentence upon persons found guilty of certain defined crimes~~
11 ~~and offenses, and legalizing their ultimate discharge without~~
12 ~~punishment", approved June 10, 1911, as amended.~~

13 (Source: P.A. 84-1449.)

14 Section 20. The Unified Code of Corrections is amended by
15 changing the title of the Act and Sections 3-2.5-110,
16 3-3-11.05, 5-5-10, 5-6-3, and 5-6-3.1 as follows:

17 (730 ILCS 5/Act title)

18 An Act to create a comprehensive Code of Corrections in
19 relation to the diagnosis and evaluation of offenders and
20 persons charged with offenses, the sentencing, correction and
21 parole of offenders, the establishment of a Division of
22 Probation Services ~~within the Administrative Office of the~~
23 ~~Illinois Courts~~ to be administered by a Director ~~it~~, and to

1 repeal certain Acts and parts of Acts herein named.

2 (730 ILCS 5/3-2.5-110)

3 Sec. 3-2.5-110. State Compact Administrator. A State
4 Compact Administrator for the Interstate Compact for Juveniles
5 shall be appointed by the Governor. The Juvenile State Compact
6 Administrator shall be a representative of the Illinois
7 Department of Juvenile Justice and shall act as the day-to-day
8 administrator for the Interstate Compact for Juveniles. The
9 State Compact Administrator shall serve as the State's
10 Commissioner to the Interstate Commission for Juveniles, as
11 provided in Article III of the Compact. One Deputy State
12 Compact Administrator from probation shall be appointed by the
13 Director of the Division of Probation Services ~~Supreme Court~~. A
14 second Deputy State Compact Administrator shall be appointed by
15 the Department of Human Services.

16 (Source: P.A. 95-937, eff. 8-26-08.)

17 (730 ILCS 5/3-3-11.05)

18 Sec. 3-3-11.05. State Council for Interstate Compacts for
19 the State of Illinois.

20 (a) Membership and appointing authority.

21 (1) A State Compact Administrator for the Interstate
22 Compact for Adult Offender Supervision shall be appointed
23 by the Governor. The Adult Offender Supervision Compact
24 Administrator shall be a representative of the Illinois

1 Department of Corrections and shall act as the day-to-day
2 administrator for the Interstate Compact for Adult
3 Offender Supervision. The State Compact Administrator
4 shall serve as the State's Commissioner to the Interstate
5 Commission for Adult Offenders, as provided in Article IV
6 of the Compact. The Adult Offender Supervision Compact
7 Administrator shall serve as Chairperson of the State
8 Council for Interstate Compacts, except that the State
9 Compact Administrator for the Interstate Compact for
10 Juveniles may be designated by the State Council to serve
11 as Chairperson for the State Council when juvenile issues
12 come before the council.

13 (2) A Deputy Compact Administrator from probation
14 shall be appointed by the Director of the Division of
15 Probation Services ~~Supreme Court~~.

16 (3) A representative shall be appointed by the Speaker
17 of the House of Representatives.

18 (4) A representative shall be appointed by the Minority
19 Leader of the House of Representatives.

20 (5) A representative shall be appointed by the
21 President of the Senate.

22 (6) A representative shall be appointed by the Minority
23 Leader of the Senate.

24 (7) A judicial representative shall be appointed by the
25 Supreme Court.

26 (8) A representative from a crime victims' advocacy

1 group shall be appointed by the Governor.

2 (9) A parole representative shall be appointed by the
3 Director of Corrections.

4 (10) A probation representative shall be appointed by
5 the Director of the Division of Probation Services
6 ~~Administrative Office of the Illinois Courts~~.

7 (11) A representative shall be appointed by the
8 Director of Juvenile Justice.

9 (12) The Deputy Compact Administrator (Juvenile)
10 appointed by the Secretary of Human Services.

11 (13) The State Compact Administrator of the Interstate
12 Compact for Juveniles.

13 (14) The persons appointed under clauses (1) through
14 (13) of this subsection (a) shall be voting members of the
15 State Council. With the approval of the State Council,
16 persons representing other organizations that may have an
17 interest in the Compact may also be appointed to serve as
18 non-voting members of the State Council by those interested
19 organizations. Those organizations may include, but are
20 not limited to, the Illinois Sheriffs' Association, the
21 Illinois Association of Chiefs of Police, the Illinois
22 State's Attorneys Association, and the Office of Attorney
23 General.

24 (b) Terms of appointment.

25 (1) The Compact Administrators and the Deputy Compact
26 Administrators shall serve at the will of their respective

1 appointing authorities.

2 (2) The crime victims' advocacy group representative
3 and the judicial representative shall each serve an initial
4 term of 2 years. Thereafter, they shall each serve for a
5 term of 4 years.

6 (3) The representatives appointed by the Speaker of the
7 House of Representatives, the President of the Senate, the
8 Minority Leader of the House of Representatives, and the
9 Minority Leader of the Senate shall each serve for a term
10 of 4 years. If one of these representatives shall not be
11 able to fulfill the completion of his or her term, then
12 another representative shall be appointed by his or her
13 respective appointing authority for the remainder of his or
14 her term.

15 (4) The probation representative and the parole
16 representative shall each serve a term of 2 years.

17 (5) The time frame limiting the initial term of
18 appointments for voting representatives listed in clauses
19 (2) through (4) of this subsection (b) shall not begin
20 until more than 50% of the appointments have been made by
21 the respective appointing authorities.

22 (c) Duties and responsibilities.

23 (1) The duties and responsibilities of the State
24 Council shall be:

25 (A) To appoint the State Compact Administrator as
26 Illinois' Commissioner on the Interstate Commission.

1 (B) To develop by-laws for the operation of the
2 State Council.

3 (C) To establish policies and procedures for the
4 Interstate Compact operations in Illinois.

5 (D) To monitor and remediate Compact compliance
6 issues in Illinois.

7 (E) To promote system training and public
8 awareness regarding the Compact's mission and
9 mandates.

10 (F) To meet at least twice a year and otherwise as
11 called by the Chairperson.

12 (G) To allow for the appointment of non-voting
13 members as deemed appropriate.

14 (H) To issue rules in accordance with Article 5 of
15 the Illinois Administrative Procedure Act.

16 (I) To publish Interstate Commission rules.

17 (d) Funding. The State shall appropriate funds to the
18 Department of Corrections to support the operations of the
19 State Council and its membership dues to the Interstate
20 Commission.

21 (e) Penalties. Procedures for assessment of penalties
22 imposed pursuant to Article XII of the Compact shall be
23 established by the State Council.

24 (f) Notification of ratification of Compact. The State
25 Compact Administrator shall notify the Governor and Secretary
26 of State when 35 States have enacted the Compact.

1 (Source: P.A. 95-937, eff. 8-26-08.)

2 (730 ILCS 5/5-5-10)

3 Sec. 5-5-10. Community service fee. When an offender or
4 defendant is ordered by the court to perform community service
5 and the offender is not otherwise assessed a fee for probation
6 services, the court shall impose a fee of \$50 for each month
7 the community service ordered by the court is supervised by a
8 probation and court services department, unless after
9 determining the inability of the person sentenced to community
10 service to pay the fee, the court assesses a lesser fee. The
11 court may not impose a fee on a minor who is made a ward of the
12 State under the Juvenile Court Act of 1987 while the minor is
13 in placement. The fee shall be imposed only on an offender who
14 is actively supervised by the probation and court services
15 department. The fee shall be collected by the clerk of the
16 circuit court. The clerk of the circuit court shall pay all
17 monies collected from this fee to the county treasurer for
18 deposit in the probation and court services fund under Section
19 15.1 of the Probation and Probation Officers Act.

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

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

8 (Source: P.A. 93-475, eff. 8-8-03.)

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

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

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

14 (1) not violate any criminal statute of any
15 jurisdiction;

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

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

22 (4) not leave the State without the consent of the
23 court or, in circumstances in which the reason for the
24 absence is of such an emergency nature that prior consent
25 by the court is not possible, without the prior

1 notification and approval of the person's probation
2 officer. Transfer of a person's probation or conditional
3 discharge supervision to another state is subject to
4 acceptance by the other state pursuant to the Interstate
5 Compact for Adult Offender Supervision;

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

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

26 (7) if he or she is at least 17 years of age and has

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

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

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

20 (8.6) if convicted of a sex offense as defined in the
21 Sex Offender Management Board Act, refrain from residing at
22 the same address or in the same condominium unit or
23 apartment unit or in the same condominium complex or
24 apartment complex with another person he or she knows or
25 reasonably should know is a convicted sex offender or has
26 been placed on supervision for a sex offense; the

1 provisions of this paragraph do not apply to a person
2 convicted of a sex offense who is placed in a Department of
3 Corrections licensed transitional housing facility for sex
4 offenders;

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

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

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

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

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

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

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

23 (8.9) if convicted of a sex offense as defined in the
24 Sex Offender Registration Act committed on or after January
25 1, 2010 (the effective date of Public Act 96-262) ~~this~~
26 ~~amendatory Act of the 96th General Assembly~~, refrain from

1 accessing or using a social networking website as defined
2 in Section 16D-2 of the Criminal Code of 1961;

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

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

17 (11) if convicted of a sex offense as defined in
18 Section 2 of the Sex Offender Registration Act committed on
19 or after January 1, 2010 (the effective date of Public Act
20 96-362) ~~this amendatory Act of the 96th General Assembly~~
21 that requires the person to register as a sex offender
22 under that Act, may not knowingly use any computer scrub
23 software on any computer that the sex offender uses.

24 (b) The Court may in addition to other reasonable
25 conditions relating to the nature of the offense or the
26 rehabilitation of the defendant as determined for each

1 defendant in the proper discretion of the Court require that
2 the person:

3 (1) serve a term of periodic imprisonment under Article
4 7 for a period not to exceed that specified in paragraph
5 (d) of Section 5-7-1;

6 (2) pay a fine and costs;

7 (3) work or pursue a course of study or vocational
8 training;

9 (4) undergo medical, psychological or psychiatric
10 treatment; or treatment for drug addiction or alcoholism;

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

13 (6) support his dependents;

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

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

16 (ii) attend school;

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

18 (iv) contribute to his own support at home or in a
19 foster home;

20 (v) with the consent of the superintendent of the
21 facility, attend an educational program at a facility
22 other than the school in which the offense was
23 committed if he or she is convicted of a crime of
24 violence as defined in Section 2 of the Crime Victims
25 Compensation Act committed in a school, on the real
26 property comprising a school, or within 1,000 feet of

1 the real property comprising a school;

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

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

6 (10) serve a term of home confinement. In addition to
7 any other applicable condition of probation or conditional
8 discharge, the conditions of home confinement shall be that
9 the offender:

10 (i) remain within the interior premises of the
11 place designated for his confinement during the hours
12 designated by the court;

13 (ii) admit any person or agent designated by the
14 court into the offender's place of confinement at any
15 time for purposes of verifying the offender's
16 compliance with the conditions of his confinement; and

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

21 (iv) for persons convicted of any alcohol,
22 cannabis or controlled substance violation who are
23 placed on an approved monitoring device as a condition
24 of probation or conditional discharge, the court shall
25 impose a reasonable fee for each day of the use of the
26 device, as established by the county board in

1 subsection (g) of this Section, unless after
2 determining the inability of the offender to pay the
3 fee, the court assesses a lesser fee or no fee as the
4 case may be. This fee shall be imposed in addition to
5 the fees imposed under subsections (g) and (i) of this
6 Section. The fee shall be collected by the clerk of the
7 circuit court. The clerk of the circuit court shall pay
8 all monies collected from this fee to the county
9 treasurer for deposit in the substance abuse services
10 fund under Section 5-1086.1 of the Counties Code; and

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

1 deposit the fee collected in the county working cash
2 fund under Section 6-27001 or Section 6-29002 of the
3 Counties Code, as the case may be.

4 (11) comply with the terms and conditions of an order
5 of protection issued by the court pursuant to the Illinois
6 Domestic Violence Act of 1986, as now or hereafter amended,
7 or an order of protection issued by the court of another
8 state, tribe, or United States territory. A copy of the
9 order of protection shall be transmitted to the probation
10 officer or agency having responsibility for the case;

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

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

1 (14) refrain from entering into a designated
2 geographic area except upon such terms as the court finds
3 appropriate. Such terms may include consideration of the
4 purpose of the entry, the time of day, other persons
5 accompanying the defendant, and advance approval by a
6 probation officer, if the defendant has been placed on
7 probation or advance approval by the court, if the
8 defendant was placed on conditional discharge;

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

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

20 (17) 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 related to the
26 accused and whom the accused reasonably believes to be

1 under 18 years of age; for purposes of this paragraph (17),
2 "Internet" has the meaning ascribed to it in Section 16J-5
3 of the Criminal Code of 1961; and a person is related to
4 the accused if the person is: (i) the spouse, brother, or
5 sister of the accused; (ii) a descendant of the accused;
6 (iii) a first or second cousin of the accused; or (iv) a
7 step-child or adopted child of the accused;

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

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

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

1 inspection;

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

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

10 (19) refrain from possessing a firearm or other
11 dangerous weapon where the offense is a misdemeanor that
12 did not involve the intentional or knowing infliction of
13 bodily harm or threat of bodily harm.

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

24 (d) An offender sentenced to probation or to conditional
25 discharge shall be given a certificate setting forth the
26 conditions thereof.

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

9 Persons committed to imprisonment as a condition of
10 probation or conditional discharge shall not be committed to
11 the Department of Corrections.

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

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

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

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

19 (i) The court shall impose upon an offender sentenced to
20 probation after January 1, 1989 or to conditional discharge
21 after January 1, 1992 or to community service under the
22 supervision of a probation or court services department after
23 January 1, 2004, as a condition of such probation or
24 conditional discharge or supervised community service, a fee of
25 \$50 for each month of probation or conditional discharge
26 supervision or supervised community service ordered by the

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

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

26 This amendatory Act of the 93rd General Assembly deletes

1 the \$10 increase in the fee under this subsection that was
2 imposed by Public Act 93-616. This deletion is intended to
3 control over any other Act of the 93rd General Assembly that
4 retains or incorporates that fee increase.

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

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

22 (k) Any offender who is sentenced to probation or
23 conditional discharge for a felony sex offense as defined in
24 the Sex Offender Management Board Act or any offense that the
25 court or probation department has determined to be sexually
26 motivated as defined in the Sex Offender Management Board Act

1 shall be required to refrain from any contact, directly or
2 indirectly, with any persons specified by the court and shall
3 be available for all evaluations and treatment programs
4 required by the court or the probation department.

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

9 (Source: P.A. 95-331, eff. 8-21-07; 95-464, eff. 6-1-08;
10 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff. 1-1-09;
11 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; 96-262, eff. 1-1-10;
12 96-328, eff. 8-11-09; 96-362, eff. 1-1-10; 96-695, eff.
13 8-25-09; revised 9-25-09.)

14 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

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

16 (a) When a defendant is placed on supervision, the court
17 shall enter an order for supervision specifying the period of
18 such supervision, and shall defer further proceedings in the
19 case until the conclusion of the period.

20 (b) The period of supervision shall be reasonable under all
21 of the circumstances of the case, but may not be longer than 2
22 years, unless the defendant has failed to pay the assessment
23 required by Section 10.3 of the Cannabis Control Act, Section
24 411.2 of the Illinois Controlled Substances Act, or Section 80
25 of the Methamphetamine Control and Community Protection Act, in

1 which case the court may extend supervision beyond 2 years.
2 Additionally, the court shall order the defendant to perform no
3 less than 30 hours of community service and not more than 120
4 hours of community service, if community service is available
5 in the jurisdiction and is funded and approved by the county
6 board where the offense was committed, when the offense (1) was
7 related to or in furtherance of the criminal activities of an
8 organized gang or was motivated by the defendant's membership
9 in or allegiance to an organized gang; or (2) is a violation of
10 any Section of Article 24 of the Criminal Code of 1961 where a
11 disposition of supervision is not prohibited by Section 5-6-1
12 of this Code. The community service shall include, but not be
13 limited to, the cleanup and repair of any damage caused by
14 violation of Section 21-1.3 of the Criminal Code of 1961 and
15 similar damages to property located within the municipality or
16 county in which the violation occurred. Where possible and
17 reasonable, the community service should be performed in the
18 offender's neighborhood.

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

22 (c) The court may in addition to other reasonable
23 conditions relating to the nature of the offense or the
24 rehabilitation of the defendant as determined for each
25 defendant in the proper discretion of the court require that
26 the person:

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

5 (2) pay a fine and costs;

6 (3) work or pursue a course of study or vocational
7 training;

8 (4) undergo medical, psychological or psychiatric
9 treatment; or treatment for drug addiction or alcoholism;

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

12 (6) support his dependents;

13 (7) refrain from possessing a firearm or other
14 dangerous weapon;

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

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

17 (ii) attend school;

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

19 (iv) contribute to his own support at home or in a
20 foster home; or

21 (v) with the consent of the superintendent of the
22 facility, attend an educational program at a facility
23 other than the school in which the offense was
24 committed if he or she is placed on supervision for a
25 crime of violence as defined in Section 2 of the Crime
26 Victims Compensation Act committed in a school, on the

1 real property comprising a school, or within 1,000 feet
2 of the real property comprising a school;

3 (9) make restitution or reparation in an amount not to
4 exceed actual loss or damage to property and pecuniary loss
5 or make restitution under Section 5-5-6 to a domestic
6 violence shelter. The court shall determine the amount and
7 conditions of payment;

8 (10) perform some reasonable public or community
9 service;

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

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;

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

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

26 (17) refrain from operating any motor vehicle not

1 equipped with an ignition interlock device as defined in
2 Section 1-129.1 of the Illinois Vehicle Code; under this
3 condition the court may allow a defendant who is not
4 self-employed to operate a vehicle owned by the defendant's
5 employer that is not equipped with an ignition interlock
6 device in the course and scope of the defendant's
7 employment; and

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

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

21 (e) At the conclusion of the period of supervision, if the
22 court determines that the defendant has successfully complied
23 with all of the conditions of supervision, the court shall
24 discharge the defendant and enter a judgment dismissing the
25 charges.

26 (f) Discharge and dismissal upon a successful conclusion of

1 a disposition of supervision shall be deemed without
2 adjudication of guilt and shall not be termed a conviction for
3 purposes of disqualification or disabilities imposed by law
4 upon conviction of a crime. Two years after the discharge and
5 dismissal under this Section, unless the disposition of
6 supervision was for a violation of Sections 3-707, 3-708,
7 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
8 similar provision of a local ordinance, or for a violation of
9 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which
10 case it shall be 5 years after discharge and dismissal, a
11 person may have his record of arrest sealed or expunged as may
12 be provided by law. However, any defendant placed on
13 supervision before January 1, 1980, may move for sealing or
14 expungement of his arrest record, as provided by law, at any
15 time after discharge and dismissal under this Section. A person
16 placed on supervision for a sexual offense committed against a
17 minor as defined in clause (a)(1)(L) of Section 5.2 of the
18 Criminal Identification Act or for a violation of Section
19 11-501 of the Illinois Vehicle Code or a similar provision of a
20 local ordinance shall not have his or her record of arrest
21 sealed or expunged.

22 (g) A defendant placed on supervision and who during the
23 period of supervision undergoes mandatory drug or alcohol
24 testing, or both, or is assigned to be placed on an approved
25 electronic monitoring device, shall be ordered to pay the costs
26 incidental to such mandatory drug or alcohol testing, or both,

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

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

20 (i) The court shall impose upon a defendant placed on
21 supervision after January 1, 1992 or to community service under
22 the supervision of a probation or court services department
23 after January 1, 2004, as a condition of supervision or
24 supervised community service, a fee of \$50 for each month of
25 supervision or supervised community service ordered by the
26 court, unless after determining the inability of the person

1 placed on supervision or supervised community service to pay
2 the fee, the court assesses a lesser fee. The court may not
3 impose the fee on a minor who is made a ward of the State under
4 the Juvenile Court Act of 1987 while the minor is in placement.
5 The fee shall be imposed only upon a defendant who is actively
6 supervised by the probation and court services department. The
7 fee shall be collected by the clerk of the circuit court. The
8 clerk of the circuit court shall pay all monies collected from
9 this fee to the county treasurer for deposit in the probation
10 and court services fund pursuant to Section 15.1 of the
11 Probation and Probation Officers Act.

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

25 (j) All fines and costs imposed under this Section for any
26 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle

1 Code, or a similar provision of a local ordinance, and any
2 violation of the Child Passenger Protection Act, or a similar
3 provision of a local ordinance, shall be collected and
4 disbursed by the circuit clerk as provided under Section 27.5
5 of the Clerks of Courts Act.

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

1 subsection (k) does not apply to a defendant who is determined
2 by the court to be developmentally disabled or otherwise
3 mentally incapable of completing the educational or vocational
4 program.

5 (l) The court shall require a defendant placed on
6 supervision for possession of a substance prohibited by the
7 Cannabis Control Act, the Illinois Controlled Substances Act,
8 or the Methamphetamine Control and Community Protection Act
9 after a previous conviction or disposition of supervision for
10 possession of a substance prohibited by the Cannabis Control
11 Act, the Illinois Controlled Substances Act, or the
12 Methamphetamine Control and Community Protection Act or a
13 sentence of probation under Section 10 of the Cannabis Control
14 Act or Section 410 of the Illinois Controlled Substances Act
15 and after a finding by the court that the person is addicted,
16 to undergo treatment at a substance abuse program approved by
17 the court.

18 (m) The Secretary of State shall require anyone placed on
19 court supervision for a violation of Section 3-707 of the
20 Illinois Vehicle Code or a similar provision of a local
21 ordinance to give proof of his or her financial responsibility
22 as defined in Section 7-315 of the Illinois Vehicle Code. The
23 proof shall be maintained by the individual in a manner
24 satisfactory to the Secretary of State for a minimum period of
25 3 years after the date the proof is first filed. The proof
26 shall be limited to a single action per arrest and may not be

1 affected by any post-sentence disposition. The Secretary of
2 State shall suspend the driver's license of any person
3 determined by the Secretary to be in violation of this
4 subsection.

5 (n) Any offender placed on supervision for any offense that
6 the court or probation department has determined to be sexually
7 motivated as defined in the Sex Offender Management Board Act
8 shall be required to refrain from any contact, directly or
9 indirectly, with any persons specified by the court and shall
10 be available for all evaluations and treatment programs
11 required by the court or the probation department.

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

22 (p) An offender placed on supervision for an offense
23 committed on or after June 1, 2008 (the effective date of
24 Public Act 95-464) that would qualify the accused as a child
25 sex offender as defined in Section 11-9.3 or 11-9.4 of the
26 Criminal Code of 1961 shall refrain from communicating with or

1 contacting, by means of the Internet, a person who is not
2 related to the accused and whom the accused reasonably believes
3 to be under 18 years of age. For purposes of this subsection
4 (p), "Internet" has the meaning ascribed to it in Section 16J-5
5 of the Criminal Code of 1961; and a person is not related to
6 the accused if the person is not: (i) the spouse, brother, or
7 sister of the accused; (ii) a descendant of the accused; (iii)
8 a first or second cousin of the accused; or (iv) a step-child
9 or adopted child of the accused.

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

25 (r) An offender placed on supervision for an offense under
26 Section 11-6, 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of

1 the Criminal Code of 1961, or any attempt to commit any of
2 these offenses, committed on or after the effective date of
3 this amendatory Act of the 95th General Assembly shall:

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

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

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

21 (iv) submit to any other appropriate restrictions
22 concerning the offender's use of or access to a computer or
23 any other device with Internet capability imposed by the
24 court.

25 (s) An offender placed on supervision for an offense that
26 is a sex offense as defined in Section 2 of the Sex Offender

1 Registration Act that is committed on or after January 1, 2010
2 (the effective date of Public Act 96-362) ~~this amendatory Act~~
3 ~~of the 96th General Assembly~~ that requires the person to
4 register as a sex offender under that Act, may not knowingly
5 use any computer scrub software on any computer that the sex
6 offender uses.

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

13 (Source: P.A. 95-211, eff. 1-1-08; 95-331, eff. 8-21-07;
14 95-464, eff. 6-1-08; 95-696, eff. 6-1-08; 95-876, eff. 8-21-08;
15 95-983, eff. 6-1-09; 96-262, eff. 1-1-10; 96-362, eff. 1-1-10;
16 96-409, eff. 1-1-10; revised 9-25-09.)

17 Section 25. The Probation and Probation Officers Act is
18 amended by changing Sections 9b, 15, 15.1, 16, and 16.1 and by
19 adding Sections 19 and 20 as follows:

20 (730 ILCS 110/9b) (from Ch. 38, par. 204-1b)

21 Sec. 9b. For the purposes of this Act, the words and
22 phrases described in this Section have the meanings designated
23 in this Section, except when a particular context clearly
24 requires a different meaning.

1 (1) "Division" means the Division of Probation Services ~~of~~
2 ~~the Supreme Court.~~

3 (2) "Department" means a probation or court services
4 department that provides probation or court services and such
5 other related services assigned to it by the circuit court or
6 by law.

7 (3) "Probation Officer" means a person employed full time
8 in a probation or court services department providing services
9 to a court under this Act or the Juvenile Court Act of 1987. A
10 probation officer includes detention staff, non-secure group
11 home staff and management personnel who meet minimum standards
12 established by the Division ~~Supreme Court~~ and who are hired
13 under the direction of the circuit court. These probation
14 officers are judicial employees designated on a circuit wide or
15 county basis and compensated by the appropriate county board or
16 boards.

17 (4) "Basic Services" means the number of personnel
18 determined by the Division as necessary to comply with adult,
19 juvenile, and detention services workload standards and to
20 operate authorized programs of intermediate sanctions,
21 intensive probation supervision, public or community service,
22 intake services, secure detention services, non-secure group
23 home services and home confinement.

24 (5) "New or Expanded Services" means personnel necessary to
25 operate pretrial programs, victim and restitution programs,
26 psychological services, drunk driving programs, specialized

1 caseloads, community resource coordination programs, and other
2 programs designed to generally improve the quality of probation
3 and court services.

4 (6) "Individualized Services and Programs" means
5 individualized services provided through purchase of service
6 agreements with individuals, specialists, and local public or
7 private agencies providing non-residential services for the
8 rehabilitation of adult and juvenile offenders as an
9 alternative to local or state incarceration.

10 (7) "Jurisdiction" means the geographical area of
11 authority of a probation department as designated by the chief
12 judge of each circuit court under Section 15 of this Act.

13 (Source: P.A. 89-198, eff. 7-21-95.)

14 (730 ILCS 110/15) (from Ch. 38, par. 204-7)

15 Sec. 15. (1) There is established ~~The Supreme Court of~~
16 ~~Illinois may establish~~ a Division of Probation Services whose
17 purpose shall be the development, establishment, promulgation,
18 and enforcement of uniform standards for probation services in
19 this State, and to otherwise carry out the intent of this Act.
20 The Governor shall appoint a Director of the Division of
21 Probation Services. The Division may:

22 (a) establish qualifications for chief probation
23 officers and other probation and court services personnel
24 as to hiring, promotion, and training.

25 (b) make available, on a timely basis, lists of those

1 applicants whose qualifications meet the regulations
2 referred to herein, including on said lists all candidates
3 found qualified.

4 (c) establish a means of verifying the conditions for
5 reimbursement under this Act and develop criteria for
6 approved costs for reimbursement.

7 (d) develop standards and approve employee
8 compensation schedules for probation and court services
9 departments.

10 (e) employ sufficient personnel in the Division to
11 carry out the functions of the Division.

12 (f) establish a system of training and establish
13 standards for personnel orientation and training.

14 (g) develop standards for a system of record keeping
15 for cases and programs, gather statistics, establish a
16 system of uniform forms, and develop research for planning
17 of Probation Services.

18 (h) develop standards to assure adequate support
19 personnel, office space, equipment and supplies, travel
20 expenses, and other essential items necessary for
21 Probation and Court Services Departments to carry out their
22 duties.

23 (i) review and approve annual plans submitted by
24 Probation and Court Services Departments.

25 (j) monitor and evaluate all programs operated by
26 Probation and Court Services Departments, and may include

1 in the program evaluation criteria such factors as the
2 percentage of Probation sentences for felons convicted of
3 Probationable offenses.

4 (k) seek the cooperation of local and State government
5 and private agencies to improve the quality of probation
6 and court services.

7 (l) where appropriate, establish programs and
8 corresponding standards designed to generally improve the
9 quality of probation and court services and reduce the rate
10 of adult or juvenile offenders committed to the Department
11 of Corrections.

12 (m) establish such other standards and regulations and
13 do all acts necessary to carry out the intent and purposes
14 of this Act.

15 The Division shall develop standards to implement the
16 Domestic Violence Surveillance Program established under
17 Section 5-8A-7 of the Unified Code of Corrections, including
18 (i) procurement of equipment and other services necessary to
19 implement the program and (ii) development of uniform standards
20 for the delivery of the program through county probation
21 departments, and develop standards for collecting data to
22 evaluate the impact and costs of the Domestic Violence
23 Surveillance Program.

24 The Division shall establish a model list of structured
25 intermediate sanctions that may be imposed by a probation
26 agency for violations of terms and conditions of a sentence of

1 probation, conditional discharge, or supervision.

2 The State of Illinois shall provide for the costs of
3 personnel, travel, equipment, telecommunications, postage,
4 commodities, printing, space, contractual services and other
5 related costs necessary to carry out the intent of this Act.

6 (2) (a) The chief judge of each circuit shall provide
7 full-time probation services for all counties within the
8 circuit, in a manner consistent with the annual probation plan,
9 the standards, policies, and regulations established by the
10 Division ~~Supreme Court~~. A probation district of two or more
11 counties within a circuit may be created for the purposes of
12 providing full-time probation services. Every county or group
13 of counties within a circuit shall maintain a probation
14 department which shall be under the authority of the Chief
15 Judge of the circuit or some other judge designated by the
16 Chief Judge. The Chief Judge, through the Probation and Court
17 Services Department shall submit annual plans to the Division
18 for probation and related services.

19 (b) The Chief Judge of each circuit shall appoint the Chief
20 Probation Officer and all other probation officers for his or
21 her circuit from lists of qualified applicants supplied by the
22 Division ~~Supreme Court~~. Candidates for chief managing officer
23 and other probation officer positions must apply to ~~with both~~
24 the Chief Judge of the circuit ~~and the Supreme Court~~.

25 (3) A Probation and Court Service Department shall apply to
26 the Division ~~Supreme Court~~ for funds for basic services, and

1 may apply for funds for new and expanded programs or
2 Individualized Services and Programs. Costs shall be
3 reimbursed monthly based on a plan and budget approved by the
4 Division ~~Supreme Court~~. No Department may be reimbursed for
5 costs which exceed or are not provided for in the approved
6 annual plan and budget. After the effective date of this
7 amendatory Act of 1985, each county must provide basic services
8 in accordance with the annual plan and standards created by the
9 division. No department may receive funds for new or expanded
10 programs or individualized services and programs unless they
11 are in compliance with standards as enumerated in paragraph (h)
12 of subsection (1) of this Section, the annual plan, and
13 standards for basic services.

14 (4) The Division shall reimburse the county or counties for
15 probation services as follows:

16 (a) 100% of the salary of all chief managing officers
17 designated as such by the Chief Judge and the division.

18 (b) 100% of the salary for all probation officer and
19 supervisor positions approved for reimbursement by the
20 division after April 1, 1984, to meet workload standards
21 and to implement intensive sanction and probation
22 supervision programs and other basic services as defined in
23 this Act.

24 (c) 100% of the salary for all secure detention
25 personnel and non-secure group home personnel approved for
26 reimbursement after December 1, 1990. For all such

1 positions approved for reimbursement before December 1,
2 1990, the counties shall be reimbursed \$1,250 per month
3 beginning July 1, 1995, and an additional \$250 per month
4 beginning each July 1st thereafter until the positions
5 receive 100% salary reimbursement. Allocation of such
6 positions will be based on comparative need considering
7 capacity, staff/resident ratio, physical plant and
8 program.

9 (d) \$1,000 per month for salaries for the remaining
10 probation officer positions engaged in basic services and
11 new or expanded services. All such positions shall be
12 approved by the division in accordance with this Act and
13 division standards.

14 (e) 100% of the travel expenses in accordance with
15 Division standards for all Probation positions approved
16 under paragraph (b) of subsection 4 of this Section.

17 (f) If the amount of funds reimbursed to the county
18 under paragraphs (a) through (e) of subsection 4 of this
19 Section on an annual basis is less than the amount the
20 county had received during the 12 month period immediately
21 prior to the effective date of this amendatory Act of 1985,
22 then the Division shall reimburse the amount of the
23 difference to the county. The effect of paragraph (b) of
24 subsection 7 of this Section shall be considered in
25 implementing this supplemental reimbursement provision.

26 (5) The Division shall provide funds beginning on April 1,

1 1987 for the counties to provide Individualized Services and
2 Programs as provided in Section 16 of this Act.

3 (6) A Probation and Court Services Department in order to
4 be eligible for the reimbursement must submit to the Division
5 ~~Supreme Court~~ an application containing such information and in
6 such a form and by such dates as the Division ~~Supreme Court~~ may
7 require. Departments to be eligible for funding must satisfy
8 the following conditions:

9 (a) The Department shall have on file with the Division
10 ~~Supreme Court~~ an annual Probation plan for continuing,
11 improved, and new Probation and Court Services Programs
12 approved by the Division ~~Supreme Court~~ or its designee.
13 This plan shall indicate the manner in which Probation and
14 Court Services will be delivered and improved, consistent
15 with the minimum standards and regulations for Probation
16 and Court Services, as established by the Division ~~Supreme~~
17 ~~Court~~. In counties with more than one Probation and Court
18 Services Department eligible to receive funds, all
19 Departments within that county must submit plans which are
20 approved by the Division ~~Supreme Court~~.

21 (b) The annual probation plan shall seek to generally
22 improve the quality of probation services and to reduce the
23 commitment of adult offenders to the Department of
24 Corrections and to reduce the commitment of juvenile
25 offenders to the Department of Juvenile Justice and shall
26 require, when appropriate, coordination with the

1 Department of Corrections, the Department of Juvenile
2 Justice, and the Department of Children and Family Services
3 in the development and use of community resources,
4 information systems, case review and permanency planning
5 systems to avoid the duplication of services.

6 (c) The Department shall be in compliance with
7 standards developed by the Division ~~Supreme Court~~ for
8 basic, new and expanded services, training, personnel
9 hiring and promotion.

10 (d) The Department shall in its annual plan indicate
11 the manner in which it will support the rights of crime
12 victims and in which manner it will implement Article I,
13 Section 8.1 of the Illinois Constitution and in what manner
14 it will coordinate crime victims' support services with
15 other criminal justice agencies within its jurisdiction,
16 including but not limited to, the State's Attorney, the
17 Sheriff and any municipal police department.

18 (7) No statement shall be verified by the Division ~~Supreme~~
19 ~~Court~~ or its designee or vouchered by the Comptroller unless
20 each of the following conditions have been met:

21 (a) The probation officer is a full-time employee
22 appointed by the Chief Judge to provide probation services.

23 (b) The probation officer, in order to be eligible for
24 State reimbursement, is receiving a salary of at least
25 \$17,000 per year.

26 (c) The probation officer is appointed or was

1 reappointed in accordance with minimum qualifications or
2 criteria established by the Division ~~Supreme Court~~;
3 however, all probation officers appointed prior to January
4 1, 1978, shall be exempted from the minimum requirements
5 established by the Division ~~Supreme Court~~. Payments shall
6 be made to counties employing these exempted probation
7 officers as long as they are employed in the position held
8 on the effective date of this amendatory Act of 1985.
9 Promotions shall be governed by minimum qualifications
10 established by the Division ~~Supreme Court~~.

11 (d) The Department has an established compensation
12 schedule approved by the Division ~~Supreme Court~~. The
13 compensation schedule shall include salary ranges with
14 necessary increments to compensate each employee. The
15 increments shall, within the salary ranges, be based on
16 such factors as bona fide occupational qualifications,
17 performance, and length of service. Each position in the
18 Department shall be placed on the compensation schedule
19 according to job duties and responsibilities of such
20 position. The policy and procedures of the compensation
21 schedule shall be made available to each employee.

22 (8) In order to obtain full reimbursement of all approved
23 costs, each Department must continue to employ at least the
24 same number of probation officers and probation managers as
25 were authorized for employment for the fiscal year which
26 includes January 1, 1985. This number shall be designated as

1 the base amount of the Department. No positions approved by the
2 Division under paragraph (b) of subsection 4 will be included
3 in the base amount. In the event that the Department employs
4 fewer Probation officers and Probation managers than the base
5 amount for a period of 90 days, funding received by the
6 Department under subsection 4 of this Section may be reduced on
7 a monthly basis by the amount of the current salaries of any
8 positions below the base amount.

9 (9) Before the 15th day of each month, the treasurer of any
10 county which has a Probation and Court Services Department, or
11 the treasurer of the most populous county, in the case of a
12 Probation or Court Services Department funded by more than one
13 county, shall submit an itemized statement of all approved
14 costs incurred in the delivery of Basic Probation and Court
15 Services under this Act to the Division ~~Supreme Court~~. The
16 treasurer may also submit an itemized statement of all approved
17 costs incurred in the delivery of new and expanded Probation
18 and Court Services as well as Individualized Services and
19 Programs. The Division ~~Supreme Court~~ or its designee shall
20 verify compliance with this Section and shall examine and audit
21 the monthly statement and, upon finding them to be correct,
22 shall forward them to the Comptroller for payment to the county
23 treasurer. In the case of payment to a treasurer of a county
24 which is the most populous of counties sharing the salary and
25 expenses of a Probation and Court Services Department, the
26 treasurer shall divide the money between the counties in a

1 manner that reflects each county's share of the cost incurred
2 by the Department.

3 (10) The county treasurer must certify that funds received
4 under this Section shall be used solely to maintain and improve
5 Probation and Court Services. The county or circuit shall
6 remain in compliance with all standards, policies and
7 regulations established by the Division ~~Supreme Court~~. If at
8 any time the Division ~~Supreme Court~~ determines that a county or
9 circuit is not in compliance, the Division ~~Supreme Court~~ shall
10 immediately notify the Chief Judge, county board chairman and
11 the Director of Court Services Chief Probation Officer. If
12 after 90 days of written notice the noncompliance still exists,
13 the Division ~~Supreme Court~~ shall be required to reduce the
14 amount of monthly reimbursement by 10%. An additional 10%
15 reduction of monthly reimbursement shall occur for each
16 consecutive month of noncompliance. Except as provided in
17 subsection 5 of Section 15, funding to counties shall commence
18 on April 1, 1986. Funds received under this Act shall be used
19 to provide for Probation Department expenses including those
20 required under Section 13 of this Act. The Mandatory
21 Arbitration Fund may be used to provide for Probation
22 Department expenses, including those required under Section 13
23 of this Act.

24 (11) The respective counties shall be responsible for
25 capital and space costs, fringe benefits, clerical costs,
26 equipment, telecommunications, postage, commodities and

1 printing.

2 (12) For purposes of this Act only, probation officers
3 shall be considered peace officers. In the exercise of their
4 official duties, probation officers, sheriffs, and police
5 officers may, anywhere within the State, arrest any probationer
6 who is in violation of any of the conditions of his or her
7 probation, conditional discharge, or supervision, and it shall
8 be the duty of the officer making the arrest to take the
9 probationer before the Court having jurisdiction over the
10 probationer for further order.

11 (Source: P.A. 95-707, eff. 1-11-08; 95-773, eff. 1-1-09;
12 96-688, eff. 8-25-09.)

13 (730 ILCS 110/15.1) (from Ch. 38, par. 204-7.1)

14 Sec. 15.1. Probation and Court Services Fund.

15 (a) The county treasurer in each county shall establish a
16 probation and court services fund consisting of fees collected
17 pursuant to subsection (i) of Section 5-6-3 and subsection (i)
18 of Section 5-6-3.1 of the Unified Code of Corrections,
19 subsection (10) of Section 5-615 and subsection (5) of Section
20 5-715 of the Juvenile Court Act of 1987, and paragraph 14.3 of
21 subsection (b) of Section 110-10 of the Code of Criminal
22 Procedure of 1963. The county treasurer shall disburse monies
23 from the fund only at the direction of the chief judge of the
24 circuit court in such circuit where the county is located. The
25 county treasurer of each county shall, on or before January 10

1 of each year, submit an annual report to the Division ~~Supreme~~
2 ~~Court~~.

3 (b) Monies in the probation and court services fund shall
4 be appropriated by the county board to be used within the
5 county or jurisdiction where collected in accordance with
6 policies and guidelines approved by the Division ~~Supreme Court~~
7 for the costs of operating the probation and court services
8 department or departments; however, except as provided in
9 subparagraph (g), monies in the probation and court services
10 fund shall not be used for the payment of salaries of probation
11 and court services personnel.

12 (c) Monies expended from the probation and court services
13 fund shall be used to supplement, not supplant, county
14 appropriations for probation and court services.

15 (d) Interest earned on monies deposited in a probation and
16 court services fund may be used by the county for its ordinary
17 and contingent expenditures.

18 (e) The county board may appropriate moneys from the
19 probation and court services fund, upon the direction of the
20 chief judge, to support programs that are part of the continuum
21 of juvenile delinquency intervention programs which are or may
22 be developed within the county. The grants from the probation
23 and court services fund shall be for no more than one year and
24 may be used for any expenses attributable to the program
25 including administration and oversight of the program by the
26 probation department.

1 (f) The county board may appropriate moneys from the
2 probation and court services fund, upon the direction of the
3 chief judge, to support practices endorsed or required under
4 the Sex Offender Management Board Act, including but not
5 limited to sex offender evaluation, treatment, and monitoring
6 programs that are or may be developed within the county.

7 (g) For the State Fiscal Years 2005, 2006, and 2007 only,
8 the Administrative Office of the Illinois Courts may permit a
9 county or circuit to use its probation and court services fund
10 for the payment of salaries of probation officers and other
11 court services personnel whose salaries are reimbursed under
12 this Act if the State's FY2005, FY2006, or FY2007 appropriation
13 to the Supreme Court for reimbursement to counties for
14 probation salaries and services is less than the amount
15 appropriated to the Supreme Court for these purposes for State
16 Fiscal Year 2004. The Administrative Office of the Illinois
17 Courts shall take into account each county's or circuit's
18 probation fee collections and expenditures when apportioning
19 the total reimbursement for each county or circuit.

20 (h) The Division ~~Administrative Office of the Illinois~~
21 ~~Courts~~ may permit a county or circuit to use its probation and
22 court services fund for the payment of salaries of probation
23 officers and other court services personnel whose salaries are
24 reimbursed under this Act in any State fiscal year that the
25 appropriation for reimbursement to counties for probation
26 salaries and services is less than the amount appropriated to

1 the Supreme Court for these purposes for State Fiscal Year
2 2002. The Division ~~Administrative Office of the Illinois Courts~~
3 shall take into account each county's or circuit's probation
4 fee collections and expenditures when appropriating the total
5 reimbursement for each county or circuit. Any amount
6 appropriated to the Supreme Court or Division in any State
7 fiscal year for the purpose of reimbursing Cook County for the
8 salaries and operations of the Cook County Juvenile Temporary
9 Detention Center shall not be counted in the total
10 appropriation to the Supreme Court or Division in that State
11 fiscal year for reimbursement to counties for probation
12 salaries and services, for the purposes of this paragraph (h).
13 (Source: P.A. 94-91, eff. 7-1-05; 94-839, eff. 6-6-06; 95-707,
14 eff. 1-11-08.)

15 (730 ILCS 110/16) (from Ch. 38, par. 204-8)

16 Sec. 16. (1) The purpose of the Section is to encourage the
17 development of a coordinated justice system. It is the
18 legislative policy of the State to more effectively protect
19 society, to promote efficiency and economy in the delivery of
20 services to offenders and to encourage utilization of
21 appropriate sentencing alternatives to imprisonment in State
22 operated institutions. This Section shall be construed to
23 support the development of local individualized programs which
24 will:

25 (a) Provide a continuum of sanctions to increase sentencing

1 options to the judiciary of the State;

2 (b) Enable the Courts to utilize programs which enhance the
3 offender's ability to become a contributing member to his or
4 her community and which will increase the benefits to victims
5 and the communities through restitution;

6 (c) Increase sentencing alternatives for less serious
7 felony offenders and delinquent juveniles in order to reserve
8 prisons and jail beds for serious violent offenders.

9 (2) Any local plan for implementation of individualized
10 services and programs may include but are not limited to the
11 following:

12 (a) Direct offender services - those services applied
13 directly to offenders, including job readiness, educational,
14 vocational, drug or alcohol treatment services; and

15 (b) Nonresidential rehabilitation programs - those
16 programs which comprise a coordinated network within the
17 justice system which expand sentencing options for the
18 judiciary, including drunk driver diversion programs, public
19 services employment, restitution collection; and

20 (c) Emergency services - including detoxification,
21 emergency shelter and support; and

22 (d) Assessment and evaluation services - reports or
23 diagnostic recommendations to provide the justice system with
24 accurate individualized case information, including mental
25 health, drug, alcohol, and living situation information; and

26 (e) Residential alternative sentencing programs - those

1 programs which provide expanded sentencing options for less
2 serious felony offenders and delinquent juveniles, including
3 mother and child unification programs.

4 The local plan must be directed in such a manner as to
5 emphasize an individualized approach to servicing offenders in
6 a strong community based system including probation as the
7 broker of services.

8 The local plan shall be limited to services and shall not
9 include costs for:

- 10 (a) capital expenditures;
11 (b) renovations or remodeling;
12 (c) personnel costs for Probation.

13 (3) A county may make application to the Division ~~Supreme~~
14 ~~Court~~ for funds to provide for Individualized Services and
15 Programs. The Department shall be in compliance with all
16 standards and regulations established by the Division for the
17 delivery of basic Services and application shall be part of the
18 Department's annual Probation plan and shall set forth the
19 following:

20 (a) a statement of objectives for which said funds shall be
21 used;

22 (b) a statement of service needs based upon persons under
23 supervision of the Department;

24 (c) a statement of the type of services and programs to
25 provide for the individual needs of offenders;

26 (d) a budget indicating the costs of each service or

1 program to be funded under the plan;

2 (e) a summary of contracts and service agreements
3 indicating the treatment goals and number of offenders to be
4 served by each service provider; and

5 (f) a statement indicating that the individualized
6 services and programs will not be duplicating existing services
7 and programs.

8 Funds for this plan shall not supplant existing county
9 funded programs. The allocation of payments for adult and
10 juvenile services under the local plan shall be based on the
11 proportionate adult and juvenile workload of the department or
12 departments covered by the local plan.

13 (4) A county or group of counties shall be eligible to
14 apply for an amount of funding not to exceed the same
15 proportionate share of total appropriations for Individualized
16 Services and Programs as the county or group of counties
17 received of total State reimbursements under subsection 4 of
18 Section 15 of this Act or previous Probation subsidy programs
19 in the prior State fiscal year. However the Division ~~Supreme~~
20 ~~Court~~ may waive this limitation to encourage the participation
21 of rural counties.

22 The Division ~~Supreme Court~~ shall forward Individualized
23 Services and Programs allocations to the county treasurer as
24 provided in Section 15 of this Act. Each county shall receive,
25 maintain, and appropriate said funds in a separate line item
26 account of the probation department budget. In addition, the

1 ~~Division Supreme Court~~ shall, upon approval of the annual plan,
2 forward 20% of the approved Individualized Services and
3 Programs allocations to the county treasurer to be deposited in
4 said line item account. Subsequent allocations shall be made to
5 the county on a monthly basis.

6 It shall be the responsibility of the county through the
7 probation budget and in accordance with county policy and
8 procedure to make payments for Individualized Services and
9 Programs.

10 At the end of the State of Illinois fiscal year, the county
11 shall promptly return any uncommitted and unused funds from
12 this account.

13 (5) The ~~Division Supreme Court~~ shall be responsible for the
14 following:

15 (a) The ~~Division Supreme Court~~ may review each
16 Individualized Services and Programs plan for compliance with
17 standards established for such plans. A plan may be approved as
18 submitted, approved with modifications, or rejected. No plan
19 shall be considered for approval if the circuit or county is
20 not in full compliance with all regulations, standards and
21 guidelines pertaining to the delivery of basic probation
22 services as established by the ~~Division Supreme Court~~.

23 (b) The ~~Division Supreme Court~~ shall monitor on a continual
24 basis and shall evaluate annually both the program and its
25 fiscal activities in all counties receiving an allocation under
26 Individualized Services and Programs. Any program or service

1 which has not met the goals and objectives of its contract or
2 service agreement shall be subject to denial for funding in
3 subsequent years. The Division ~~Supreme Court~~ shall evaluate the
4 effectiveness of Individualized Services and Programs in each
5 circuit or county. In determining the future funding for
6 Individualized Services and Programs under this Act, such
7 evaluation shall include, as a primary indicator of success, an
8 increased or maintained percentage of probation sentences for
9 felons convicted of probationable offenses.

10 (c) Any Individualized Services and Programs allocations
11 not applied for and approved by the Division ~~Supreme Court~~
12 shall be available for redistribution to approved plans for the
13 remainder of that fiscal year. Any county that invests local
14 moneys in the Individualized Services and Programs shall be
15 given first consideration for any redistribution of
16 allocations.

17 (Source: P.A. 86-639.)

18 (730 ILCS 110/16.1)

19 Sec. 16.1. Redeploy Illinois Program.

20 (a) The purpose of this Section is to encourage the
21 deinstitutionalization of juvenile offenders by establishing
22 projects in counties or groups of counties that reallocate
23 State funds from juvenile correctional confinement to local
24 jurisdictions, which will establish a continuum of local,
25 community-based sanctions and treatment alternatives for

1 juvenile offenders who would be incarcerated if those local
2 services and sanctions did not exist. It is also intended to
3 offer alternatives, when appropriate, to avoid commitment to
4 the Department of Juvenile Justice, to direct child welfare
5 services for minors charged with a criminal offense or
6 adjudicated delinquent under Section 5 of the Children and
7 Family Services Act. The allotment of funds will be based on a
8 formula that rewards local jurisdictions for the establishment
9 or expansion of local alternatives to incarceration, and
10 requires them to pay for utilization of incarceration as a
11 sanction. In addition, there shall be an allocation of
12 resources (amount to be determined annually by the Redeploy
13 Illinois Oversight Board) set aside at the beginning of each
14 fiscal year to be made available for any county or groups of
15 counties which need resources only occasionally for services to
16 avoid commitment to the Department of Juvenile Justice for a
17 limited number of youth. This redeployment of funds shall be
18 made in a manner consistent with the Juvenile Court Act of 1987
19 and the following purposes and policies:

20 (1) The juvenile justice system should protect the
21 community, impose accountability to victims and
22 communities for violations of law, and equip juvenile
23 offenders with competencies to live responsibly and
24 productively.

25 (2) Juveniles should be treated in the least
26 restrictive manner possible while maintaining the safety

1 of the community.

2 (3) A continuum of services and sanctions from least
3 restrictive to most restrictive should be available in
4 every community.

5 (4) There should be local responsibility and authority
6 for planning, organizing, and coordinating service
7 resources in the community. People in the community can
8 best choose a range of services which reflect community
9 values and meet the needs of their own youth.

10 (5) Juveniles who pose a threat to the community or
11 themselves need special care, including secure settings.
12 Such services as detention, long-term incarceration, or
13 residential treatment are too costly to provide in each
14 community and should be coordinated and provided on a
15 regional or Statewide basis.

16 (6) The roles of State and local government in creating
17 and maintaining services to youth in the juvenile justice
18 system should be clearly defined. The role of the State is
19 to fund services, set standards of care, train service
20 providers, and monitor the integration and coordination of
21 services. The role of local government should be to oversee
22 the provision of services.

23 (b) Each county or circuit participating in the Redeploy
24 Illinois program must create a local plan demonstrating how it
25 will reduce the county or circuit's utilization of secure
26 confinement of juvenile offenders in the Illinois Department of

1 Juvenile Justice or county detention centers by the creation or
2 expansion of individualized services or programs that may
3 include but are not limited to the following:

4 (1) Assessment and evaluation services to provide the
5 juvenile justice system with accurate individualized case
6 information on each juvenile offender including mental
7 health, substance abuse, educational, and family
8 information;

9 (2) Direct services to individual juvenile offenders
10 including educational, vocational, mental health,
11 substance abuse, supervision, and service coordination;
12 and

13 (3) Programs that seek to restore the offender to the
14 community, such as victim offender panels, teen courts,
15 competency building, enhanced accountability measures,
16 restitution, and community service. The local plan must be
17 directed in such a manner as to emphasize an individualized
18 approach to providing services to juvenile offenders in an
19 integrated community based system including probation as
20 the broker of services. The plan must also detail the
21 reduction in utilization of secure confinement. The local
22 plan shall be limited to services and shall not include
23 costs for:

24 (i) capital expenditures;

25 (ii) renovations or remodeling;

26 (iii) personnel costs for probation.

1 The local plan shall be submitted to the Department of
2 Human Services.

3 (c) A county or group of counties may develop an agreement
4 with the Department of Human Services to reduce their number of
5 commitments of juvenile offenders, excluding minors sentenced
6 based upon a finding of guilt of first degree murder or an
7 offense which is a Class X forcible felony as defined in the
8 Criminal Code of 1961, to the Department of Juvenile Justice,
9 and then use the savings to develop local programming for youth
10 who would otherwise have been committed to the Department of
11 Juvenile Justice. A county or group of counties shall agree to
12 limit their commitments to 75% of the level of commitments from
13 the average number of juvenile commitments for the past 3
14 years, and will receive the savings to redeploy for local
15 programming for juveniles who would otherwise be held in
16 confinement. For any county or group of counties with a
17 decrease of juvenile commitments of at least 25%, based on the
18 average reductions of the prior 3 years, which are chosen to
19 participate or continue as sites, the Redeploy Illinois
20 Oversight Board has the authority to reduce the required
21 percentage of future commitments to achieve the purpose of this
22 Section. The agreement shall set forth the following:

23 (1) a Statement of the number and type of juvenile
24 offenders from the county who were held in secure
25 confinement by the Illinois Department of Juvenile Justice
26 or in county detention the previous year, and an

1 explanation of which, and how many, of these offenders
2 might be served through the proposed Redeploy Illinois
3 Program for which the funds shall be used;

4 (2) a Statement of the service needs of currently
5 confined juveniles;

6 (3) a Statement of the type of services and programs to
7 provide for the individual needs of the juvenile offenders,
8 and the research or evidence base that qualifies those
9 services and programs as proven or promising practices;

10 (4) a budget indicating the costs of each service or
11 program to be funded under the plan;

12 (5) a summary of contracts and service agreements
13 indicating the treatment goals and number of juvenile
14 offenders to be served by each service provider; and

15 (6) a Statement indicating that the Redeploy Illinois
16 Program will not duplicate existing services and programs.
17 Funds for this plan shall not supplant existing county
18 funded programs.

19 (d) (Blank).

20 (d-5) A county or group of counties that does not have an
21 approved Redeploy Illinois program, as described in subsection
22 (b), and that has committed fewer than 10 Redeploy eligible
23 youth to the Department of Juvenile Justice on average over the
24 previous 3 years, may develop an individualized agreement with
25 the Department of Human Services through the Redeploy Illinois
26 program to provide services to youth to avoid commitment to the

1 Department of Juvenile Justice. The agreement shall set forth
2 the following:

3 (1) a statement of the number and type of juvenile
4 offenders from the county who were at risk under any of the
5 categories listed above during the 3 previous years, and an
6 explanation of which of these offenders would be served
7 through the proposed Redeploy Illinois program for which
8 the funds shall be used, or through individualized
9 contracts with existing Redeploy programs in neighboring
10 counties;

11 (2) a statement of the service needs;

12 (3) a statement of the type of services and programs to
13 provide for the individual needs of the juvenile offenders,
14 and the research or evidence that qualifies those services
15 and programs as proven or promising practices;

16 (4) a budget indicating the costs of each service or
17 program to be funded under the plan;

18 (5) a summary of contracts and service agreements
19 indicating the treatment goals and number of juvenile
20 offenders to be served by each service provider; and

21 (6) a statement indicating that the Redeploy Illinois
22 program will not duplicate existing services and programs.
23 Funds for this plan shall not supplant existing county
24 funded programs.

25 (e) The Department of Human Services shall be responsible
26 for the following:

1 (1) Reviewing each Redeploy Illinois Program plan for
2 compliance with standards established for such plans. A
3 plan may be approved as submitted, approved with
4 modifications, or rejected. No plan shall be considered for
5 approval if the circuit or county is not in full compliance
6 with all regulations, standards and guidelines pertaining
7 to the delivery of basic probation services as established
8 by the Division ~~Supreme Court~~.

9 (2) Monitoring on a continual basis and evaluating
10 annually both the program and its fiscal activities in all
11 counties receiving an allocation under the Redeploy
12 Illinois Program. Any program or service that has not met
13 the goals and objectives of its contract or service
14 agreement shall be subject to denial for funding in
15 subsequent years. The Department of Human Services shall
16 evaluate the effectiveness of the Redeploy Illinois
17 Program in each circuit or county. In determining the
18 future funding for the Redeploy Illinois Program under this
19 Act, the evaluation shall include, as a primary indicator
20 of success, a decreased number of confinement days for the
21 county's juvenile offenders.

22 (f) Any Redeploy Illinois Program allocations not applied
23 for and approved by the Department of Human Services shall be
24 available for redistribution to approved plans for the
25 remainder of that fiscal year. Any county that invests local
26 moneys in the Redeploy Illinois Program shall be given first

1 consideration for any redistribution of allocations.
2 Jurisdictions participating in Redeploy Illinois that exceed
3 their agreed upon level of commitments to the Department of
4 Juvenile Justice shall reimburse the Department of Corrections
5 for each commitment above the agreed upon level.

6 (g) Implementation of Redeploy Illinois.

7 (1) Oversight of Redeploy Illinois.

8 (i) Redeploy Illinois Oversight Board. The
9 Department of Human Services shall convene an
10 oversight board to oversee the Redeploy Illinois
11 Program. The Board shall include, but not be limited
12 to, designees from the Department of Juvenile Justice,
13 ~~the Administrative Office of Illinois Courts,~~ the
14 Illinois Juvenile Justice Commission, the Illinois
15 Criminal Justice Information Authority, the Department
16 of Children and Family Services, the State Board of
17 Education, the Cook County State's Attorney, and a
18 State's Attorney selected by the President of the
19 Illinois State's Attorney's Association, the Cook
20 County Public Defender, a representative of the
21 defense bar appointed by the Chief Justice of the
22 Illinois Supreme Court, a representative of probation
23 appointed by the Chief Justice of the Illinois Supreme
24 Court, and judicial representation appointed by the
25 Chief Justice of the Illinois Supreme Court. Up to an
26 additional 9 members may be appointed by the Secretary

1 of Human Services from recommendations by the
2 Oversight Board; these appointees shall possess a
3 knowledge of juvenile justice issues and reflect the
4 collaborative public/private relationship of Redeploy
5 programs.

6 (ii) Responsibilities of the Redeploy Illinois
7 Oversight Board. The Oversight Board shall:

8 (A) Identify jurisdictions to be included in
9 the program of Redeploy Illinois.

10 (B) Develop a formula for reimbursement of
11 local jurisdictions for local and community-based
12 services utilized in lieu of commitment to the
13 Department of Juvenile Justice, as well as for any
14 charges for local jurisdictions for commitments
15 above the agreed upon limit in the approved plan.

16 (C) Identify resources sufficient to support
17 the administration and evaluation of Redeploy
18 Illinois.

19 (D) Develop a process and identify resources
20 to support on-going monitoring and evaluation of
21 Redeploy Illinois.

22 (E) Develop a process and identify resources
23 to support training on Redeploy Illinois.

24 (E-5) Review proposed individualized
25 agreements and approve where appropriate the
26 distribution of resources.

1 (F) Report to the Governor and the General
2 Assembly on an annual basis on the progress of
3 Redeploy Illinois.

4 (iii) Length of Planning Phase. The planning phase
5 may last up to, but may in no event last longer than,
6 July 1, 2004.

7 (2) (Blank).

8 (3) There shall be created the Redeploy County Review
9 Committee composed of the designees of the Secretary of
10 Human Services and the Directors of Juvenile Justice, of
11 Children and Family Services, and of the Governor's Office
12 of Management and Budget who shall constitute a
13 subcommittee of the Redeploy Illinois Oversight Board.

14 (h) Responsibilities of the County Review Committee. The
15 County Review Committee shall:

16 (1) Review individualized agreements from counties
17 requesting resources on an occasional basis for services
18 for youth described in subsection (d-5).

19 (2) Report its decisions to the Redeploy Illinois
20 Oversight Board at regularly scheduled meetings.

21 (3) Monitor the effectiveness of the resources in
22 meeting the mandates of the Redeploy Illinois program set
23 forth in this Section so these results might be included in
24 the Report described in clause (g) (1) (ii) (F).

25 (4) During the third quarter, assess the amount of
26 remaining funds available and necessary to complete the

1 fiscal year so that any unused funds may be distributed as
2 defined in subsection (f).

3 (5) Ensure that the number of youth from any applicant
4 county receiving individualized resources will not exceed
5 the previous three-year average of Redeploy eligible
6 recipients and that counties are in conformity with all
7 other elements of this law.

8 (i) Implementation of this Section is subject to
9 appropriation.

10 (j) Rulemaking authority to implement this amendatory Act
11 of the 95th General Assembly, if any, is conditioned on the
12 rules being adopted in accordance with all provisions of and
13 procedures and rules implementing the Illinois Administrative
14 Procedure Act; any purported rule not so adopted, for whatever
15 reason, is unauthorized.

16 (Source: P.A. 94-696, eff. 6-1-06; 94-1032, eff. 1-1-07;
17 95-1050, eff. 1-1-10.)

18 (730 ILCS 110/19 new)

19 Sec. 19. Transition.

20 (a) The Division of Probation Services of the Supreme Court
21 is abolished on the effective date of this amendatory Act of
22 the 96th General Assembly.

23 (b) The term of the person then serving as the Director of
24 the Division of Probation Services of the Supreme Court shall
25 end on the effective date of this amendatory Act of the 96th

1 General Assembly, and that office is abolished on that date.

2 (c) For the purposes of the Successor Agency Act, the
3 Division of Probation Services is declared to be the successor
4 agency of the Division of Probation Services of the Supreme
5 Court.

6 (d) Except as otherwise provided in this Act, all of the
7 rights, powers, duties, and functions vested by law in the
8 Division of Probation Services of the Supreme Court are
9 transferred to the Division of Probation Services on the
10 effective date of this amendatory Act of the 96th General
11 Assembly.

12 (e) Personnel employed by the Division of Probation
13 Services of the Supreme Court immediately preceding the
14 effective date of this amendatory Act of the 96th General
15 Assembly are transferred to the Division of Probation Services
16 on the effective date of this amendatory Act of the 96th
17 General Assembly.

18 (f) The rights of State employees, the State, and its
19 agencies under the Personnel Code and applicable collective
20 bargaining agreements and retirement plans are not affected by
21 this amendatory Act of the 96th General Assembly. Any rights of
22 State employees affected by this amendatory Act of the 96th
23 General Assembly shall be governed by the existing collective
24 bargaining agreements.

25 (g) All books, records, documents, property (real and
26 personal), unexpended appropriations, and pending business

1 pertaining to the rights, powers, duties, and functions
2 transferred to the Division of Probation Services under this
3 amendatory Act of the 96th General Assembly shall be
4 transferred and delivered to the Division of Probation Services
5 on the effective date of this amendatory Act of the 96th
6 General Assembly.

7 (h) The rules and standards of the Division of Probation
8 Services of the Supreme Court that are in effect immediately
9 prior to the effective date of this amendatory Act of the 96th
10 General Assembly and pertain to the rights, powers, duties, and
11 functions transferred to the Division of Probation Services
12 under this amendatory Act of the 96th General Assembly shall
13 become the rules and standards of the Division of Probation
14 Services on the effective date of this amendatory Act of the
15 96th General Assembly and shall continue in effect until
16 amended or repealed by the Division.

17 (i) Any rules pertaining to the rights, powers, duties, and
18 functions transferred to the Division of Probation Services
19 under this amendatory Act of the 96th General Assembly that
20 have been proposed by the Division of Probation Services of the
21 Supreme Court but have not taken effect or been finally adopted
22 immediately prior to the effective date of this amendatory Act
23 of the 96th General Assembly shall become proposed rules of the
24 Division of Probation Services on the effective date of this
25 amendatory Act of the 96th General Assembly, and any rulemaking
26 procedures that have already been completed by the Division of

1 Probation Services of the Supreme Court for those proposed
2 rules need not be repeated.

3 (j) As soon as practical after the effective date of this
4 amendatory Act of the 96th General Assembly, the Division of
5 Probation Services shall revise and clarify the rules
6 transferred to it under this amendatory Act of the 96th General
7 Assembly to reflect the reorganization of rights, powers,
8 duties, and functions effected by this amendatory Act of the
9 96th General Assembly using the procedures for recodification
10 of rules available under the Illinois Administrative Procedure
11 Act, except that existing title, part, and section numbering
12 for the affected rules may be retained. The Division may
13 propose and adopt under the Illinois Administrative Procedure
14 Act such other rules as may be necessary to consolidate and
15 clarify the rules of the agency reorganized by this amendatory
16 Act of the 96th General Assembly.

17 (730 ILCS 110/20 new)

18 Sec. 20. Savings provisions.

19 (a) The rights, powers, duties, and functions transferred
20 to the Division of Probation Services by this amendatory Act of
21 the 96th General Assembly shall be vested in and exercised by
22 the Division subject to the provisions of this amendatory Act
23 of the 96th General Assembly. An act done by the Division or an
24 officer, employee, or agent of the Division in the exercise of
25 the transferred rights, powers, duties, or functions shall have

1 the same legal effect as if done by the Division of Probation
2 Services of the Supreme Court or an officer, employee, or agent
3 of the Division of Probation Services of the Supreme Court.

4 (b) The transfer of rights, powers, duties, and functions
5 to the Division of Probation Services under this amendatory Act
6 of the 96th General Assembly does not invalidate any previous
7 action taken by or in respect to the Division of Probation
8 Services of the Supreme Court or its officers, employees, or
9 agents. References to the Division of Probation Services of the
10 Supreme Court or its officers, employees, or agents in any
11 document, contract, agreement, or law shall, in appropriate
12 contexts, be deemed to refer to the Division or its officers,
13 employees, or agents.

14 (c) The transfer of rights, powers, duties, and functions
15 to the Division of Probation Services under this amendatory Act
16 of the 96th General Assembly does not affect any person's
17 rights, obligations, or duties, including any civil or criminal
18 penalties applicable thereto, arising out of those transferred
19 rights, powers, duties, and functions.

20 (d) With respect to matters that pertain to a right, power,
21 duty, or function transferred to the Division of Probation
22 Services under this amendatory Act of the 96th General
23 Assembly:

24 (1) Beginning on the effective date of this amendatory
25 Act of the 96th General Assembly, a report or notice that
26 was previously required to be made or given by any person

1 to the Division of Probation Services of the Supreme Court
2 or any of its officers, employees, or agents shall be made
3 or given in the same manner to the Division or its
4 appropriate officer, employee, or agent.

5 (2) Beginning on the effective date of this amendatory
6 Act of the 96th General Assembly, a document that was
7 previously required to be furnished or served by any person
8 to or upon the Division of Probation Services of the
9 Supreme Court or any of its officers, employees, or agents
10 shall be furnished or served in the same manner to or upon
11 the Division or its appropriate officer, employee, or
12 agent.

13 (e) This amendatory Act of the 96th General Assembly does
14 not affect any act done, ratified, or cancelled, any right
15 occurring or established, or any action or proceeding had or
16 commenced in an administrative, civil, or criminal cause before
17 the effective date of this amendatory Act of the 96th General
18 Assembly. Any such action or proceeding that pertains to a
19 right, power, duty, or function transferred to the Division
20 under this amendatory Act of the 96th General Assembly and that
21 is pending on that date may be prosecuted, defended, or
22 continued by the Division.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.