



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3540

Introduced 2/10/2010, by Sen. Kwame Raoul

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-615

705 ILCS 405/5-715

730 ILCS 5/5-6-3

730 ILCS 5/5-6-3.1

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

from Ch. 38, par. 1005-6-3.1

Amends the Juvenile Court Act of 1987. Increases from \$25 to \$50 the monthly fee imposed by the court for a minor placed on supervision, probation, or conditional discharge. Amends the Unified Code of Corrections. Eliminates provisions that the circuit court when imposing a probation fee in excess of \$25, must use guidelines developed by the Administrative Office of the Illinois Courts and must have authorized, by administrative order issued by the chief judge, the creation of a Crime Victim's Services Fund, to be administered by the Chief Judge or his or her designee, for services to crime victims and their families.

LRB096 19411 RLC 34802 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 Juvenile Court Act of 1987 is amended by
5 changing Sections 5-615 and 5-715 as follows:

6 (705 ILCS 405/5-615)

7 Sec. 5-615. Continuance under supervision.

8 (1) The court may enter an order of continuance under
9 supervision for an offense other than first degree murder, a
10 Class X felony or a forcible felony (a) upon an admission or
11 stipulation by the appropriate respondent or minor respondent
12 of the facts supporting the petition and before proceeding to
13 adjudication, or after hearing the evidence at the trial, and
14 (b) in the absence of objection made in open court by the
15 minor, his or her parent, guardian, or legal custodian, the
16 minor's attorney or the State's Attorney.

17 (2) If the minor, his or her parent, guardian, or legal
18 custodian, the minor's attorney or State's Attorney objects in
19 open court to any continuance and insists upon proceeding to
20 findings and adjudication, the court shall so proceed.

21 (3) Nothing in this Section limits the power of the court
22 to order a continuance of the hearing for the production of
23 additional evidence or for any other proper reason.

1 (4) When a hearing where a minor is alleged to be a
2 delinquent is continued pursuant to this Section, the period of
3 continuance under supervision may not exceed 24 months. The
4 court may terminate a continuance under supervision at any time
5 if warranted by the conduct of the minor and the ends of
6 justice.

7 (5) When a hearing where a minor is alleged to be
8 delinquent is continued pursuant to this Section, the court
9 may, as conditions of the continuance under supervision,
10 require the minor to do any of the following:

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

13 (b) make a report to and appear in person before any
14 person or agency as directed by the court;

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

17 (d) undergo medical or psychotherapeutic treatment
18 rendered by a therapist licensed under the provisions of
19 the Medical Practice Act of 1987, the Clinical Psychologist
20 Licensing Act, or the Clinical Social Work and Social Work
21 Practice Act, or an entity licensed by the Department of
22 Human Services as a successor to the Department of
23 Alcoholism and Substance Abuse, for the provision of drug
24 addiction and alcoholism treatment;

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

- 1 (f) support his or her dependents, if any;
- 2 (g) pay costs;
- 3 (h) refrain from possessing a firearm or other
4 dangerous weapon, or an automobile;
- 5 (i) permit the probation officer to visit him or her at
6 his or her home or elsewhere;
- 7 (j) reside with his or her parents or in a foster home;
- 8 (k) attend school;
- 9 (k-5) with the consent of the superintendent of the
10 facility, attend an educational program at a facility other
11 than the school in which the offense was committed if he or
12 she committed a crime of violence as defined in Section 2
13 of the Crime Victims Compensation Act in a school, on the
14 real property comprising a school, or within 1,000 feet of
15 the real property comprising a school;
- 16 (l) attend a non-residential program for youth;
- 17 (m) contribute to his or her own support at home or in
18 a foster home;
- 19 (n) perform some reasonable public or community
20 service;
- 21 (o) make restitution to the victim, in the same manner
22 and under the same conditions as provided in subsection (4)
23 of Section 5-710, except that the "sentencing hearing"
24 referred to in that Section shall be the adjudicatory
25 hearing for purposes of this Section;
- 26 (p) comply with curfew requirements as designated by

1 the court;

2 (q) refrain from entering into a designated geographic
3 area except upon terms as the court finds appropriate. The
4 terms may include consideration of the purpose of the
5 entry, the time of day, other persons accompanying the
6 minor, and advance approval by a probation officer;

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

11 (r-5) undergo a medical or other procedure to have a
12 tattoo symbolizing allegiance to a street gang removed from
13 his or her body;

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

21 (t) comply with any other conditions as may be ordered
22 by the court.

23 (6) A minor whose case is continued under supervision under
24 subsection (5) shall be given a certificate setting forth the
25 conditions imposed by the court. Those conditions may be
26 reduced, enlarged, or modified by the court on motion of the

1 probation officer or on its own motion, or that of the State's
2 Attorney, or, at the request of the minor after notice and
3 hearing.

4 (7) If a petition is filed charging a violation of a
5 condition of the continuance under supervision, the court shall
6 conduct a hearing. If the court finds that a condition of
7 supervision has not been fulfilled, the court may proceed to
8 findings and adjudication and disposition. The filing of a
9 petition for violation of a condition of the continuance under
10 supervision shall toll the period of continuance under
11 supervision until the final determination of the charge, and
12 the term of the continuance under supervision shall not run
13 until the hearing and disposition of the petition for
14 violation; provided where the petition alleges conduct that
15 does not constitute a criminal offense, the hearing must be
16 held within 30 days of the filing of the petition unless a
17 delay shall continue the tolling of the period of continuance
18 under supervision for the period of the delay.

19 (8) When a hearing in which a minor is alleged to be a
20 delinquent for reasons that include a violation of Section
21 21-1.3 of the Criminal Code of 1961 is continued under this
22 Section, the court shall, as a condition of the continuance
23 under supervision, require the minor to perform community
24 service for not less than 30 and not more than 120 hours, if
25 community service is available in the jurisdiction. The
26 community service shall include, but need not be limited to,

1 the cleanup and repair of the damage that was caused by the
2 alleged violation or similar damage to property located in the
3 municipality or county in which the alleged violation occurred.
4 The condition may be in addition to any other condition.

5 (8.5) When a hearing in which a minor is alleged to be a
6 delinquent for reasons that include a violation of Section 3.02
7 or Section 3.03 of the Humane Care for Animals Act or paragraph
8 (d) of subsection (1) of Section 21-1 of the Criminal Code of
9 1961 is continued under this Section, the court shall, as a
10 condition of the continuance under supervision, require the
11 minor to undergo medical or psychiatric treatment rendered by a
12 psychiatrist or psychological treatment rendered by a clinical
13 psychologist. The condition may be in addition to any other
14 condition.

15 (9) When a hearing in which a minor is alleged to be a
16 delinquent is continued under this Section, the court, before
17 continuing the case, shall make a finding whether the offense
18 alleged to have been committed either: (i) was related to or in
19 furtherance of the activities of an organized gang or was
20 motivated by the minor's membership in or allegiance to an
21 organized gang, or (ii) is a violation of paragraph (13) of
22 subsection (a) of Section 12-2 of the Criminal Code of 1961, a
23 violation of any Section of Article 24 of the Criminal Code of
24 1961, or a violation of any statute that involved the unlawful
25 use of a firearm. If the court determines the question in the
26 affirmative the court shall, as a condition of the continuance

1 under supervision and as part of or in addition to any other
2 condition of the supervision, require the minor to perform
3 community service for not less than 30 hours, provided that
4 community service is available in the jurisdiction and is
5 funded and approved by the county board of the county where the
6 offense was committed. The community service shall include, but
7 need not be limited to, the cleanup and repair of any damage
8 caused by an alleged violation of Section 21-1.3 of the
9 Criminal Code of 1961 and similar damage to property located in
10 the municipality or county in which the alleged violation
11 occurred. When possible and reasonable, the community service
12 shall be performed in the minor's neighborhood. For the
13 purposes of this Section, "organized gang" has the meaning
14 ascribed to it in Section 10 of the Illinois Streetgang
15 Terrorism Omnibus Prevention Act.

16 (10) The court shall impose upon a minor placed on
17 supervision, as a condition of the supervision, a fee of \$50
18 ~~\$25~~ for each month of supervision ordered by the court, unless
19 after determining the inability of the minor placed on
20 supervision to pay the fee, the court assesses a lesser amount.
21 The court may not impose the fee on a minor who is made a ward
22 of the State under this Act while the minor is in placement.
23 The fee shall be imposed only upon a minor who is actively
24 supervised by the probation and court services department. A
25 court may order the parent, guardian, or legal custodian of the
26 minor to pay some or all of the fee on the minor's behalf.

1 (11) If a minor is placed on supervision for a violation of
2 subsection (a-7) of Section 1 of the Prevention of Tobacco Use
3 by Minors Act, the court may, in its discretion, and upon
4 recommendation by the State's Attorney, order that minor and
5 his or her parents or legal guardian to attend a smoker's
6 education or youth diversion program as defined in that Act if
7 that program is available in the jurisdiction where the
8 offender resides. Attendance at a smoker's education or youth
9 diversion program shall be time-credited against any community
10 service time imposed for any first violation of subsection
11 (a-7) of Section 1 of that Act. In addition to any other
12 penalty that the court may impose for a violation of subsection
13 (a-7) of Section 1 of that Act, the court, upon request by the
14 State's Attorney, may in its discretion require the offender to
15 remit a fee for his or her attendance at a smoker's education
16 or youth diversion program.

17 For purposes of this Section, "smoker's education program"
18 or "youth diversion program" includes, but is not limited to, a
19 seminar designed to educate a person on the physical and
20 psychological effects of smoking tobacco products and the
21 health consequences of smoking tobacco products that can be
22 conducted with a locality's youth diversion program.

23 In addition to any other penalty that the court may impose
24 under this subsection (11):

25 (a) If a minor violates subsection (a-7) of Section 1
26 of the Prevention of Tobacco Use by Minors Act, the court

1 may impose a sentence of 15 hours of community service or a
2 fine of \$25 for a first violation.

3 (b) A second violation by a minor of subsection (a-7)
4 of Section 1 of that Act that occurs within 12 months after
5 the first violation is punishable by a fine of \$50 and 25
6 hours of community service.

7 (c) A third or subsequent violation by a minor of
8 subsection (a-7) of Section 1 of that Act that occurs
9 within 12 months after the first violation is punishable by
10 a \$100 fine and 30 hours of community service.

11 (d) Any second or subsequent violation not within the
12 12-month time period after the first violation is
13 punishable as provided for a first violation.

14 (Source: P.A. eff. 1-1-00; 96-179, eff. 8-10-09.)

15 (705 ILCS 405/5-715)

16 Sec. 5-715. Probation.

17 (1) The period of probation or conditional discharge shall
18 not exceed 5 years or until the minor has attained the age of
19 21 years, whichever is less, except as provided in this Section
20 for a minor who is found to be guilty for an offense which is
21 first degree murder, a Class X felony or a forcible felony. The
22 juvenile court may terminate probation or conditional
23 discharge and discharge the minor at any time if warranted by
24 the conduct of the minor and the ends of justice; provided,
25 however, that the period of probation for a minor who is found

1 to be guilty for an offense which is first degree murder, a
2 Class X felony, or a forcible felony shall be at least 5 years.

3 (2) The court may as a condition of probation or of
4 conditional discharge require that the minor:

5 (a) not violate any criminal statute of any
6 jurisdiction;

7 (b) make a report to and appear in person before any
8 person or agency as directed by the court;

9 (c) work or pursue a course of study or vocational
10 training;

11 (d) undergo medical or psychiatric treatment, rendered
12 by a psychiatrist or psychological treatment rendered by a
13 clinical psychologist or social work services rendered by a
14 clinical social worker, or treatment for drug addiction or
15 alcoholism;

16 (e) attend or reside in a facility established for the
17 instruction or residence of persons on probation;

18 (f) support his or her dependents, if any;

19 (g) refrain from possessing a firearm or other
20 dangerous weapon, or an automobile;

21 (h) permit the probation officer to visit him or her at
22 his or her home or elsewhere;

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

24 (j) attend school;

25 (j-5) with the consent of the superintendent of the
26 facility, attend an educational program at a facility other

1 than the school in which the offense was committed if he or
2 she committed a crime of violence as defined in Section 2
3 of the Crime Victims Compensation Act in a school, on the
4 real property comprising a school, or within 1,000 feet of
5 the real property comprising a school;

6 (k) attend a non-residential program for youth;

7 (l) make restitution under the terms of subsection (4)
8 of Section 5-710;

9 (m) contribute to his or her own support at home or in
10 a foster home;

11 (n) perform some reasonable public or community
12 service;

13 (o) participate with community corrections programs
14 including unified delinquency intervention services
15 administered by the Department of Human Services subject to
16 Section 5 of the Children and Family Services Act;

17 (p) pay costs;

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

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

25 (ii) admit any person or agent designated by the
26 court into the minor's place of confinement at any time

1 for purposes of verifying the minor's compliance with
2 the conditions of his or her confinement; and

3 (iii) use an approved electronic monitoring device
4 if ordered by the court subject to Article 8A of
5 Chapter V of the Unified Code of Corrections;

6 (r) refrain from entering into a designated geographic
7 area except upon terms as the court finds appropriate. The
8 terms may include consideration of the purpose of the
9 entry, the time of day, other persons accompanying the
10 minor, and advance approval by a probation officer, if the
11 minor has been placed on probation, or advance approval by
12 the court, if the minor has been placed on conditional
13 discharge;

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

18 (s-5) undergo a medical or other procedure to have a
19 tattoo symbolizing allegiance to a street gang removed from
20 his or her body;

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

1 the presence of any illicit drug; or

2 (u) comply with other conditions as may be ordered by
3 the court.

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

14 (3.5) The court shall, as a condition of probation or of
15 conditional discharge, require that a minor found to be guilty
16 and placed on probation for reasons that include a violation of
17 Section 3.02 or Section 3.03 of the Humane Care for Animals Act
18 or paragraph (d) of subsection (1) of Section 21-1 of the
19 Criminal Code of 1961 undergo medical or psychiatric treatment
20 rendered by a psychiatrist or psychological treatment rendered
21 by a clinical psychologist. The condition may be in addition to
22 any other condition.

23 (3.10) The court shall order that a minor placed on
24 probation or conditional discharge for a sex offense as defined
25 in the Sex Offender Management Board Act undergo and
26 successfully complete sex offender treatment. The treatment

1 shall be in conformance with the standards developed under the
2 Sex Offender Management Board Act and conducted by a treatment
3 provider approved by the Board. The treatment shall be at the
4 expense of the person evaluated based upon that person's
5 ability to pay for the treatment.

6 (4) A minor on probation or conditional discharge shall be
7 given a certificate setting forth the conditions upon which he
8 or she is being released.

9 (5) The court shall impose upon a minor placed on probation
10 or conditional discharge, as a condition of the probation or
11 conditional discharge, a fee of \$50 ~~\$25~~ for each month of
12 probation or conditional discharge supervision ordered by the
13 court, unless after determining the inability of the minor
14 placed on probation or conditional discharge to pay the fee,
15 the court assesses a lesser amount. The court may not impose
16 the fee on a minor who is made a ward of the State under this
17 Act while the minor is in placement. The fee shall be imposed
18 only upon a minor who is actively supervised by the probation
19 and court services department. The court may order the parent,
20 guardian, or legal custodian of the minor to pay some or all of
21 the fee on the minor's behalf.

22 (6) The General Assembly finds that in order to protect the
23 public, the juvenile justice system must compel compliance with
24 the conditions of probation by responding to violations with
25 swift, certain, and fair punishments and intermediate
26 sanctions. The Chief Judge of each circuit shall adopt a system

1 of structured, intermediate sanctions for violations of the
2 terms and conditions of a sentence of supervision, probation or
3 conditional discharge, under this Act.

4 The court shall provide as a condition of a disposition of
5 probation, conditional discharge, or supervision, that the
6 probation agency may invoke any sanction from the list of
7 intermediate sanctions adopted by the chief judge of the
8 circuit court for violations of the terms and conditions of the
9 sentence of probation, conditional discharge, or supervision,
10 subject to the provisions of Section 5-720 of this Act.

11 (Source: P.A. 93-616, eff. 1-1-04; 94-556, eff. 9-11-05.)

12 Section 10. The Unified Code of Corrections is amended by
13 changing Sections 5-6-3 and 5-6-3.1 as follows:

14 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

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

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

23 (3) refrain from possessing a firearm or other
24 dangerous weapon where the offense is a felony or, if a

1 misdemeanor, the offense involved the intentional or
2 knowing infliction of bodily harm or threat of bodily harm;

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

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

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

1 the violation occurred. When possible and reasonable, the
2 community service should be performed in the offender's
3 neighborhood. For purposes of this Section, "organized
4 gang" has the meaning ascribed to it in Section 10 of the
5 Illinois Streetgang Terrorism Omnibus Prevention Act;

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

1 This clause (7) does not apply to a person who has a high
2 school diploma or has successfully passed the GED test.
3 This clause (7) does not apply to a person who is
4 determined by the court to be developmentally disabled or
5 otherwise mentally incapable of completing the educational
6 or vocational program;

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

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

26 (8.6) if convicted of a sex offense as defined in the

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

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

26 (8.8) if convicted for an offense under Section 11-6,

1 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
2 Code of 1961, or any attempt to commit any of these
3 offenses, committed on or after June 1, 2009 (the effective
4 date of Public Act 95-983):

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

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

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

25 (iv) submit to any other appropriate restrictions
26 concerning the offender's use of or access to a

1 computer or any other device with Internet capability
2 imposed by the offender's probation officer;

3 (8.9) if convicted of a sex offense as defined in the
4 Sex Offender Registration Act committed on or after January
5 1, 2010 (the effective date of Public Act 96-262) ~~this~~
6 ~~amendatory Act of the 96th General Assembly~~, refrain from
7 accessing or using a social networking website as defined
8 in Section 16D-2 of the Criminal Code of 1961;

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

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

23 (11) if convicted of a sex offense as defined in
24 Section 2 of the Sex Offender Registration Act committed on
25 or after January 1, 2010 (the effective date of Public Act
26 96-362) ~~this amendatory Act of the 96th General Assembly~~

1 that requires the person to register as a sex offender
2 under that Act, may not knowingly use any computer scrub
3 software on any computer that the sex offender uses.

4 (b) The Court may in addition to other reasonable
5 conditions relating to the nature of the offense or the
6 rehabilitation of the defendant as determined for each
7 defendant in the proper discretion of the Court require that
8 the person:

9 (1) serve a term of periodic imprisonment under Article
10 7 for a period not to exceed that specified in paragraph
11 (d) of Section 5-7-1;

12 (2) pay a fine and costs;

13 (3) work or pursue a course of study or vocational
14 training;

15 (4) undergo medical, psychological or psychiatric
16 treatment; or treatment for drug addiction or alcoholism;

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

19 (6) support his dependents;

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

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

22 (ii) attend school;

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

24 (iv) contribute to his own support at home or in a
25 foster home;

26 (v) with the consent of the superintendent of the

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

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

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

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

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

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

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

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

17 (v) for persons convicted of offenses other than
18 those referenced in clause (iv) above and who are
19 placed on an approved monitoring device as a condition
20 of probation or conditional discharge, the court shall
21 impose a reasonable fee for each day of the use of the
22 device, as established by the county board in
23 subsection (g) of this Section, unless after
24 determining the inability of the defendant to pay the
25 fee, the court assesses a lesser fee or no fee as the
26 case may be. This fee shall be imposed in addition to

1 the fees imposed under subsections (g) and (i) of this
2 Section. The fee shall be collected by the clerk of the
3 circuit court. The clerk of the circuit court shall pay
4 all monies collected from this fee to the county
5 treasurer who shall use the monies collected to defray
6 the costs of corrections. The county treasurer shall
7 deposit the fee collected in the county working cash
8 fund under Section 6-27001 or Section 6-29002 of the
9 Counties Code, as the case may be.

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

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

23 (13) contribute a reasonable sum of money, not to
24 exceed the maximum amount of the fine authorized for the
25 offense for which the defendant was sentenced, (i) to a
26 "local anti-crime program", as defined in Section 7 of the

1 Anti-Crime Advisory Council Act, or (ii) for offenses under
2 the jurisdiction of the Department of Natural Resources, to
3 the fund established by the Department of Natural Resources
4 for the purchase of evidence for investigation purposes and
5 to conduct investigations as outlined in Section 805-105 of
6 the Department of Natural Resources (Conservation) Law;

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

15 (15) refrain from having any contact, directly or
16 indirectly, with certain specified persons or particular
17 types of persons, 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) if convicted for an offense committed on or after

1 June 1, 2008 (the effective date of Public Act 95-464) that
2 would qualify the accused as a child sex offender as
3 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
4 1961, refrain from communicating with or contacting, by
5 means of the Internet, a person who is related to the
6 accused and whom the accused reasonably believes to be
7 under 18 years of age; for purposes of this paragraph (17),
8 "Internet" has the meaning ascribed to it in Section 16J-5
9 of the Criminal Code of 1961; and a person is related to
10 the accused if the person is: (i) the spouse, brother, or
11 sister of the accused; (ii) a descendant of the accused;
12 (iii) a first or second cousin of the accused; or (iv) a
13 step-child or adopted child of the accused;

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

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

24 (ii) submit to periodic unannounced examinations
25 of the offender's computer or any other device with
26 Internet capability by the offender's probation

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

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

12 (iv) submit to any other appropriate restrictions
13 concerning the offender's use of or access to a
14 computer or any other device with Internet capability
15 imposed by the offender's probation officer; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 of the Clerks of Courts Act.

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

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

15 (Source: P.A. 95-331, eff. 8-21-07; 95-464, eff. 6-1-08;
16 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff. 1-1-09;
17 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; 96-262, eff. 1-1-10;
18 96-328, eff. 8-11-09; 96-362, eff. 1-1-10; 96-695, eff.
19 8-25-09; revised 9-25-09.)

20 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

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

22 (a) When a defendant is placed on supervision, the court
23 shall enter an order for supervision specifying the period of
24 such supervision, and shall defer further proceedings in the
25 case until the conclusion of the period.

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

25 For the purposes of this Section, "organized gang" has the
26 meaning ascribed to it in Section 10 of the Illinois Streetgang

1 Terrorism Omnibus Prevention Act.

2 (c) The court may in addition to other reasonable
3 conditions relating to the nature of the offense or the
4 rehabilitation of the defendant as determined for each
5 defendant in the proper discretion of the court require that
6 the person:

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

11 (2) pay a fine and costs;

12 (3) work or pursue a course of study or vocational
13 training;

14 (4) undergo medical, psychological or psychiatric
15 treatment; or treatment for drug addiction or alcoholism;

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

18 (6) support his dependents;

19 (7) refrain from possessing a firearm or other
20 dangerous weapon;

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

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

23 (ii) attend school;

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

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

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

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

14 (10) perform some reasonable public or community
15 service;

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

25 (12) reimburse any "local anti-crime program" as
26 defined in Section 7 of the Anti-Crime Advisory Council Act

1 for any reasonable expenses incurred by the program on the
2 offender's case, not to exceed the maximum amount of the
3 fine authorized for the offense for which the defendant was
4 sentenced;

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

15 (14) refrain from entering into a designated
16 geographic area except upon such terms as the court finds
17 appropriate. Such terms may include consideration of the
18 purpose of the entry, the time of day, other persons
19 accompanying the defendant, and advance approval by a
20 probation officer;

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

25 (16) refrain from having in his or her body the
26 presence of any illicit drug prohibited by the Cannabis

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

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

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

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

1 (e) At the conclusion of the period of supervision, if the
2 court determines that the defendant has successfully complied
3 with all of the conditions of supervision, the court shall
4 discharge the defendant and enter a judgment dismissing the
5 charges.

6 (f) Discharge and dismissal upon a successful conclusion of
7 a disposition of supervision shall be deemed without
8 adjudication of guilt and shall not be termed a conviction for
9 purposes of disqualification or disabilities imposed by law
10 upon conviction of a crime. Two years after the discharge and
11 dismissal under this Section, unless the disposition of
12 supervision was for a violation of Sections 3-707, 3-708,
13 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
14 similar provision of a local ordinance, or for a violation of
15 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which
16 case it shall be 5 years after discharge and dismissal, a
17 person may have his record of arrest sealed or expunged as may
18 be provided by law. However, any defendant placed on
19 supervision before January 1, 1980, may move for sealing or
20 expungement of his arrest record, as provided by law, at any
21 time after discharge and dismissal under this Section. A person
22 placed on supervision for a sexual offense committed against a
23 minor as defined in clause (a)(1)(L) of Section 5.2 of the
24 Criminal Identification Act or for a violation of Section
25 11-501 of the Illinois Vehicle Code or a similar provision of a
26 local ordinance shall not have his or her record of arrest

1 sealed or expunged.

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

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

26 (i) The court shall impose upon a defendant placed on

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

18 A circuit court may not impose a probation fee in excess of
19 \$25 per month unless: ~~(1) the circuit court has adopted, by~~
20 ~~administrative order issued by the chief judge, a standard~~
21 ~~probation fee guide determining an offender's ability to pay,~~
22 ~~under guidelines developed by the Administrative Office of the~~
23 ~~Illinois Courts; and (2) the circuit court has authorized, by~~
24 ~~administrative order issued by the chief judge, the creation of~~
25 ~~a Crime Victim's Services Fund, to be administered by the Chief~~
26 ~~Judge or his or her designee, for services to crime victims and~~

1 ~~their families~~. Of the amount collected as a probation fee, not
2 to exceed \$5 of that fee collected per month may be used to
3 provide services to crime victims and their families.

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

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

1 supervision of a person who wilfully fails to comply with this
2 subsection (k). The court shall resentence the defendant upon
3 revocation of supervision as provided in Section 5-6-4. This
4 subsection (k) does not apply to a defendant who has a high
5 school diploma or has successfully passed the GED test. This
6 subsection (k) does not apply to a defendant who is determined
7 by the court to be developmentally disabled or otherwise
8 mentally incapable of completing the educational or vocational
9 program.

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

23 (m) The Secretary of State shall require anyone placed on
24 court supervision for a violation of Section 3-707 of the
25 Illinois Vehicle Code or a similar provision of a local
26 ordinance to give proof of his or her financial responsibility

1 as defined in Section 7-315 of the Illinois Vehicle Code. The
2 proof shall be maintained by the individual in a manner
3 satisfactory to the Secretary of State for a minimum period of
4 3 years after the date the proof is first filed. The proof
5 shall be limited to a single action per arrest and may not be
6 affected by any post-sentence disposition. The Secretary of
7 State shall suspend the driver's license of any person
8 determined by the Secretary to be in violation of this
9 subsection.

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

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

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

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

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

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

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

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

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

26 (iv) submit to any other appropriate restrictions

1 concerning the offender's use of or access to a computer or
2 any other device with Internet capability imposed by the
3 court.

4 (s) An offender placed on supervision for an offense that
5 is a sex offense as defined in Section 2 of the Sex Offender
6 Registration Act that is committed on or after January 1, 2010
7 (the effective date of Public Act 96-362) ~~this amendatory Act~~
8 ~~of the 96th General Assembly~~ that requires the person to
9 register as a sex offender under that Act, may not knowingly
10 use any computer scrub software on any computer that the sex
11 offender uses.

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

18 (Source: P.A. 95-211, eff. 1-1-08; 95-331, eff. 8-21-07;
19 95-464, eff. 6-1-08; 95-696, eff. 6-1-08; 95-876, eff. 8-21-08;
20 95-983, eff. 6-1-09; 96-262, eff. 1-1-10; 96-362, eff. 1-1-10;
21 96-409, eff. 1-1-10; revised 9-25-09.)