

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 2. The Juvenile Court Act of 1987 is amended by
5 changing Section 5-715 as follows:

6 (705 ILCS 405/5-715)

7 Sec. 5-715. Probation.

8 (1) The period of probation or conditional discharge shall
9 not exceed 5 years or until the minor has attained the age of
10 21 years, whichever is less, except as provided in this Section
11 for a minor who is found to be guilty for an offense which is
12 first degree murder, a Class X felony or a forcible felony. The
13 juvenile court may terminate probation or conditional
14 discharge and discharge the minor at any time if warranted by
15 the conduct of the minor and the ends of justice; provided,
16 however, that the period of probation for a minor who is found
17 to be guilty for an offense which is first degree murder, a
18 Class X felony, or a forcible felony shall be at least 5 years.

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

21 (a) not violate any criminal statute of any
22 jurisdiction;

23 (b) make a report to and appear in person before any

1 person or agency as directed by the court;

2 (c) work or pursue a course of study or vocational
3 training;

4 (d) undergo medical or psychiatric treatment, rendered
5 by a psychiatrist or psychological treatment rendered by a
6 clinical psychologist or social work services rendered by a
7 clinical social worker, or treatment for drug addiction or
8 alcoholism;

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

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

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

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

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

17 (j) attend school;

18 (j-5) with the consent of the superintendent of the
19 facility, attend an educational program at a facility other
20 than the school in which the offense was committed if he or
21 she committed a crime of violence as defined in Section 2
22 of the Crime Victims Compensation Act in a school, on the
23 real property comprising a school, or within 1,000 feet of
24 the real property comprising a school;

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

26 (l) make restitution under the terms of subsection (4)

1 of Section 5-710;

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

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

6 (o) participate with community corrections programs
7 including unified delinquency intervention services
8 administered by the Department of Human Services subject to
9 Section 5 of the Children and Family Services Act;

10 (p) pay costs;

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

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

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

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

25 (r) refrain from entering into a designated geographic
26 area except upon terms as the court finds appropriate. The

1 terms may include consideration of the purpose of the
2 entry, the time of day, other persons accompanying the
3 minor, and advance approval by a probation officer, if the
4 minor has been placed on probation, or advance approval by
5 the court, if the minor has been placed on conditional
6 discharge;

7 (s) 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 (s-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 (t) 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 shall submit samples
19 of his or her blood or urine or both for tests to determine
20 the presence of any illicit drug; or

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

23 (3) The court may as a condition of probation or of
24 conditional discharge require that a minor found guilty on any
25 alcohol, cannabis, methamphetamine, or controlled substance
26 violation, refrain from acquiring a driver's license during the

1 period of probation or conditional discharge. If the minor is
2 in possession of a permit or license, the court may require
3 that the minor refrain from driving or operating any motor
4 vehicle during the period of probation or conditional
5 discharge, except as may be necessary in the course of the
6 minor's lawful employment.

7 (3.5) The court shall, as a condition of probation or of
8 conditional discharge, require that a minor found to be guilty
9 and placed on probation for reasons that include a violation of
10 Section 3.02 or Section 3.03 of the Humane Care for Animals Act
11 or paragraph (4) of subsection (a) of Section 21-1 of the
12 Criminal Code of 2012 undergo medical or psychiatric treatment
13 rendered by a psychiatrist or psychological treatment rendered
14 by a clinical psychologist. The condition may be in addition to
15 any other condition.

16 (3.10) The court shall order that a minor placed on
17 probation or conditional discharge for a sex offense as defined
18 in the Sex Offender Management Board Act undergo and
19 successfully complete sex offender treatment. The treatment
20 shall be in conformance with the standards developed under the
21 Sex Offender Management Board Act and conducted by a treatment
22 provider approved by the Board. The treatment shall be at the
23 expense of the person evaluated based upon that person's
24 ability to pay for the treatment.

25 (4) A minor on probation or conditional discharge shall be
26 given a certificate setting forth the conditions upon which he

1 or she is being released.

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

15 (5.5) Jurisdiction over an offender may be transferred from
16 the sentencing court to the court of another circuit with the
17 concurrence of both courts. Further transfers or retransfers of
18 jurisdiction are also authorized in the same manner. The court
19 to which jurisdiction has been transferred shall have the same
20 powers as the sentencing court. The probation department within
21 the circuit to which jurisdiction has been transferred, or
22 which has agreed to provide supervision, may impose probation
23 fees upon receiving the transferred offender, as provided in
24 subsection (i) of Section 5-6-3 of the Unified Code of
25 Corrections. For all transfer cases, as defined in Section 9b
26 of the Probation and Probation Officers Act, the probation

1 department from the original sentencing court shall retain all
2 probation fees collected prior to the transfer. After the
3 transfer, all probation fees shall be paid to the probation
4 department within the circuit to which jurisdiction has been
5 transferred.

6 If the transfer case originated in another state and has
7 been transferred under the Interstate Compact for Juveniles to
8 the jurisdiction of an Illinois circuit court for supervision
9 by an Illinois probation department, probation fees may be
10 imposed only if permitted by the Interstate Commission for
11 Juveniles.

12 (6) The General Assembly finds that in order to protect the
13 public, the juvenile justice system must compel compliance with
14 the conditions of probation by responding to violations with
15 swift, certain, and fair punishments and intermediate
16 sanctions. The Chief Judge of each circuit shall adopt a system
17 of structured, intermediate sanctions for violations of the
18 terms and conditions of a sentence of supervision, probation or
19 conditional discharge, under this Act.

20 The court shall provide as a condition of a disposition of
21 probation, conditional discharge, or supervision, that the
22 probation agency may invoke any sanction from the list of
23 intermediate sanctions adopted by the chief judge of the
24 circuit court for violations of the terms and conditions of the
25 sentence of probation, conditional discharge, or supervision,
26 subject to the provisions of Section 5-720 of this Act.

1 (Source: P.A. 96-1414, eff. 1-1-11; 97-1108, eff. 1-1-13;
2 97-1150, eff. 1-25-13.)

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

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

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

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

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

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

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

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

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

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

6 (6) perform no less than 30 hours of community service
7 and not more than 120 hours of community service, if
8 community service is available in the jurisdiction and is
9 funded and approved by the county board where the offense
10 was committed, where the offense was related to or in
11 furtherance of the criminal activities of an organized gang
12 and was motivated by the offender's membership in or
13 allegiance to an organized gang. The community service
14 shall include, but not be limited to, the cleanup and
15 repair of any damage caused by a violation of Section
16 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
17 2012 and similar damage to property located within the
18 municipality or county in which the violation occurred.
19 When possible and reasonable, the community service should
20 be performed in the offender's neighborhood. For purposes
21 of this Section, "organized gang" has the meaning ascribed
22 to it in Section 10 of the Illinois Streetgang Terrorism
23 Omnibus Prevention Act;

24 (7) if he or she is at least 17 years of age and has
25 been sentenced to probation or conditional discharge for a
26 misdemeanor or felony in a county of 3,000,000 or more

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

25 (8) if convicted of possession of a substance
26 prohibited by the Cannabis Control Act, the Illinois

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

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

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

1 Corrections licensed transitional housing facility for sex
2 offenders;

3 (8.7) if convicted for an offense committed on or after
4 June 1, 2008 (the effective date of Public Act 95-464) that
5 would qualify the accused as a child sex offender as
6 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
7 1961 or the Criminal Code of 2012, refrain from
8 communicating with or contacting, by means of the Internet,
9 a person who is not related to the accused and whom the
10 accused reasonably believes to be under 18 years of age;
11 for purposes of this paragraph (8.7), "Internet" has the
12 meaning ascribed to it in Section 16-0.1 of the Criminal
13 Code of 2012; and a person is not related to the accused if
14 the person is not: (i) the spouse, brother, or sister of
15 the accused; (ii) a descendant of the accused; (iii) a
16 first or second cousin of the accused; or (iv) a step-child
17 or adopted child of the accused;

18 (8.8) if convicted for an offense under Section 11-6,
19 11-9.1, 11-14.4 that involves soliciting for a juvenile
20 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
21 of the Criminal Code of 1961 or the Criminal Code of 2012,
22 or any attempt to commit any of these offenses, committed
23 on or after June 1, 2009 (the effective date of Public Act
24 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), refrain
26 from accessing or using a social networking website as

1 defined in Section 17-0.5 of the Criminal Code of 2012;

2 (9) if convicted of a felony or of any misdemeanor
3 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
4 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
5 2012 that was determined, pursuant to Section 112A-11.1 of
6 the Code of Criminal Procedure of 1963, to trigger the
7 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
8 at a time and place designated by the court, his or her
9 Firearm Owner's Identification Card and any and all
10 firearms in his or her possession. The Court shall return
11 to the Department of State Police Firearm Owner's
12 Identification Card Office the person's Firearm Owner's
13 Identification Card;

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

24 (11) if convicted of a sex offense as defined in
25 Section 2 of the Sex Offender Registration Act committed on
26 or after January 1, 2010 (the effective date of Public Act

1 96-362) that requires the person to register as a sex
2 offender under that Act, may not knowingly use any computer
3 scrub software on any computer that the sex offender uses;
4 and

5 (12) if convicted of a violation of the Methamphetamine
6 Control and Community Protection Act, the Methamphetamine
7 Precursor Control Act, or a methamphetamine related
8 offense:

9 (A) prohibited from purchasing, possessing, or
10 having under his or her control any product containing
11 pseudoephedrine unless prescribed by a physician; and

12 (B) prohibited from purchasing, possessing, or
13 having under his or her control any product containing
14 ammonium nitrate.

15 (b) The Court may in addition to other reasonable
16 conditions relating to the nature of the offense or the
17 rehabilitation of the defendant as determined for each
18 defendant in the proper discretion of the Court require that
19 the person:

20 (1) serve a term of periodic imprisonment under Article
21 7 for a period not to exceed that specified in paragraph
22 (d) of Section 5-7-1;

23 (2) pay a fine and costs;

24 (3) work or pursue a course of study or vocational
25 training;

26 (4) undergo medical, psychological or psychiatric

1 treatment; or treatment for drug addiction or alcoholism;

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

4 (6) support his dependents;

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

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

7 (ii) attend school;

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

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

11 (v) with the consent of the superintendent of the
12 facility, attend an educational program at a facility
13 other than the school in which the offense was
14 committed if he or she is convicted of a crime of
15 violence as defined in Section 2 of the Crime Victims
16 Compensation Act committed in a school, on the real
17 property comprising a school, or within 1,000 feet of
18 the real property comprising a school;

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

21 (9) perform some reasonable public or community
22 service;

23 (10) serve a term of home confinement. In addition to
24 any other applicable condition of probation or conditional
25 discharge, the conditions of home confinement shall be that
26 the offender:

1 (i) remain within the interior premises of the
2 place designated for his confinement during the hours
3 designated by the court;

4 (ii) admit any person or agent designated by the
5 court into the offender's place of confinement at any
6 time for purposes of verifying the offender's
7 compliance with the conditions of his confinement; and

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

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

1 fund under Section 5-1086.1 of the Counties Code; and

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

20 (11) comply with the terms and conditions of an order
21 of protection issued by the court pursuant to the Illinois
22 Domestic Violence Act of 1986, as now or hereafter amended,
23 or an order of protection issued by the court of another
24 state, tribe, or United States territory. A copy of the
25 order of protection shall be transmitted to the probation
26 officer or agency having responsibility for the case;

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

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

17 (14) refrain from entering into a designated
18 geographic area except upon such terms as the court finds
19 appropriate. Such terms may include consideration of the
20 purpose of the entry, the time of day, other persons
21 accompanying the defendant, and advance approval by a
22 probation officer, if the defendant has been placed on
23 probation or advance approval by the court, if the
24 defendant was placed on conditional discharge;

25 (15) refrain from having any contact, directly or
26 indirectly, with certain specified persons or particular

1 types of persons, including but not limited to members of
2 street gangs and drug users or dealers;

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

10 (17) if convicted for an offense committed on or after
11 June 1, 2008 (the effective date of Public Act 95-464) that
12 would qualify the accused as a child sex offender as
13 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
14 1961 or the Criminal Code of 2012, refrain from
15 communicating with or contacting, by means of the Internet,
16 a person who is related to the accused and whom the accused
17 reasonably believes to be under 18 years of age; for
18 purposes of this paragraph (17), "Internet" has the meaning
19 ascribed to it in Section 16-0.1 of the Criminal Code of
20 2012; and a person is related to the accused if the person
21 is: (i) the spouse, brother, or sister of the accused; (ii)
22 a descendant of the accused; (iii) a first or second cousin
23 of the accused; or (iv) a step-child or adopted child of
24 the accused;

25 (18) if convicted for an offense committed on or after
26 June 1, 2009 (the effective date of Public Act 95-983) that

1 would qualify as a sex offense as defined in the Sex
2 Offender Registration Act:

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

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

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

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

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

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

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

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

26 Persons committed to imprisonment as a condition of

1 probation or conditional discharge shall not be committed to
2 the Department of Corrections.

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

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

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

4 (h) Jurisdiction over an offender may be transferred from
5 the sentencing court to the court of another circuit with the
6 concurrence of both courts. Further transfers or retransfers of
7 jurisdiction are also authorized in the same manner. The court
8 to which jurisdiction has been transferred shall have the same
9 powers as the sentencing court. The probation department within
10 the circuit to which jurisdiction has been transferred, or
11 which has agreed to provide supervision, may impose probation
12 fees upon receiving the transferred offender, as provided in
13 subsection (i). For all transfer cases, as defined in Section
14 9b of the Probation and Probation Officers Act, the ~~The~~
15 probation department from the original sentencing court shall
16 retain all probation fees collected prior to the transfer.
17 After the transfer all probation fees shall be paid to the
18 probation department within the circuit to which jurisdiction
19 has been transferred.

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

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

14 A circuit court may not impose a probation fee under this
15 subsection (i) in excess of \$25 per month unless the circuit
16 court has adopted, by administrative order issued by the chief
17 judge, a standard probation fee guide determining an offender's
18 ability to pay. Of the amount collected as a probation fee, up
19 to \$5 of that fee collected per month may be used to provide
20 services to crime victims and their families.

21 The Court may only waive probation fees based on an
22 offender's ability to pay. The probation department may
23 re-evaluate an offender's ability to pay every 6 months, and,
24 with the approval of the Director of Court Services or the
25 Chief Probation Officer, adjust the monthly fee amount. An
26 offender may elect to pay probation fees due in a lump sum. Any

1 offender that has been assigned to the supervision of a
2 probation department, or has been transferred either under
3 subsection (h) of this Section or under any interstate compact,
4 shall be required to pay probation fees to the department
5 supervising the offender, based on the offender's ability to
6 pay.

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

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

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

1 disbursed by the circuit clerk as provided under Section 27.5
2 of the Clerks of Courts Act.

3 (k) Any offender who is sentenced to probation or
4 conditional discharge for a felony sex offense as defined in
5 the Sex Offender Management Board Act or any offense that the
6 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 (l) The court may order an offender who is sentenced to
13 probation or conditional discharge for a violation of an order
14 of protection be placed under electronic surveillance as
15 provided in Section 5-8A-7 of this Code.

16 (Source: P.A. 96-262, eff. 1-1-10; 96-328, eff. 8-11-09;
17 96-362, eff. 1-1-10; 96-695, eff. 8-25-09; 96-1000, eff.
18 7-2-10; 96-1414, eff. 1-1-11; 96-1551, Article 2, Section 1065,
19 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
20 97-454, eff. 1-1-12; 97-560, eff. 1-1-12; 97-597, eff. 1-1-12;
21 97-1109, eff. 1-1-13; 97-1131, eff. 1-1-13; 97-1150, eff.
22 1-25-13.)

23 Section 5. The Probation and Probation Officers Act is
24 amended by changing Section 9b as follows:

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

2 Sec. 9b. For the purposes of this Act, the words and
3 phrases described in this Section have the meanings designated
4 in this Section, except when a particular context clearly
5 requires a different meaning.

6 (1) "Division" means the Division of Probation Services of
7 the Supreme Court.

8 (2) "Department" means a probation or court services
9 department that provides probation or court services and such
10 other related services assigned to it by the circuit court or
11 by law.

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

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

1 home services and home confinement.

2 (5) "New or Expanded Services" means personnel necessary to
3 operate pretrial programs, victim and restitution programs,
4 psychological services, drunk driving programs, specialized
5 caseloads, community resource coordination programs, and other
6 programs designed to generally improve the quality of probation
7 and court services.

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

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

17 (8) "Transfer case" means any case where an adult or
18 juvenile offender seeks to have supervision transferred from
19 one county to another or from another state to a county in
20 Illinois, and the transfer is approved by a judicial officer, a
21 department, or through an interstate compact.

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