

# HB2398



## 100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2398

by Rep. Melissa Conyears-Ervin

### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-6-3

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

Amends the Unified Code of Corrections. Provides that the court may, as a condition of probation or conditional discharge, require the person, if convicted of an offense that is not a crime of violence or if convicted of a probationable violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, to attend an employment workshop or job training program.

LRB100 06785 RLC 16833 b

A BILL FOR

1 AN ACT concerning criminal law.

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

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

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

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

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

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

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

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

19 (4) not leave the State without the consent of the  
20 court or, in circumstances in which the reason for the  
21 absence is of such an emergency nature that prior consent  
22 by the court is not possible, without the prior  
23 notification and approval of the person's probation

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

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

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

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

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

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

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

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

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

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

20 (8.8) if convicted for an offense under Section 11-6,  
21 11-9.1, 11-14.4 that involves soliciting for a juvenile  
22 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
23 of the Criminal Code of 1961 or the Criminal Code of 2012,  
24 or any attempt to commit any of these offenses, committed  
25 on or after June 1, 2009 (the effective date of Public Act  
26 95-983):

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

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

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

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

25 (8.9) if convicted of a sex offense as defined in the  
26 Sex Offender Registration Act committed on or after January

1 1, 2010 (the effective date of Public Act 96-262), refrain  
2 from accessing or using a social networking website as  
3 defined in Section 17-0.5 of the Criminal Code of 2012;

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

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

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



1 Section 2 of the Sex Offender Registration Act committed on  
2 or after January 1, 2010 (the effective date of Public Act  
3 96-362) that requires the person to register as a sex  
4 offender under that Act, may not knowingly use any computer  
5 scrub software on any computer that the sex offender uses;  
6 and

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

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

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

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

22 (1) serve a term of periodic imprisonment under Article  
23 7 for a period not to exceed that specified in paragraph  
24 (d) of Section 5-7-1;

25 (2) pay a fine and costs;

26 (3) work or pursue a course of study or vocational

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

1 discharge, the conditions of home confinement shall be that  
2 the offender:

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

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

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

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

1 order of the Chief Judge of the circuit court. The  
2 clerk of the circuit court shall pay all monies  
3 collected from this fee to the county treasurer for  
4 deposit in the substance abuse services fund under  
5 Section 5-1086.1 of the Counties Code, except as  
6 provided in an administrative order of the Chief Judge  
7 of the circuit court.

8 The Chief Judge of the circuit court of the county  
9 may by administrative order establish a program for  
10 electronic monitoring of offenders, in which a vendor  
11 supplies and monitors the operation of the electronic  
12 monitoring device, and collects the fees on behalf of  
13 the county. The program shall include provisions for  
14 indigent offenders and the collection of unpaid fees.  
15 The program shall not unduly burden the offender and  
16 shall be subject to review by the Chief Judge.

17 The Chief Judge of the circuit court may suspend  
18 any additional charges or fees for late payment,  
19 interest, or damage to any device; and

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

1 determining the inability of the defendant to pay the  
2 fee, the court assesses a lesser fee or no fee as the  
3 case may be. This fee shall be imposed in addition to  
4 the fees imposed under subsections (g) and (i) of this  
5 Section. The fee shall be collected by the clerk of the  
6 circuit court, except as provided in an administrative  
7 order of the Chief Judge of the circuit court. The  
8 clerk of the circuit court shall pay all monies  
9 collected from this fee to the county treasurer who  
10 shall use the monies collected to defray the costs of  
11 corrections. The county treasurer shall deposit the  
12 fee collected in the probation and court services fund.  
13 The Chief Judge of the circuit court of the county may  
14 by administrative order establish a program for  
15 electronic monitoring of offenders, in which a vendor  
16 supplies and monitors the operation of the electronic  
17 monitoring device, and collects the fees on behalf of  
18 the county. The program shall include provisions for  
19 indigent offenders and the collection of unpaid fees.  
20 The program shall not unduly burden the offender and  
21 shall be subject to review by the Chief Judge.

22 The Chief Judge of the circuit court may suspend  
23 any additional charges or fees for late payment,  
24 interest, or damage to any device.

25 (11) comply with the terms and conditions of an order  
26 of protection issued by the court pursuant to the Illinois

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

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

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

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

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

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

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

15 (17) if convicted for an offense committed on or after  
16 June 1, 2008 (the effective date of Public Act 95-464) that  
17 would qualify the accused as a child sex offender as  
18 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
19 1961 or the Criminal Code of 2012, refrain from  
20 communicating with or contacting, by means of the Internet,  
21 a person who is related to the accused and whom the accused  
22 reasonably believes to be under 18 years of age; for  
23 purposes of this paragraph (17), "Internet" has the meaning  
24 ascribed to it in Section 16-0.1 of the Criminal Code of  
25 2012; and a person is related to the accused if the person  
26 is: (i) the spouse, brother, or sister of the accused; (ii)

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

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

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

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

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



1 systems to monitor the Internet use; and

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

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

10 (20) if convicted of an offense that is not a crime of  
11 violence or if convicted of a probationable violation of  
12 the Cannabis Control Act, the Illinois Controlled  
13 Substances Act, or the Methamphetamine Control and  
14 Community Protection Act, attend an employment workshop or  
15 job training program. For the purposes of this paragraph  
16 (20), "crime of violence" has the meaning ascribed to that  
17 term in Section 2 of the Crime Victims Compensation Act.

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

1 minor's lawful employment.

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

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

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

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

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

1 ability to pay those costs. The county board with the  
2 concurrence of the Chief Judge of the judicial circuit in which  
3 the county is located shall establish reasonable fees for the  
4 cost of maintenance, testing, and incidental expenses related  
5 to the mandatory drug or alcohol testing, or both, and all  
6 costs incidental to approved electronic monitoring, involved  
7 in a successful probation program for the county. The  
8 concurrence of the Chief Judge shall be in the form of an  
9 administrative order. The fees shall be collected by the clerk  
10 of the circuit court, except as provided in an administrative  
11 order of the Chief Judge of the circuit court. The clerk of the  
12 circuit court shall pay all moneys collected from these fees to  
13 the county treasurer who shall use the moneys collected to  
14 defray the costs of drug testing, alcohol testing, and  
15 electronic monitoring. The county treasurer shall deposit the  
16 fees collected in the county working cash fund under Section  
17 6-27001 or Section 6-29002 of the Counties Code, as the case  
18 may be. The Chief Judge of the circuit court of the county may  
19 by administrative order establish a program for electronic  
20 monitoring of offenders, in which a vendor supplies and  
21 monitors the operation of the electronic monitoring device, and  
22 collects the fees on behalf of the county. The program shall  
23 include provisions for indigent offenders and the collection of  
24 unpaid fees. The program shall not unduly burden the offender  
25 and shall be subject to review by the Chief Judge.

26 The Chief Judge of the circuit court may suspend any

1 additional charges or fees for late payment, interest, or  
2 damage to any device.

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

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

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

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

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

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

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. 98-575, eff. 1-1-14; 98-718, eff. 1-1-15; 99-143,  
16 eff. 7-27-15; 99-797, eff. 8-12-16.)