



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0932

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, attend an employment workshop or job training program, if the workshop or program is available in the jurisdiction during the period of the person's probation or conditional discharge. Provides that notwithstanding any provision to the contrary, a person sentenced to probation or conditional discharge may not be required to pay a fee as a condition of attending an employment workshop or job training program as ordered by the court.

LRB101 06189 SLF 51212 b

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, if the workshop or program is
16 available in the jurisdiction during the period of the
17 person's probation or conditional discharge.
18 Notwithstanding any provision to the contrary, a person
19 sentenced to probation or conditional discharge may not be
20 required to pay a fee as a condition of attending an
21 employment workshop or job training program as ordered by
22 the court under this paragraph (20). In this paragraph
23 (20), "crime of violence" has the meaning ascribed to that
24 term in Section 2 of the Crime Victims Compensation Act.

25 (c) The court may as a condition of probation or of
26 conditional discharge require that a person under 18 years of

1 age found guilty of any alcohol, cannabis or controlled
2 substance violation, refrain from acquiring a driver's license
3 during the period of probation or conditional discharge. If
4 such person is in possession of a permit or license, the court
5 may require that the minor refrain from driving or operating
6 any motor vehicle during the period of probation or conditional
7 discharge, except as may be necessary in the course of the
8 minor's lawful employment.

9 (d) An offender sentenced to probation or to conditional
10 discharge shall be given a certificate setting forth the
11 conditions thereof.

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

20 Persons committed to imprisonment as a condition of
21 probation or conditional discharge shall not be committed to
22 the Department of Corrections.

23 (f) The court may combine a sentence of periodic
24 imprisonment under Article 7 or a sentence to a county impact
25 incarceration program under Article 8 with a sentence of
26 probation or conditional discharge.

1 (g) An offender sentenced to probation or to conditional
2 discharge and who during the term of either undergoes mandatory
3 drug or alcohol testing, or both, or is assigned to be placed
4 on an approved electronic monitoring device, shall be ordered
5 to pay all costs incidental to such mandatory drug or alcohol
6 testing, or both, and all costs incidental to such approved
7 electronic monitoring in accordance with the defendant's
8 ability to pay those costs. The county board with the
9 concurrence of the Chief Judge of the judicial circuit in which
10 the county is located shall establish reasonable fees for the
11 cost of maintenance, testing, and incidental expenses related
12 to the mandatory drug or alcohol testing, or both, and all
13 costs incidental to approved electronic monitoring, involved
14 in a successful probation program for the county. The
15 concurrence of the Chief Judge shall be in the form of an
16 administrative order. The fees shall be collected by the clerk
17 of the circuit court, except as provided in an administrative
18 order of the Chief Judge of the circuit court. The clerk of the
19 circuit court shall pay all moneys collected from these fees to
20 the county treasurer who shall use the moneys collected to
21 defray the costs of drug testing, alcohol testing, and
22 electronic monitoring. The county treasurer shall deposit the
23 fees collected in the county working cash fund under Section
24 6-27001 or Section 6-29002 of the Counties Code, as the case
25 may be. The Chief Judge of the circuit court of the county may
26 by administrative order establish a program for electronic

1 monitoring of offenders, in which a vendor supplies and
2 monitors the operation of the electronic monitoring device, and
3 collects the fees on behalf of the county. The program shall
4 include provisions for indigent offenders and the collection of
5 unpaid fees. The program shall not unduly burden the offender
6 and shall be subject to review by the Chief Judge.

7 The Chief Judge of the circuit court may suspend any
8 additional charges or fees for late payment, interest, or
9 damage to any device.

10 (h) Jurisdiction over an offender may be transferred from
11 the sentencing court to the court of another circuit with the
12 concurrence of both courts. Further transfers or retransfers of
13 jurisdiction are also authorized in the same manner. The court
14 to which jurisdiction has been transferred shall have the same
15 powers as the sentencing court. The probation department within
16 the circuit to which jurisdiction has been transferred, or
17 which has agreed to provide supervision, may impose probation
18 fees upon receiving the transferred offender, as provided in
19 subsection (i). For all transfer cases, as defined in Section
20 9b of the Probation and Probation Officers Act, the probation
21 department from the original sentencing court shall retain all
22 probation fees collected prior to the transfer. After the
23 transfer all probation fees shall be paid to the probation
24 department within the circuit to which jurisdiction has been
25 transferred.

26 (i) The court shall impose upon an offender sentenced to

1 probation after January 1, 1989 or to conditional discharge
2 after January 1, 1992 or to community service under the
3 supervision of a probation or court services department after
4 January 1, 2004, as a condition of such probation or
5 conditional discharge or supervised community service, a fee of
6 \$50 for each month of probation or conditional discharge
7 supervision or supervised community service ordered by the
8 court, unless after determining the inability of the person
9 sentenced to probation or conditional discharge or supervised
10 community service to pay the fee, the court assesses a lesser
11 fee. The court may not impose the fee on a minor who is made a
12 ward of the State under the Juvenile Court Act of 1987 while
13 the minor is in placement. The fee shall be imposed only upon
14 an offender who is actively supervised by the probation and
15 court services department. The fee shall be collected by the
16 clerk of the circuit court. The clerk of the circuit court
17 shall pay all monies collected from this fee to the county
18 treasurer for deposit in the probation and court services fund
19 under Section 15.1 of the Probation and Probation Officers Act.

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

1 The Court may only waive probation fees based on an
2 offender's ability to pay. The probation department may
3 re-evaluate an offender's ability to pay every 6 months, and,
4 with the approval of the Director of Court Services or the
5 Chief Probation Officer, adjust the monthly fee amount. An
6 offender may elect to pay probation fees due in a lump sum. Any
7 offender that has been assigned to the supervision of a
8 probation department, or has been transferred either under
9 subsection (h) of this Section or under any interstate compact,
10 shall be required to pay probation fees to the department
11 supervising the offender, based on the offender's ability to
12 pay.

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

18 (i-5) In addition to the fees imposed under subsection (i)
19 of this Section, in the case of an offender convicted of a
20 felony sex offense (as defined in the Sex Offender Management
21 Board Act) or an offense that the court or probation department
22 has determined to be sexually motivated (as defined in the Sex
23 Offender Management Board Act), the court or the probation
24 department shall assess additional fees to pay for all costs of
25 treatment, assessment, evaluation for risk and treatment, and
26 monitoring the offender, based on that offender's ability to

1 pay those costs either as they occur or under a payment plan.

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

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

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

22 (Source: P.A. 98-575, eff. 1-1-14; 98-718, eff. 1-1-15; 99-143,
23 eff. 7-27-15; 99-797, eff. 8-12-16.)