



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB1972

Introduced 2/26/2007, by Rep. Richard P. Myers

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-6-3

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

730 ILCS 5/5-6-3.1

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

Amends the Unified Code of Corrections. Provides that as a condition of probation or supervision, the court may require the defendant to contribute a reasonable sum of money, not to exceed the maximum amount of the fine for which the defendant was sentenced, to the investigative cash fund established by the Department of Natural Resources for the purchase of evidence for investigation purposes and to conduct investigations of various conservation law violations.

LRB095 10143 RLC 30357 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by  
5 changing Sections 5-6-3 and 5-6-3.1 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;

17 (4) not leave the State without the consent of the  
18 court or, in circumstances in which the reason for the  
19 absence is of such an emergency nature that prior consent  
20 by the court is not possible, without the prior  
21 notification and approval of the person's probation  
22 officer. Transfer of a person's probation or conditional  
23 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 and similar damage to  
17 property located within the municipality or county in which  
18 the violation occurred. When possible and reasonable, the  
19 community service should be performed in the offender's  
20 neighborhood. For purposes of this Section, "organized  
21 gang" has the meaning ascribed to it in Section 10 of the  
22 Illinois Streetgang Terrorism Omnibus Prevention Act;

23 (7) if he or she is at least 17 years of age and has  
24 been sentenced to probation or conditional discharge for a  
25 misdemeanor or felony in a county of 3,000,000 or more  
26 inhabitants and has not been previously convicted of a

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

24                 (8) if convicted of possession of a substance  
25                 prohibited by the Cannabis Control Act, the Illinois  
26                 Controlled Substances Act, or the Methamphetamine Control

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

11 (8.5) if convicted of a felony sex offense as defined  
12 in the Sex Offender Management Board Act, the person shall  
13 undergo and successfully complete sex offender treatment  
14 by a treatment provider approved by the Board and conducted  
15 in conformance with the standards developed under the Sex  
16 Offender Management Board Act;

17 (8.6) if convicted of a sex offense as defined in the  
18 Sex Offender Management Board Act, refrain from residing at  
19 the same address or in the same condominium unit or  
20 apartment unit or in the same condominium complex or  
21 apartment complex with another person he or she knows or  
22 reasonably should know is a convicted sex offender or has  
23 been placed on supervision for a sex offense; the  
24 provisions of this paragraph do not apply to a person  
25 convicted of a sex offense who is placed in a Department of  
26 Corrections licensed transitional housing facility for sex

1 offenders; ~~and~~

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

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

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

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

24 (2) pay a fine and costs;

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

1           (4) undergo medical, psychological or psychiatric  
2 treatment; or treatment for drug addiction or alcoholism;

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

5           (6) support his dependents;

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

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

8                 (ii) attend school;

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

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

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

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

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

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

1 the offender:

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

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

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

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



1           treasurer for deposit in the substance abuse services  
2           fund under Section 5-1086.1 of the Counties Code; and

3           (v) for persons convicted of offenses other than  
4           those referenced in clause (iv) above and who are  
5           placed on an approved monitoring device as a condition  
6           of probation or conditional discharge, the court shall  
7           impose a reasonable fee for each day of the use of the  
8           device, as established by the county board in  
9           subsection (g) of this Section, unless after  
10          determining the inability of the defendant to pay the  
11          fee, the court assesses a lesser fee or no fee as the  
12          case may be. This fee shall be imposed in addition to  
13          the fees imposed under subsections (g) and (i) of this  
14          Section. The fee shall be collected by the clerk of the  
15          circuit court. The clerk of the circuit court shall pay  
16          all monies collected from this fee to the county  
17          treasurer who shall use the monies collected to defray  
18          the costs of corrections. The county treasurer shall  
19          deposit the fee collected in the county working cash  
20          fund under Section 6-27001 or Section 6-29002 of the  
21          Counties Code, as the case may be.

22          (11) comply with the terms and conditions of an order  
23          of protection issued by the court pursuant to the Illinois  
24          Domestic Violence Act of 1986, as now or hereafter amended,  
25          or an order of protection issued by the court of another  
26          state, tribe, or United States territory. A copy of the

1 order of protection shall be transmitted to the probation  
2 officer or agency having responsibility for the case;

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

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

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

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

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

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

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

25           (e) Except where the offender has committed a fourth or  
26 subsequent violation of subsection (c) of Section 6-303 of the

1 Illinois Vehicle Code, the court shall not require as a  
2 condition of the sentence of probation or conditional discharge  
3 that the offender be committed to a period of imprisonment in  
4 excess of 6 months. This 6 month limit shall not include  
5 periods of confinement given pursuant to a sentence of county  
6 impact incarceration under Section 5-8-1.2. This 6 month limit  
7 does not apply to a person sentenced to probation as a result  
8 of a conviction of a fourth or subsequent violation of  
9 subsection (c-4) of Section 11-501 of the Illinois Vehicle Code  
10 or a similar provision of a local ordinance.

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

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

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

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

15 (h) 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.

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

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

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

1 victims and their families.

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

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

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

24 (k) Any offender who is sentenced to probation or  
25 conditional discharge for a felony sex offense as defined in  
26 the Sex Offender Management Board Act or any offense that the

1 court or probation department has determined to be sexually  
2 motivated as defined in the Sex Offender Management Board Act  
3 shall be required to refrain from any contact, directly or  
4 indirectly, with any persons specified by the court and shall  
5 be available for all evaluations and treatment programs  
6 required by the court or the probation department.

7 (Source: P.A. 93-475, eff. 8-8-03; 93-616, eff. 1-1-04; 93-970,  
8 eff. 8-20-04; 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
9 94-556, eff. 9-11-05; revised 8-19-05.)

10 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

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

12 (a) When a defendant is placed on supervision, the court  
13 shall enter an order for supervision specifying the period of  
14 such supervision, and shall defer further proceedings in the  
15 case until the conclusion of the period.

16 (b) The period of supervision shall be reasonable under all  
17 of the circumstances of the case, but may not be longer than 2  
18 years, unless the defendant has failed to pay the assessment  
19 required by Section 10.3 of the Cannabis Control Act, Section  
20 411.2 of the Illinois Controlled Substances Act, or Section 80  
21 of the Methamphetamine Control and Community Protection Act, in  
22 which case the court may extend supervision beyond 2 years.  
23 Additionally, the court shall order the defendant to perform no  
24 less than 30 hours of community service and not more than 120  
25 hours of community service, if community service is available



1 in the jurisdiction and is funded and approved by the county  
2 board where the offense was committed, when the offense (1) was  
3 related to or in furtherance of the criminal activities of an  
4 organized gang or was motivated by the defendant's membership  
5 in or allegiance to an organized gang; or (2) is a violation of  
6 any Section of Article 24 of the Criminal Code of 1961 where a  
7 disposition of supervision is not prohibited by Section 5-6-1  
8 of this Code. The community service shall include, but not be  
9 limited to, the cleanup and repair of any damage caused by  
10 violation of Section 21-1.3 of the Criminal Code of 1961 and  
11 similar damages to property located within the municipality or  
12 county in which the violation occurred. Where possible and  
13 reasonable, the community service should be performed in the  
14 offender's neighborhood.

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

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

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

- 1 (2) pay a fine and costs;
- 2 (3) work or pursue a course of study or vocational  
3 training;
- 4 (4) undergo medical, psychological or psychiatric  
5 treatment; or treatment for drug addiction or alcoholism;
- 6 (5) attend or reside in a facility established for the  
7 instruction or residence of defendants on probation;
- 8 (6) support his dependents;
- 9 (7) refrain from possessing a firearm or other  
10 dangerous weapon;
- 11 (8) and in addition, if a minor:
  - 12 (i) reside with his parents or in a foster home;
  - 13 (ii) attend school;
  - 14 (iii) attend a non-residential program for youth;
  - 15 (iv) contribute to his own support at home or in a  
16 foster home; or
  - 17 (v) with the consent of the superintendent of the  
18 facility, attend an educational program at a facility  
19 other than the school in which the offense was  
20 committed if he or she is placed on supervision for a  
21 crime of violence as defined in Section 2 of the Crime  
22 Victims Compensation Act committed in a school, on the  
23 real property comprising a school, or within 1,000 feet  
24 of the real property comprising a school;
- 25 (9) make restitution or reparation in an amount not to  
26 exceed actual loss or damage to property and pecuniary loss

1 or make restitution under Section 5-5-6 to a domestic  
2 violence shelter. The court shall determine the amount and  
3 conditions of payment;

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

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

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

21 (13) contribute a reasonable sum of money, not to  
22 exceed the maximum amount of the fine authorized for the  
23 offense for which the defendant was sentenced, (i) to a  
24 "local anti-crime program", as defined in Section 7 of the  
25 Anti-Crime Advisory Council Act, or (ii) for offenses under  
26 the jurisdiction of the Department of Natural Resources, to

1       the fund established by the Department of Natural Resources  
2       for the purchase of evidence for investigation purposes and  
3       to conduct investigations as outlined in Section 805-105 of  
4       the Department of Natural Resources (Conservation) Law;

5           (14) refrain from entering into a designated  
6       geographic area except upon such terms as the court finds  
7       appropriate. Such terms may include consideration of the  
8       purpose of the entry, the time of day, other persons  
9       accompanying the defendant, and advance approval by a  
10      probation officer;

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

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

22          (17) refrain from operating any motor vehicle not  
23      equipped with an ignition interlock device as defined in  
24      Section 1-129.1 of the Illinois Vehicle Code. Under this  
25      condition the court may allow a defendant who is not  
26      self-employed to operate a vehicle owned by the defendant's

1 employer that is not equipped with an ignition interlock  
2 device in the course and scope of the defendant's  
3 employment; and

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

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

17 (e) At the conclusion of the period of supervision, if the  
18 court determines that the defendant has successfully complied  
19 with all of the conditions of supervision, the court shall  
20 discharge the defendant and enter a judgment dismissing the  
21 charges.

22 (f) Discharge and dismissal upon a successful conclusion of  
23 a disposition of supervision shall be deemed without  
24 adjudication of guilt and shall not be termed a conviction for  
25 purposes of disqualification or disabilities imposed by law  
26 upon conviction of a crime. Two years after the discharge and

1 dismissal under this Section, unless the disposition of  
2 supervision was for a violation of Sections 3-707, 3-708,  
3 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a  
4 similar provision of a local ordinance, or for a violation of  
5 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which  
6 case it shall be 5 years after discharge and dismissal, a  
7 person may have his record of arrest sealed or expunged as may  
8 be provided by law. However, any defendant placed on  
9 supervision before January 1, 1980, may move for sealing or  
10 expungement of his arrest record, as provided by law, at any  
11 time after discharge and dismissal under this Section. A person  
12 placed on supervision for a sexual offense committed against a  
13 minor as defined in subsection (g) of Section 5 of the Criminal  
14 Identification Act or for a violation of Section 11-501 of the  
15 Illinois Vehicle Code or a similar provision of a local  
16 ordinance shall not have his or her record of arrest sealed or  
17 expunged.

18 (g) A defendant placed on supervision and who during the  
19 period of supervision undergoes mandatory drug or alcohol  
20 testing, or both, or is assigned to be placed on an approved  
21 electronic monitoring device, shall be ordered to pay the costs  
22 incidental to such mandatory drug or alcohol testing, or both,  
23 and costs incidental to such approved electronic monitoring in  
24 accordance with the defendant's ability to pay those costs. The  
25 county board with the concurrence of the Chief Judge of the  
26 judicial circuit in which the county is located shall establish

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

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

16 (i) The court shall impose upon a defendant placed on  
17 supervision after January 1, 1992 or to community service under  
18 the supervision of a probation or court services department  
19 after January 1, 2004, as a condition of supervision or  
20 supervised community service, a fee of \$50 for each month of  
21 supervision or supervised community service ordered by the  
22 court, unless after determining the inability of the person  
23 placed on supervision or supervised community service to pay  
24 the fee, the court assesses a lesser fee. The court may not  
25 impose the fee on a minor who is made a ward of the State under  
26 the Juvenile Court Act of 1987 while the minor is in placement.

1 The fee shall be imposed only upon a defendant who is actively  
2 supervised by the probation and court services department. The  
3 fee shall be collected by the clerk of the circuit court. The  
4 clerk of the circuit court shall pay all monies collected from  
5 this fee to the county treasurer for deposit in the probation  
6 and court services fund pursuant to Section 15.1 of the  
7 Probation and Probation Officers Act.

8 A circuit court may not impose a probation fee in excess of  
9 \$25 per month unless: (1) the circuit court has adopted, by  
10 administrative order issued by the chief judge, a standard  
11 probation fee guide determining an offender's ability to pay,  
12 under guidelines developed by the Administrative Office of the  
13 Illinois Courts; and (2) the circuit court has authorized, by  
14 administrative order issued by the chief judge, the creation of  
15 a Crime Victim's Services Fund, to be administered by the Chief  
16 Judge or his or her designee, for services to crime victims and  
17 their families. Of the amount collected as a probation fee, not  
18 to exceed \$5 of that fee collected per month may be used to  
19 provide services to crime victims and their families.

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



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

26 (l) The court shall require a defendant placed on

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

13 (m) The Secretary of State shall require anyone placed on  
14 court supervision for a violation of Section 3-707 of the  
15 Illinois Vehicle Code or a similar provision of a local  
16 ordinance to give proof of his or her financial responsibility  
17 as defined in Section 7-315 of the Illinois Vehicle Code. The  
18 proof shall be maintained by the individual in a manner  
19 satisfactory to the Secretary of State for a minimum period of  
20 one year after the date the proof is first filed. The proof  
21 shall be limited to a single action per arrest and may not be  
22 affected by any post-sentence disposition. The Secretary of  
23 State shall suspend the driver's license of any person  
24 determined by the Secretary to be in violation of this  
25 subsection.

26 (n) Any offender placed on supervision for any offense that

1 the court or probation department has determined to be sexually  
2 motivated as defined in the Sex Offender Management Board Act  
3 shall be required to refrain from any contact, directly or  
4 indirectly, with any persons specified by the court and shall  
5 be available for all evaluations and treatment programs  
6 required by the court or the probation department.

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

17 (Source: P.A. 93-475, eff. 8-8-03; 93-970, eff. 8-20-04;  
18 94-159, eff. 7-11-05; 94-161, eff. 7-11-05; 94-556, eff.  
19 9-11-05; revised 8-19-05.)