

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 Criminal Code of 2012 is amended by changing
5 Section 12-7.1 as follows:

6 (720 ILCS 5/12-7.1) (from Ch. 38, par. 12-7.1)

7 Sec. 12-7.1. Hate crime.

8 (a) A person commits hate crime when, by reason of the
9 actual or perceived race, color, creed, religion, ancestry,
10 gender, sexual orientation, physical or mental disability, or
11 national origin of another individual or group of individuals,
12 regardless of the existence of any other motivating factor or
13 factors, he commits assault, battery, aggravated assault,
14 misdemeanor theft, criminal trespass to residence, misdemeanor
15 criminal damage to property, criminal trespass to vehicle,
16 criminal trespass to real property, mob action, disorderly
17 conduct, harassment by telephone, or harassment through
18 electronic communications as these crimes are defined in
19 Sections 12-1, 12-2, 12-3(a), 16-1, 19-4, 21-1, 21-2, 21-3,
20 25-1, 26-1, 26.5-2, and paragraphs (a) (2) and (a) (5) of Section
21 26.5-3 of this Code, respectively.

22 (b) Except as provided in subsection (b-5), hate crime is a
23 Class 4 felony for a first offense and a Class 2 felony for a

1 second or subsequent offense.

2 (b-5) Hate crime is a Class 3 felony for a first offense
3 and a Class 2 felony for a second or subsequent offense if
4 committed:

5 (1) in, or upon the exterior or grounds of, a church,
6 synagogue, mosque, or other building, structure, or place
7 identified or associated with a particular religion or used
8 for religious worship or other religious purpose;

9 (2) in a cemetery, mortuary, or other facility used for
10 the purpose of burial or memorializing the dead;

11 (3) in a school or other educational facility,
12 including an administrative facility or public or private
13 dormitory facility of or associated with the school or
14 other educational facility;

15 (4) in a public park or an ethnic or religious
16 community center;

17 (5) on the real property comprising any location
18 specified in clauses (1) through (4) of this subsection
19 (b-5); or

20 (6) on a public way within 1,000 feet of the real
21 property comprising any location specified in clauses (1)
22 through (4) of this subsection (b-5).

23 (b-10) Upon imposition of any sentence, the trial court
24 shall also either order restitution paid to the victim or
25 impose a fine in an amount to be determined by the court based
26 on the severity of the crime and the injury or damages suffered

1 by the victim up to \$1,000. In addition, any order of probation
2 or conditional discharge entered following a conviction or an
3 adjudication of delinquency shall include a condition that the
4 offender perform public or community service of no less than
5 200 hours if that service is established in the county where
6 the offender was convicted of hate crime. In addition, any
7 order of probation or conditional discharge entered following a
8 conviction or an adjudication of delinquency shall include a
9 condition that the offender enroll in an educational program
10 discouraging hate crimes involving the protected class
11 identified in subsection (a) that gave rise to the offense the
12 offender committed ~~if the offender caused criminal damage to~~
13 ~~property consisting of religious fixtures, objects, or~~
14 ~~decorations.~~ The educational program must be attended by the
15 offender in-person and may be administered, as determined by
16 the court, by a university, college, community college,
17 non-profit organization, ~~or~~ the Illinois Holocaust and
18 Genocide Commission, or any other organization that provides
19 educational programs discouraging hate crimes, except that
20 programs administered online or that can otherwise be attended
21 remotely are prohibited. ~~Nothing in this subsection (b-10)~~
22 ~~prohibits courses discouraging hate crimes from being made~~
23 ~~available online.~~ The court may also impose any other condition
24 of probation or conditional discharge under this Section. If
25 the court sentences the offender to imprisonment or periodic
26 imprisonment for a violation of this Section, as a condition of

1 the offender's mandatory supervised release, the court shall
2 require that the offender perform public or community service
3 of no less than 200 hours and enroll in an educational program
4 discouraging hate crimes involving the protected class
5 identified in subsection (a) that gave rise to the offense the
6 offender committed.

7 (c) Independent of any criminal prosecution or the result
8 thereof, any person suffering injury to his person or damage to
9 his property as a result of a hate crime may bring a civil
10 action for damages, injunction or other appropriate relief. The
11 court may award actual damages, including damages for emotional
12 distress, as well as ~~or~~ punitive damages. A judgment in favor
13 of a person who brings a civil action under this subsection (c)
14 shall ~~may~~ include attorney's fees and costs. The parents or
15 legal guardians, other than guardians appointed pursuant to the
16 Juvenile Court Act or the Juvenile Court Act of 1987, of an
17 unemancipated minor shall be liable for the amount of any
18 judgment for all ~~actual~~ damages rendered against such minor
19 under this subsection (c) in any amount not exceeding the
20 amount provided under Section 5 of the Parental Responsibility
21 Law.

22 (d) "Sexual orientation" has the meaning ascribed to it in
23 paragraph (O-1) of Section 1-103 of the Illinois Human Rights
24 Act.

25 (Source: P.A. 99-77, eff. 1-1-16.)

1 Section 10. The Unified Code of Corrections is amended by
2 changing Sections 3-3-7 and 5-6-3 as follows:

3 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

4 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
5 Release.

6 (a) The conditions of parole or mandatory supervised
7 release shall be such as the Prisoner Review Board deems
8 necessary to assist the subject in leading a law-abiding life.
9 The conditions of every parole and mandatory supervised release
10 are that the subject:

11 (1) not violate any criminal statute of any
12 jurisdiction during the parole or release term;

13 (2) refrain from possessing a firearm or other
14 dangerous weapon;

15 (3) report to an agent of the Department of
16 Corrections;

17 (4) permit the agent to visit him or her at his or her
18 home, employment, or elsewhere to the extent necessary for
19 the agent to discharge his or her duties;

20 (5) attend or reside in a facility established for the
21 instruction or residence of persons on parole or mandatory
22 supervised release;

23 (6) secure permission before visiting or writing a
24 committed person in an Illinois Department of Corrections
25 facility;

1 (7) report all arrests to an agent of the Department of
2 Corrections as soon as permitted by the arresting authority
3 but in no event later than 24 hours after release from
4 custody and immediately report service or notification of
5 an order of protection, a civil no contact order, or a
6 stalking no contact order to an agent of the Department of
7 Corrections;

8 (7.5) if convicted of a sex offense as defined in the
9 Sex Offender Management Board Act, the individual shall
10 undergo and successfully complete sex offender treatment
11 conducted in conformance with the standards developed by
12 the Sex Offender Management Board Act by a treatment
13 provider approved by the Board;

14 (7.6) if convicted of a sex offense as defined in the
15 Sex Offender Management Board Act, refrain from residing at
16 the same address or in the same condominium unit or
17 apartment unit or in the same condominium complex or
18 apartment complex with another person he or she knows or
19 reasonably should know is a convicted sex offender or has
20 been placed on supervision for a sex offense; the
21 provisions of this paragraph do not apply to a person
22 convicted of a sex offense who is placed in a Department of
23 Corrections licensed transitional housing facility for sex
24 offenders, or is in any facility operated or licensed by
25 the Department of Children and Family Services or by the
26 Department of Human Services, or is in any licensed medical

1 facility;

2 (7.7) if convicted for an offense that would qualify
3 the accused as a sexual predator under the Sex Offender
4 Registration Act on or after January 1, 2007 (the effective
5 date of Public Act 94-988), wear an approved electronic
6 monitoring device as defined in Section 5-8A-2 for the
7 duration of the person's parole, mandatory supervised
8 release term, or extended mandatory supervised release
9 term and if convicted for an offense of criminal sexual
10 assault, aggravated criminal sexual assault, predatory
11 criminal sexual assault of a child, criminal sexual abuse,
12 aggravated criminal sexual abuse, or ritualized abuse of a
13 child committed on or after August 11, 2009 (the effective
14 date of Public Act 96-236) when the victim was under 18
15 years of age at the time of the commission of the offense
16 and the defendant used force or the threat of force in the
17 commission of the offense wear an approved electronic
18 monitoring device as defined in Section 5-8A-2 that has
19 Global Positioning System (GPS) capability for the
20 duration of the person's parole, mandatory supervised
21 release term, or extended mandatory supervised release
22 term;

23 (7.8) if convicted for an offense committed on or after
24 June 1, 2008 (the effective date of Public Act 95-464) that
25 would qualify the accused as a child sex offender as
26 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of

1 1961 or the Criminal Code of 2012, refrain from
2 communicating with or contacting, by means of the Internet,
3 a person who is not related to the accused and whom the
4 accused reasonably believes to be under 18 years of age;
5 for purposes of this paragraph (7.8), "Internet" has the
6 meaning ascribed to it in Section 16-0.1 of the Criminal
7 Code of 2012; and a person is not related to the accused if
8 the person is not: (i) the spouse, brother, or sister of
9 the accused; (ii) a descendant of the accused; (iii) a
10 first or second cousin of the accused; or (iv) a step-child
11 or adopted child of the accused;

12 (7.9) if convicted under Section 11-6, 11-20.1,
13 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or
14 the Criminal Code of 2012, consent to search of computers,
15 PDAs, cellular phones, and other devices under his or her
16 control that are capable of accessing the Internet or
17 storing electronic files, in order to confirm Internet
18 protocol addresses reported in accordance with the Sex
19 Offender Registration Act and compliance with conditions
20 in this Act;

21 (7.10) if convicted for an offense that would qualify
22 the accused as a sex offender or sexual predator under the
23 Sex Offender Registration Act on or after June 1, 2008 (the
24 effective date of Public Act 95-640), not possess
25 prescription drugs for erectile dysfunction;

26 (7.11) if convicted for an offense under Section 11-6,

1 11-9.1, 11-14.4 that involves soliciting for a juvenile
2 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
3 of the Criminal Code of 1961 or the Criminal Code of 2012,
4 or any attempt to commit any of these offenses, committed
5 on or after June 1, 2009 (the effective date of Public Act
6 95-983):

7 (i) not access or use a computer or any other
8 device with Internet capability without the prior
9 written approval of the Department;

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

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

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

1 supervising agent;

2 (7.12) if convicted of a sex offense as defined in the
3 Sex Offender Registration Act committed on or after January
4 1, 2010 (the effective date of Public Act 96-262), refrain
5 from accessing or using a social networking website as
6 defined in Section 17-0.5 of the Criminal Code of 2012;

7 (7.13) if convicted of a sex offense as defined in
8 Section 2 of the Sex Offender Registration Act committed on
9 or after January 1, 2010 (the effective date of Public Act
10 96-362) that requires the person to register as a sex
11 offender under that Act, may not knowingly use any computer
12 scrub software on any computer that the sex offender uses;

13 (8) obtain permission of an agent of the Department of
14 Corrections before leaving the State of Illinois;

15 (9) obtain permission of an agent of the Department of
16 Corrections before changing his or her residence or
17 employment;

18 (10) consent to a search of his or her person,
19 property, or residence under his or her control;

20 (11) refrain from the use or possession of narcotics or
21 other controlled substances in any form, or both, or any
22 paraphernalia related to those substances and submit to a
23 urinalysis test as instructed by a parole agent of the
24 Department of Corrections;

25 (12) not frequent places where controlled substances
26 are illegally sold, used, distributed, or administered;

1 (13) not knowingly associate with other persons on
2 parole or mandatory supervised release without prior
3 written permission of his or her parole agent, except when
4 the association involves activities related to community
5 programs, worship services, volunteering, and engaging
6 families, and not associate with persons who are members of
7 an organized gang as that term is defined in the Illinois
8 Streetgang Terrorism Omnibus Prevention Act;

9 (14) provide true and accurate information, as it
10 relates to his or her adjustment in the community while on
11 parole or mandatory supervised release or to his or her
12 conduct while incarcerated, in response to inquiries by his
13 or her parole agent or of the Department of Corrections;

14 (15) follow any specific instructions provided by the
15 parole agent that are consistent with furthering
16 conditions set and approved by the Prisoner Review Board or
17 by law, exclusive of placement on electronic detention, to
18 achieve the goals and objectives of his or her parole or
19 mandatory supervised release or to protect the public.
20 These instructions by the parole agent may be modified at
21 any time, as the agent deems appropriate;

22 (16) if convicted of a sex offense as defined in
23 subsection (a-5) of Section 3-1-2 of this Code, unless the
24 offender is a parent or guardian of the person under 18
25 years of age present in the home and no non-familial minors
26 are present, not participate in a holiday event involving

1 children under 18 years of age, such as distributing candy
2 or other items to children on Halloween, wearing a Santa
3 Claus costume on or preceding Christmas, being employed as
4 a department store Santa Claus, or wearing an Easter Bunny
5 costume on or preceding Easter;

6 (17) if convicted of a violation of an order of
7 protection under Section 12-3.4 or Section 12-30 of the
8 Criminal Code of 1961 or the Criminal Code of 2012, be
9 placed under electronic surveillance as provided in
10 Section 5-8A-7 of this Code;

11 (18) comply with the terms and conditions of an order
12 of protection issued pursuant to the Illinois Domestic
13 Violence Act of 1986; an order of protection issued by the
14 court of another state, tribe, or United States territory;
15 a no contact order issued pursuant to the Civil No Contact
16 Order Act; or a no contact order issued pursuant to the
17 Stalking No Contact Order Act; ~~and~~

18 (19) if convicted of a violation of the Methamphetamine
19 Control and Community Protection Act, the Methamphetamine
20 Precursor Control Act, or a methamphetamine related
21 offense, be:

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

25 (B) prohibited from purchasing, possessing, or
26 having under his or her control any product containing

1 ammonium nitrate; ~~and-~~

2 (20) if convicted of a hate crime under Section
3 12-7.1 of the Criminal Code of 2012, perform public or
4 community service of no less than 200 hours and enroll
5 in an educational program discouraging hate crimes
6 involving the protected class identified in subsection
7 (a) of Section 12-7.1 of the Criminal Code of 2012 that
8 gave rise to the offense the offender committed ordered
9 by the court.

10 (b) The Board may in addition to other conditions require
11 that the subject:

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

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

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

18 (4) support his or her dependents;

19 (5) (blank);

20 (6) (blank);

21 (7) (blank);

22 (7.5) if convicted for an offense committed on or after
23 the effective date of this amendatory Act of the 95th
24 General Assembly that would qualify the accused as a child
25 sex offender as defined in Section 11-9.3 or 11-9.4 of the
26 Criminal Code of 1961 or the Criminal Code of 2012, refrain

1 from communicating with or contacting, by means of the
2 Internet, a person who is related to the accused and whom
3 the accused reasonably believes to be under 18 years of
4 age; for purposes of this paragraph (7.5), "Internet" has
5 the meaning ascribed to it in Section 16-0.1 of the
6 Criminal Code of 2012; and a person is related to the
7 accused if the person is: (i) the spouse, brother, or
8 sister of the accused; (ii) a descendant of the accused;
9 (iii) a first or second cousin of the accused; or (iv) a
10 step-child or adopted child of the accused;

11 (7.6) if convicted for an offense committed on or after
12 June 1, 2009 (the effective date of Public Act 95-983) that
13 would qualify as a sex offense as defined in the Sex
14 Offender Registration Act:

15 (i) not access or use a computer or any other
16 device with Internet capability without the prior
17 written approval of the Department;

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

1 (iii) submit to the installation on the offender's
2 computer or device with Internet capability, at the
3 offender's expense, of one or more hardware or software
4 systems to monitor the Internet use; and

5 (iv) submit to any other appropriate restrictions
6 concerning the offender's use of or access to a
7 computer or any other device with Internet capability
8 imposed by the Board, the Department or the offender's
9 supervising agent; and

10 (8) in addition, if a minor:

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

13 (ii) attend school;

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

15 or

16 (iv) contribute to his or her own support at home
17 or in a foster home.

18 (b-1) In addition to the conditions set forth in
19 subsections (a) and (b), persons required to register as sex
20 offenders pursuant to the Sex Offender Registration Act, upon
21 release from the custody of the Illinois Department of
22 Corrections, may be required by the Board to comply with the
23 following specific conditions of release:

24 (1) reside only at a Department approved location;

25 (2) comply with all requirements of the Sex Offender
26 Registration Act;

1 (3) notify third parties of the risks that may be
2 occasioned by his or her criminal record;

3 (4) obtain the approval of an agent of the Department
4 of Corrections prior to accepting employment or pursuing a
5 course of study or vocational training and notify the
6 Department prior to any change in employment, study, or
7 training;

8 (5) not be employed or participate in any volunteer
9 activity that involves contact with children, except under
10 circumstances approved in advance and in writing by an
11 agent of the Department of Corrections;

12 (6) be electronically monitored for a minimum of 12
13 months from the date of release as determined by the Board;

14 (7) refrain from entering into a designated geographic
15 area except upon terms approved in advance by an agent of
16 the Department of Corrections. The terms may include
17 consideration of the purpose of the entry, the time of day,
18 and others accompanying the person;

19 (8) refrain from having any contact, including written
20 or oral communications, directly or indirectly, personally
21 or by telephone, letter, or through a third party with
22 certain specified persons including, but not limited to,
23 the victim or the victim's family without the prior written
24 approval of an agent of the Department of Corrections;

25 (9) refrain from all contact, directly or indirectly,
26 personally, by telephone, letter, or through a third party,

1 with minor children without prior identification and
2 approval of an agent of the Department of Corrections;

3 (10) neither possess or have under his or her control
4 any material that is sexually oriented, sexually
5 stimulating, or that shows male or female sex organs or any
6 pictures depicting children under 18 years of age nude or
7 any written or audio material describing sexual
8 intercourse or that depicts or alludes to sexual activity,
9 including but not limited to visual, auditory, telephonic,
10 or electronic media, or any matter obtained through access
11 to any computer or material linked to computer access use;

12 (11) not patronize any business providing sexually
13 stimulating or sexually oriented entertainment nor utilize
14 "900" or adult telephone numbers;

15 (12) not reside near, visit, or be in or about parks,
16 schools, day care centers, swimming pools, beaches,
17 theaters, or any other places where minor children
18 congregate without advance approval of an agent of the
19 Department of Corrections and immediately report any
20 incidental contact with minor children to the Department;

21 (13) not possess or have under his or her control
22 certain specified items of contraband related to the
23 incidence of sexually offending as determined by an agent
24 of the Department of Corrections;

25 (14) may be required to provide a written daily log of
26 activities if directed by an agent of the Department of

1 Corrections;

2 (15) comply with all other special conditions that the
3 Department may impose that restrict the person from
4 high-risk situations and limit access to potential
5 victims;

6 (16) take an annual polygraph exam;

7 (17) maintain a log of his or her travel; or

8 (18) obtain prior approval of his or her parole officer
9 before driving alone in a motor vehicle.

10 (c) The conditions under which the parole or mandatory
11 supervised release is to be served shall be communicated to the
12 person in writing prior to his or her release, and he or she
13 shall sign the same before release. A signed copy of these
14 conditions, including a copy of an order of protection where
15 one had been issued by the criminal court, shall be retained by
16 the person and another copy forwarded to the officer in charge
17 of his or her supervision.

18 (d) After a hearing under Section 3-3-9, the Prisoner
19 Review Board may modify or enlarge the conditions of parole or
20 mandatory supervised release.

21 (e) The Department shall inform all offenders committed to
22 the Department of the optional services available to them upon
23 release and shall assist inmates in availing themselves of such
24 optional services upon their release on a voluntary basis.

25 (f) (Blank).

26 (Source: P.A. 98-558, eff. 1-1-14; 99-628, eff. 1-1-17; 99-698,

1 eff. 7-29-16; revised 9-1-16.)

2 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

7 (1) not violate any criminal statute of any
8 jurisdiction;

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

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

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

24 (5) permit the probation officer to visit him at his
25 home or elsewhere to the extent necessary to discharge his

1 duties;

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

20 (7) if he or she is at least 17 years of age and has
21 been sentenced to probation or conditional discharge for a
22 misdemeanor or felony in a county of 3,000,000 or more
23 inhabitants and has not been previously convicted of a
24 misdemeanor or felony, may be required by the sentencing
25 court to attend educational courses designed to prepare the
26 defendant for a high school diploma and to work toward a

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

21 (8) if convicted of possession of a substance
22 prohibited by the Cannabis Control Act, the Illinois
23 Controlled Substances Act, or the Methamphetamine Control
24 and Community Protection Act after a previous conviction or
25 disposition of supervision for possession of a substance
26 prohibited by the Cannabis Control Act or Illinois

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

8 (8.5) if convicted of a felony sex offense as defined
9 in the Sex Offender Management Board Act, the person shall
10 undergo and successfully complete sex offender treatment
11 by a treatment provider approved by the Board and conducted
12 in conformance with the standards developed under the Sex
13 Offender Management Board Act;

14 (8.6) if convicted of a sex offense as defined in the
15 Sex Offender Management Board Act, refrain from residing at
16 the same address or in the same condominium unit or
17 apartment unit or in the same condominium complex or
18 apartment complex with another person he or she knows or
19 reasonably should know is a convicted sex offender or has
20 been placed on supervision for a sex offense; the
21 provisions of this paragraph do not apply to a person
22 convicted of a sex offense who is placed in a Department of
23 Corrections licensed transitional housing facility for sex
24 offenders;

25 (8.7) if convicted for an offense committed on or after
26 June 1, 2008 (the effective date of Public Act 95-464) that

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

14 (8.8) if convicted for an offense under Section 11-6,
15 11-9.1, 11-14.4 that involves soliciting for a juvenile
16 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
17 of the Criminal Code of 1961 or the Criminal Code of 2012,
18 or any attempt to commit any of these offenses, committed
19 on or after June 1, 2009 (the effective date of Public Act
20 95-983):

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

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

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

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

19 (8.9) if convicted of a sex offense as defined in the
20 Sex Offender Registration Act committed on or after January
21 1, 2010 (the effective date of Public Act 96-262), refrain
22 from accessing or using a social networking website as
23 defined in Section 17-0.5 of the Criminal Code of 2012;

24 (9) if convicted of a felony or of any misdemeanor
25 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
26 12-3.5 of the Criminal Code of 1961 or the Criminal Code of

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

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

20 (11) if convicted of a sex offense as defined in
21 Section 2 of the Sex Offender Registration Act committed on
22 or after January 1, 2010 (the effective date of Public Act
23 96-362) that requires the person to register as a sex
24 offender under that Act, may not knowingly use any computer
25 scrub software on any computer that the sex offender uses;

26 ~~and~~

1 (12) if convicted of a violation of the Methamphetamine
2 Control and Community Protection Act, the Methamphetamine
3 Precursor Control Act, or a methamphetamine related
4 offense:

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

8 (B) prohibited from purchasing, possessing, or
9 having under his or her control any product containing
10 ammonium nitrate; ~~and~~.

11 (13) if convicted of a hate crime involving the
12 protected class identified in subsection (a) of Section
13 12-7.1 of the Criminal Code of 2012 that gave rise to the
14 offense the offender committed, perform public or
15 community service of no less than 200 hours and enroll in
16 an educational program discouraging hate crimes that
17 includes racial, ethnic, and cultural sensitivity training
18 ordered by the court.

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

24 (1) serve a term of periodic imprisonment under Article
25 7 for a period not to exceed that specified in paragraph
26 (d) of Section 5-7-1;

- 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) and in addition, if a minor:
 - 10 (i) reside with his parents or in a foster home;
 - 11 (ii) attend school;
 - 12 (iii) attend a non-residential program for youth;
 - 13 (iv) contribute to his own support at home or in a
14 foster home;
 - 15 (v) with the consent of the superintendent of the
16 facility, attend an educational program at a facility
17 other than the school in which the offense was
18 committed if he or she is convicted of a crime of
19 violence as defined in Section 2 of the Crime Victims
20 Compensation Act committed in a school, on the real
21 property comprising a school, or within 1,000 feet of
22 the real property comprising a school;
- 23 (8) make restitution as provided in Section 5-5-6 of
24 this Code;
- 25 (9) perform some reasonable public or community
26 service;

1 (10) serve a term of home confinement. In addition to
2 any other applicable condition of probation or conditional
3 discharge, the conditions of home confinement shall be that
4 the offender:

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

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

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

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

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

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

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

22 (v) for persons convicted of offenses other than
23 those referenced in clause (iv) above and who are
24 placed on an approved monitoring device as a condition
25 of probation or conditional discharge, the court shall
26 impose a reasonable fee for each day of the use of the

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

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

1 (11) comply with the terms and conditions of an order
2 of protection issued by the court pursuant to the Illinois
3 Domestic Violence Act of 1986, as now or hereafter amended,
4 or an order of protection issued by the court of another
5 state, tribe, or United States territory. A copy of the
6 order of protection shall be transmitted to the probation
7 officer or agency having responsibility for the case;

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

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

24 (14) refrain from entering into a designated
25 geographic area except upon such terms as the court finds
26 appropriate. Such terms may include consideration of the

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

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

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

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

1 2012; and a person is related to the accused if the person
2 is: (i) the spouse, brother, or sister of the accused; (ii)
3 a descendant of the accused; (iii) a first or second cousin
4 of the accused; or (iv) a step-child or adopted child of
5 the accused;

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

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

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

26 (iii) submit to the installation on the offender's

1 computer or device with Internet capability, at the
2 subject's expense, of one or more hardware or software
3 systems to monitor the Internet use; and

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

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

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.

7 Persons committed to imprisonment as a condition of
8 probation or conditional discharge shall not be committed to
9 the Department of Corrections.

10 (f) The court may combine a sentence of periodic
11 imprisonment under Article 7 or a sentence to a county impact
12 incarceration program under Article 8 with a sentence of
13 probation or conditional discharge.

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

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

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

23 (h) Jurisdiction over an offender may be transferred from
24 the sentencing court to the court of another circuit with the
25 concurrence of both courts. Further transfers or retransfers of
26 jurisdiction are also authorized in the same manner. The court

1 to which jurisdiction has been transferred shall have the same
2 powers as the sentencing court. The probation department within
3 the circuit to which jurisdiction has been transferred, or
4 which has agreed to provide supervision, may impose probation
5 fees upon receiving the transferred offender, as provided in
6 subsection (i). For all transfer cases, as defined in Section
7 9b of the Probation and Probation Officers Act, the probation
8 department from the original sentencing court shall retain all
9 probation fees collected prior to the transfer. After the
10 transfer all probation fees shall be paid to the probation
11 department within the circuit to which jurisdiction has been
12 transferred.

13 (i) The court shall impose upon an offender sentenced to
14 probation after January 1, 1989 or to conditional discharge
15 after January 1, 1992 or to community service under the
16 supervision of a probation or court services department after
17 January 1, 2004, as a condition of such probation or
18 conditional discharge or supervised community service, a fee of
19 \$50 for each month of probation or conditional discharge
20 supervision or supervised community service ordered by the
21 court, unless after determining the inability of the person
22 sentenced to probation or conditional discharge or supervised
23 community service to pay the fee, the court assesses a lesser
24 fee. The court may not impose the fee on a minor who is made a
25 ward of the State under the Juvenile Court Act of 1987 while
26 the minor is in placement. The fee shall be imposed only upon

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

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

14 The Court may only waive probation fees based on an
15 offender's ability to pay. The probation department may
16 re-evaluate an offender's ability to pay every 6 months, and,
17 with the approval of the Director of Court Services or the
18 Chief Probation Officer, adjust the monthly fee amount. An
19 offender may elect to pay probation fees due in a lump sum. Any
20 offender that has been assigned to the supervision of a
21 probation department, or has been transferred either under
22 subsection (h) of this Section or under any interstate compact,
23 shall be required to pay probation fees to the department
24 supervising the offender, based on the offender's ability to
25 pay.

26 This amendatory Act of the 93rd General Assembly deletes

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

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

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

22 (k) Any offender who is sentenced to probation or
23 conditional discharge for a felony sex offense as defined in
24 the Sex Offender Management Board Act or any offense that the
25 court or probation department has determined to be sexually
26 motivated as defined in the Sex Offender Management Board Act

1 shall be required to refrain from any contact, directly or
2 indirectly, with any persons specified by the court and shall
3 be available for all evaluations and treatment programs
4 required by the court or the probation department.

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

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