



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3344

by Rep. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

720 ILCS 550/10	from Ch. 56 1/2, par. 710
720 ILCS 570/410	from Ch. 56 1/2, par. 1410
720 ILCS 646/70	
725 ILCS 5/110-14	from Ch. 38, par. 110-14
730 ILCS 5/5-3-2	from Ch. 38, par. 1005-3-2
730 ILCS 5/5-6-3.1	from Ch. 38, par. 1005-6-3.1

Amends the Cannabis Control Act, the Illinois Controlled Substances Act, and the Methamphetamine Control and Community Protection Act. Provides that at the time a defendant is placed on probation, the court shall set a date at the conclusion of the period to determine whether the defendant has complied with the terms and conditions of probation. Amends the Code of Criminal Procedure of 1963. Provides that a person incarcerated on a bailable offense who does not supply bail and against whom a fine is levied on conviction of the offense shall be allowed a credit of \$20 (rather than \$5) for each day the person is incarcerated toward any fine imposed. Amends the Unified Code of Corrections. Provides that in felony cases, the presentence report shall set forth the financial impact of incarceration based on the financial impact statement filed with the clerk of the court by the Department of Corrections. Provides that at the time a defendant is placed on supervision, the court shall set a date at the conclusion of the period to determine whether the defendant has complied with the terms and conditions of supervision.

LRB100 00022 RLC 10023 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 Cannabis Control Act is amended by changing
5 Section 10 as follows:

6 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

7 Sec. 10. (a) Whenever any person who has not previously
8 been convicted of, or placed on probation or court supervision
9 for, any offense under this Act or any law of the United States
10 or of any State relating to cannabis, or controlled substances
11 as defined in the Illinois Controlled Substances Act, pleads
12 guilty to or is found guilty of violating Sections 4(a), 4(b),
13 4(c), 5(a), 5(b), 5(c) or 8 of this Act, the court may, without
14 entering a judgment and with the consent of such person,
15 sentence him to probation.

16 (b) When a person is placed on probation, the court shall
17 enter an order specifying a period of probation of 24 months,
18 and shall defer further proceedings in the case until the
19 conclusion of the period or until the filing of a petition
20 alleging violation of a term or condition of probation. At the
21 time the person is placed on probation, the court shall set a
22 date at the conclusion of the period to determine whether the
23 person has complied with the terms and conditions of probation.

1 (c) The conditions of probation shall be that the person:
2 (1) not violate any criminal statute of any jurisdiction; (2)
3 refrain from possession of a firearm or other dangerous weapon;
4 (3) submit to periodic drug testing at a time and in a manner
5 as ordered by the court, but no less than 3 times during the
6 period of the probation, with the cost of the testing to be
7 paid by the probationer; and (4) perform no less than 30 hours
8 of community service, provided community service is available
9 in the jurisdiction and is funded and approved by the county
10 board.

11 (d) The court may, in addition to other conditions, require
12 that the person:

13 (1) make a report to and appear in person before or
14 participate with the court or such courts, person, or
15 social service agency as directed by the court in the order
16 of probation;

17 (2) pay a fine and costs;

18 (3) work or pursue a course of study or vocational
19 training;

20 (4) undergo medical or psychiatric treatment; or
21 treatment for drug addiction or alcoholism;

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

24 (6) support his dependents;

25 (7) refrain from possessing a firearm or other
26 dangerous weapon;

1 (7-5) refrain from having in his or her body the
2 presence of any illicit drug prohibited by the Cannabis
3 Control Act, the Illinois Controlled Substances Act, or the
4 Methamphetamine Control and Community Protection Act,
5 unless prescribed by a physician, and submit samples of his
6 or her blood or urine or both for tests to determine the
7 presence of any illicit drug;

8 (8) and in addition, if a minor:

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

10 (ii) attend school;

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

12 (iv) contribute to his own support at home or in a
13 foster home.

14 (e) Upon violation of a term or condition of probation, the
15 court may enter a judgment on its original finding of guilt and
16 proceed as otherwise provided.

17 (f) At the conclusion of the period of probation, if the
18 court determines that the person has complied with ~~Upon~~
19 ~~fulfillment of~~ the terms and conditions of probation, the court
20 shall discharge the ~~such~~ person and dismiss the proceedings
21 against him or her.

22 (g) A disposition of probation is considered to be a
23 conviction for the purposes of imposing the conditions of
24 probation and for appeal, however, discharge and dismissal
25 under this Section is not a conviction for purposes of
26 disqualification or disabilities imposed by law upon

1 conviction of a crime (including the additional penalty imposed
2 for subsequent offenses under Section 4(c), 4(d), 5(c) or 5(d)
3 of this Act).

4 (h) Discharge and dismissal under this Section, Section 410
5 of the Illinois Controlled Substances Act, Section 70 of the
6 Methamphetamine Control and Community Protection Act, Section
7 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections, or
8 subsection (c) of Section 11-14 of the Criminal Code of 1961 or
9 the Criminal Code of 2012 may occur only once with respect to
10 any person.

11 (i) If a person is convicted of an offense under this Act,
12 the Illinois Controlled Substances Act, or the Methamphetamine
13 Control and Community Protection Act within 5 years subsequent
14 to a discharge and dismissal under this Section, the discharge
15 and dismissal under this Section shall be admissible in the
16 sentencing proceeding for that conviction as a factor in
17 aggravation.

18 (j) Notwithstanding subsection (a), before a person is
19 sentenced to probation under this Section, the court may refer
20 the person to the drug court established in that judicial
21 circuit pursuant to Section 15 of the Drug Court Treatment Act.
22 The drug court team shall evaluate the person's likelihood of
23 successfully completing a sentence of probation under this
24 Section and shall report the results of its evaluation to the
25 court. If the drug court team finds that the person suffers
26 from a substance abuse problem that makes him or her

1 substantially unlikely to successfully complete a sentence of
2 probation under this Section, then the drug court shall set
3 forth its findings in the form of a written order, and the
4 person shall not be sentenced to probation under this Section,
5 but may be considered for the drug court program.

6 (Source: P.A. 98-164, eff. 1-1-14; 99-480, eff. 9-9-15.)

7 Section 10. The Illinois Controlled Substances Act is
8 amended by changing Section 410 as follows:

9 (720 ILCS 570/410) (from Ch. 56 1/2, par. 1410)

10 Sec. 410. (a) Whenever any person who has not previously
11 been convicted of, or placed on probation or court supervision
12 for any offense under this Act or any law of the United States
13 or of any State relating to cannabis or controlled substances,
14 pleads guilty to or is found guilty of possession of a
15 controlled or counterfeit substance under subsection (c) of
16 Section 402 or of unauthorized possession of prescription form
17 under Section 406.2, the court, without entering a judgment and
18 with the consent of such person, may sentence him or her to
19 probation.

20 (b) When a person is placed on probation, the court shall
21 enter an order specifying a period of probation of 24 months
22 and shall defer further proceedings in the case until the
23 conclusion of the period or until the filing of a petition
24 alleging violation of a term or condition of probation. At the

1 time the person is placed on probation, the court shall set a
2 date at the conclusion of the period to determine whether the
3 person has complied with the terms and conditions of probation.

4 (c) The conditions of probation shall be that the person:
5 (1) not violate any criminal statute of any jurisdiction; (2)
6 refrain from possessing a firearm or other dangerous weapon;
7 (3) submit to periodic drug testing at a time and in a manner
8 as ordered by the court, but no less than 3 times during the
9 period of the probation, with the cost of the testing to be
10 paid by the probationer; and (4) perform no less than 30 hours
11 of community service, provided community service is available
12 in the jurisdiction and is funded and approved by the county
13 board.

14 (d) The court may, in addition to other conditions, require
15 that the person:

16 (1) make a report to and appear in person before or
17 participate with the court or such courts, person, or
18 social service agency as directed by the court in the order
19 of probation;

20 (2) pay a fine and costs;

21 (3) work or pursue a course of study or vocational
22 training;

23 (4) undergo medical or psychiatric treatment; or
24 treatment or rehabilitation approved by the Illinois
25 Department of Human Services;

26 (5) attend or reside in a facility established for the

1 instruction or residence of defendants on probation;

2 (6) support his or her dependents;

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

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

17 (e) Upon violation of a term or condition of probation, the
18 court may enter a judgment on its original finding of guilt and
19 proceed as otherwise provided.

20 (f) At the conclusion of the period of probation, if the
21 court determines that the person has complied with ~~Upon~~
22 ~~fulfillment of~~ the terms and conditions of probation, the court
23 shall discharge the person and dismiss the proceedings against
24 him or her.

25 (g) A disposition of probation is considered to be a
26 conviction for the purposes of imposing the conditions of

1 probation and for appeal, however, discharge and dismissal
2 under this Section is not a conviction for purposes of this Act
3 or for purposes of disqualifications or disabilities imposed by
4 law upon conviction of a crime.

5 (h) There may be only one discharge and dismissal under
6 this Section, Section 10 of the Cannabis Control Act, Section
7 70 of the Methamphetamine Control and Community Protection Act,
8 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections,
9 or subsection (c) of Section 11-14 of the Criminal Code of 1961
10 or the Criminal Code of 2012 with respect to any person.

11 (i) If a person is convicted of an offense under this Act,
12 the Cannabis Control Act, or the Methamphetamine Control and
13 Community Protection Act within 5 years subsequent to a
14 discharge and dismissal under this Section, the discharge and
15 dismissal under this Section shall be admissible in the
16 sentencing proceeding for that conviction as evidence in
17 aggravation.

18 (j) Notwithstanding subsection (a), before a person is
19 sentenced to probation under this Section, the court may refer
20 the person to the drug court established in that judicial
21 circuit pursuant to Section 15 of the Drug Court Treatment Act.
22 The drug court team shall evaluate the person's likelihood of
23 successfully completing a sentence of probation under this
24 Section and shall report the results of its evaluation to the
25 court. If the drug court team finds that the person suffers
26 from a substance abuse problem that makes him or her

1 substantially unlikely to successfully complete a sentence of
2 probation under this Section, then the drug court shall set
3 forth its findings in the form of a written order, and the
4 person shall not be sentenced to probation under this Section,
5 but may be considered for the drug court program.

6 (Source: P.A. 98-164, eff. 1-1-14; 99-480, eff. 9-9-15.)

7 Section 15. The Methamphetamine Control and Community
8 Protection Act is amended by changing Section 70 as follows:

9 (720 ILCS 646/70)

10 Sec. 70. Probation.

11 (a) Whenever any person who has not previously been
12 convicted of, or placed on probation or court supervision for
13 any offense under this Act, the Illinois Controlled Substances
14 Act, the Cannabis Control Act, or any law of the United States
15 or of any state relating to cannabis or controlled substances,
16 pleads guilty to or is found guilty of possession of less than
17 15 grams of methamphetamine under paragraph (1) or (2) of
18 subsection (b) of Section 60 of this Act, the court, without
19 entering a judgment and with the consent of the person, may
20 sentence him or her to probation.

21 (b) When a person is placed on probation, the court shall
22 enter an order specifying a period of probation of 24 months
23 and shall defer further proceedings in the case until the
24 conclusion of the period or until the filing of a petition

1 alleging violation of a term or condition of probation. At the
2 time the person is placed on probation, the court shall set a
3 date at the conclusion of the period to determine whether the
4 person has complied with the terms and conditions of probation.

5 (c) The conditions of probation shall be that the person:

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

8 (2) refrain from possessing a firearm or other
9 dangerous weapon;

10 (3) submit to periodic drug testing at a time and in a
11 manner as ordered by the court, but no less than 3 times
12 during the period of the probation, with the cost of the
13 testing to be paid by the probationer; and

14 (4) perform no less than 30 hours of community service,
15 if community service is available in the jurisdiction and
16 is funded and approved by the county board.

17 (d) The court may, in addition to other conditions, require
18 that the person take one or more of the following actions:

19 (1) make a report to and appear in person before or
20 participate with the court or such courts, person, or
21 social service agency as directed by the court in the order
22 of probation;

23 (2) pay a fine and costs;

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

26 (4) undergo medical or psychiatric treatment; or

1 treatment or rehabilitation approved by the Illinois
2 Department of Human Services;

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

5 (6) support his or her dependents;

6 (7) refrain from having in his or her body the presence
7 of any illicit drug prohibited by this Act, the Cannabis
8 Control Act, or the Illinois Controlled Substances 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; or

12 (8) if a minor:

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

15 (ii) attend school;

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

17 or

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

20 (e) Upon violation of a term or condition of probation, the
21 court may enter a judgment on its original finding of guilt and
22 proceed as otherwise provided.

23 (f) At the conclusion of the period of probation, if the
24 court determines that the person has complied with ~~Upon~~
25 ~~fulfillment of~~ the terms and conditions of probation, the court
26 shall discharge the person and dismiss the proceedings against

1 the person.

2 (g) A disposition of probation is considered to be a
3 conviction for the purposes of imposing the conditions of
4 probation and for appeal, however, discharge and dismissal
5 under this Section is not a conviction for purposes of this Act
6 or for purposes of disqualifications or disabilities imposed by
7 law upon conviction of a crime.

8 (h) There may be only one discharge and dismissal under
9 this Section, Section 410 of the Illinois Controlled Substances
10 Act, Section 10 of the Cannabis Control Act, Section 5-6-3.3 or
11 5-6-3.4 of the Unified Code of Corrections, or subsection (c)
12 of Section 11-14 of the Criminal Code of 1961 or the Criminal
13 Code of 2012 with respect to any person.

14 (i) If a person is convicted of an offense under this Act,
15 the Cannabis Control Act, or the Illinois Controlled Substances
16 Act within 5 years subsequent to a discharge and dismissal
17 under this Section, the discharge and dismissal under this
18 Section are admissible in the sentencing proceeding for that
19 conviction as evidence in aggravation.

20 (j) Notwithstanding subsection (a), before a person is
21 sentenced to probation under this Section, the court may refer
22 the person to the drug court established in that judicial
23 circuit pursuant to Section 15 of the Drug Court Treatment Act.
24 The drug court team shall evaluate the person's likelihood of
25 successfully completing a sentence of probation under this
26 Section and shall report the results of its evaluation to the

1 court. If the drug court team finds that the person suffers
2 from a substance abuse problem that makes him or her
3 substantially unlikely to successfully complete a sentence of
4 probation under this Section, then the drug court shall set
5 forth its findings in the form of a written order, and the
6 person shall not be sentenced to probation under this Section,
7 but may be considered for the drug court program.

8 (Source: P.A. 98-164, eff. 1-1-14; 99-480, eff. 9-9-15.)

9 Section 20. The Code of Criminal Procedure of 1963 is
10 amended by changing Section 110-14 as follows:

11 (725 ILCS 5/110-14) (from Ch. 38, par. 110-14)

12 Sec. 110-14. Credit for Incarceration on Bailable Offense.

13 (a) Any person incarcerated on a bailable offense who does
14 not supply bail and against whom a fine is levied on conviction
15 of such offense shall be allowed a credit of \$20 ~~\$5~~ for each
16 day so incarcerated upon application of the defendant. However,
17 in no case shall the amount so allowed or credited exceed the
18 amount of the fine.

19 (b) Subsection (a) does not apply to a person incarcerated
20 for sexual assault as defined in paragraph (1) of subsection
21 (a) of Section 5-9-1.7 of the Unified Code of Corrections.

22 (Source: P.A. 93-699, eff. 1-1-05.)

23 Section 25. The Unified Code of Corrections is amended by

1 changing Sections 5-3-2 and 5-6-3.1 as follows:

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

3 Sec. 5-3-2. Presentence Report.

4 (a) In felony cases, the presentence report shall set
5 forth:

6 (1) the defendant's history of delinquency or
7 criminality, physical and mental history and condition,
8 family situation and background, economic status,
9 education, occupation and personal habits;

10 (2) information about special resources within the
11 community which might be available to assist the
12 defendant's rehabilitation, including treatment centers,
13 residential facilities, vocational training services,
14 correctional manpower programs, employment opportunities,
15 special educational programs, alcohol and drug abuse
16 programming, psychiatric and marriage counseling, and
17 other programs and facilities which could aid the
18 defendant's successful reintegration into society;

19 (3) the effect the offense committed has had upon the
20 victim or victims thereof, and any compensatory benefit
21 that various sentencing alternatives would confer on such
22 victim or victims;

23 (3.5) information provided by the victim's spouse,
24 guardian, parent, grandparent, and other immediate family
25 and household members about the effect the offense

1 committed has had on the victim and on the person providing
2 the information; if the victim's spouse, guardian, parent,
3 grandparent, or other immediate family or household member
4 has provided a written statement, the statement shall be
5 attached to the report;

6 (4) information concerning the defendant's status
7 since arrest, including his record if released on his own
8 recognizance, or the defendant's achievement record if
9 released on a conditional pre-trial supervision program;

10 (5) when appropriate, a plan, based upon the personal,
11 economic and social adjustment needs of the defendant,
12 utilizing public and private community resources as an
13 alternative to institutional sentencing;

14 (6) any other matters that the investigatory officer
15 deems relevant or the court directs to be included; ~~and~~

16 (7) information concerning defendant's eligibility for
17 a sentence to a county impact incarceration program under
18 Section 5-8-1.2 of this Code; and -

19 (8) the financial impact of incarceration based on the
20 financial impact statement filed with the clerk of the
21 court by the Department of Corrections.

22 (b) The investigation shall include a physical and mental
23 examination of the defendant when so ordered by the court. If
24 the court determines that such an examination should be made,
25 it shall issue an order that the defendant submit to
26 examination at such time and place as designated by the court

1 and that such examination be conducted by a physician,
2 psychologist or psychiatrist designated by the court. Such an
3 examination may be conducted in a court clinic if so ordered by
4 the court. The cost of such examination shall be paid by the
5 county in which the trial is held.

6 (b-5) In cases involving felony sex offenses in which the
7 offender is being considered for probation only or any felony
8 offense that is sexually motivated as defined in the Sex
9 Offender Management Board Act in which the offender is being
10 considered for probation only, the investigation shall include
11 a sex offender evaluation by an evaluator approved by the Board
12 and conducted in conformance with the standards developed under
13 the Sex Offender Management Board Act. In cases in which the
14 offender is being considered for any mandatory prison sentence,
15 the investigation shall not include a sex offender evaluation.

16 (c) In misdemeanor, business offense or petty offense
17 cases, except as specified in subsection (d) of this Section,
18 when a presentence report has been ordered by the court, such
19 presentence report shall contain information on the
20 defendant's history of delinquency or criminality and shall
21 further contain only those matters listed in any of paragraphs
22 (1) through (6) of subsection (a) or in subsection (b) of this
23 Section as are specified by the court in its order for the
24 report.

25 (d) In cases under Sections 11-1.50, 12-15, and 12-3.4 or
26 12-30 of the Criminal Code of 1961 or the Criminal Code of

1 2012, the presentence report shall set forth information about
2 alcohol, drug abuse, psychiatric, and marriage counseling or
3 other treatment programs and facilities, information on the
4 defendant's history of delinquency or criminality, and shall
5 contain those additional matters listed in any of paragraphs
6 (1) through (6) of subsection (a) or in subsection (b) of this
7 Section as are specified by the court.

8 (e) Nothing in this Section shall cause the defendant to be
9 held without bail or to have his bail revoked for the purpose
10 of preparing the presentence report or making an examination.

11 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13;
12 98-372, eff. 1-1-14.)

13 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

14 Sec. 5-6-3.1. Incidents and conditions of supervision.

15 (a) When a defendant is placed on supervision, the court
16 shall enter an order for supervision specifying the period of
17 such supervision, and shall defer further proceedings in the
18 case until the conclusion of the period. At the time a
19 defendant is placed on supervision, the court shall set a date
20 at the conclusion of the period to determine whether the
21 defendant has complied with the conditions of supervision.

22 (b) The period of supervision shall be reasonable under all
23 of the circumstances of the case, but may not be longer than 2
24 years, unless the defendant has failed to pay the assessment
25 required by Section 10.3 of the Cannabis Control Act, Section

1 411.2 of the Illinois Controlled Substances Act, or Section 80
2 of the Methamphetamine Control and Community Protection Act, in
3 which case the court may extend supervision beyond 2 years.
4 Additionally, the court shall order the defendant to perform no
5 less than 30 hours of community service and not more than 120
6 hours of community service, if community service is available
7 in the jurisdiction and is funded and approved by the county
8 board where the offense was committed, when the offense (1) was
9 related to or in furtherance of the criminal activities of an
10 organized gang or was motivated by the defendant's membership
11 in or allegiance to an organized gang; or (2) is a violation of
12 any Section of Article 24 of the Criminal Code of 1961 or the
13 Criminal Code of 2012 where a disposition of supervision is not
14 prohibited by Section 5-6-1 of this Code. The community service
15 shall include, but not be limited to, the cleanup and repair of
16 any damage caused by violation of Section 21-1.3 of the
17 Criminal Code of 1961 or the Criminal Code of 2012 and similar
18 damages to property located within the municipality or county
19 in which the violation occurred. Where possible and reasonable,
20 the community service should be performed in the offender's
21 neighborhood.

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

25 (c) The court may in addition to other reasonable
26 conditions relating to the nature of the offense or the

1 rehabilitation of the defendant as determined for each
2 defendant in the proper discretion of the court require that
3 the person:

4 (1) make a report to and appear in person before or
5 participate with the court or such courts, person, or
6 social service agency as directed by the court in the order
7 of supervision;

8 (2) pay a fine and costs;

9 (3) work or pursue a course of study or vocational
10 training;

11 (4) undergo medical, psychological or psychiatric
12 treatment; or treatment for drug addiction or alcoholism;

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

15 (6) support his dependents;

16 (7) refrain from possessing a firearm or other
17 dangerous weapon;

18 (8) and in addition, if a minor:

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

20 (ii) attend school;

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

22 (iv) contribute to his own support at home or in a
23 foster home; or

24 (v) with the consent of the superintendent of the
25 facility, attend an educational program at a facility
26 other than the school in which the offense was

1 committed if he or she is placed on supervision for a
2 crime of violence as defined in Section 2 of the Crime
3 Victims Compensation Act committed in a school, on the
4 real property comprising a school, or within 1,000 feet
5 of the real property comprising a school;

6 (9) make restitution or reparation in an amount not to
7 exceed actual loss or damage to property and pecuniary loss
8 or make restitution under Section 5-5-6 to a domestic
9 violence shelter. The court shall determine the amount and
10 conditions of payment;

11 (10) perform some reasonable public or community
12 service;

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

22 (12) reimburse any "local anti-crime program" as
23 defined in Section 7 of the Anti-Crime Advisory Council Act
24 for any reasonable expenses incurred by the program on the
25 offender's case, not to exceed the maximum amount of the
26 fine authorized for the offense for which the defendant was

1 sentenced;

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

12 (14) refrain from entering into a designated
13 geographic area except upon such terms as the court finds
14 appropriate. Such terms may include consideration of the
15 purpose of the entry, the time of day, other persons
16 accompanying the defendant, and advance approval by a
17 probation officer;

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

22 (16) refrain from having in his or her body the
23 presence of any illicit drug prohibited by the Cannabis
24 Control Act, the Illinois Controlled Substances Act, or the
25 Methamphetamine Control and Community Protection Act,
26 unless prescribed by a physician, and submit samples of his

1 or her blood or urine or both for tests to determine the
2 presence of any illicit drug;

3 (17) refrain from operating any motor vehicle not
4 equipped with an ignition interlock device as defined in
5 Section 1-129.1 of the Illinois Vehicle Code; under this
6 condition the court may allow a defendant who is not
7 self-employed to operate a vehicle owned by the defendant's
8 employer that is not equipped with an ignition interlock
9 device in the course and scope of the defendant's
10 employment; and

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

22 (c-5) If payment of restitution as ordered has not been
23 made, the victim shall file a petition notifying the sentencing
24 court, any other person to whom restitution is owed, and the
25 State's Attorney of the status of the ordered restitution
26 payments unpaid at least 90 days before the supervision

1 expiration date. If payment as ordered has not been made, the
2 court shall hold a review hearing prior to the expiration date,
3 unless the hearing is voluntarily waived by the defendant with
4 the knowledge that waiver may result in an extension of the
5 supervision period or in a revocation of supervision. If the
6 court does not extend supervision, it shall issue a judgment
7 for the unpaid restitution and direct the clerk of the circuit
8 court to file and enter the judgment in the judgment and lien
9 docket, without fee, unless it finds that the victim has
10 recovered a judgment against the defendant for the amount
11 covered by the restitution order. If the court issues a
12 judgment for the unpaid restitution, the court shall send to
13 the defendant at his or her last known address written
14 notification that a civil judgment has been issued for the
15 unpaid restitution.

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

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

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

1 upon conviction of a crime. Two years after the discharge and
2 dismissal under this Section, unless the disposition of
3 supervision was for a violation of Sections 3-707, 3-708,
4 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
5 similar provision of a local ordinance, or for a violation of
6 Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961
7 or the Criminal Code of 2012, in which case it shall be 5 years
8 after discharge and dismissal, a person may have his record of
9 arrest sealed or expunged as may be provided by law. However,
10 any defendant placed on supervision before January 1, 1980, may
11 move for sealing or expungement of his arrest record, as
12 provided by law, at any time after discharge and dismissal
13 under this Section. A person placed on supervision for a sexual
14 offense committed against a minor as defined in clause
15 (a) (1) (L) of Section 5.2 of the Criminal Identification Act or
16 for a violation of Section 11-501 of the Illinois Vehicle Code
17 or a similar provision of a local ordinance shall not have his
18 or her record of arrest sealed or expunged.

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

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

17 The Chief Judge of the circuit court of the county may by
18 administrative order establish a program for electronic
19 monitoring of offenders, in which a vendor supplies and
20 monitors the operation of the electronic monitoring device, and
21 collects the fees on behalf of the county. The program shall
22 include provisions for indigent offenders and the collection of
23 unpaid fees. The program shall not unduly burden the offender
24 and shall be subject to review by the Chief Judge.

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

1 damage to any device.

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

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

22 A circuit court may not impose a probation fee in excess of
23 \$25 per month unless the circuit court has adopted, by
24 administrative order issued by the chief judge, a standard
25 probation fee guide determining an offender's ability to pay.
26 Of the amount collected as a probation fee, not to exceed \$5 of

1 that fee collected per month may be used to provide services to
2 crime victims and their families.

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

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) A defendant at least 17 years of age who is placed on
23 supervision for a misdemeanor in a county of 3,000,000 or more
24 inhabitants and who has not been previously convicted of a
25 misdemeanor or felony may as a condition of his or her
26 supervision be required by the court to attend educational

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

21 (1) The court shall require a defendant placed on
22 supervision for possession of a substance prohibited by the
23 Cannabis Control Act, the Illinois Controlled Substances Act,
24 or the Methamphetamine Control and Community Protection Act
25 after a previous conviction or disposition of supervision for
26 possession of a substance prohibited by the Cannabis Control

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

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

21 (n) Any offender placed on supervision for any offense that
22 the court or probation department has determined to be sexually
23 motivated as defined in the Sex Offender Management Board Act
24 shall be required to refrain from any contact, directly or
25 indirectly, with any persons specified by the court and shall
26 be available for all evaluations and treatment programs

1 required by the court or the probation department.

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

12 (p) An offender placed on supervision for an offense
13 committed on or after June 1, 2008 (the effective date of
14 Public Act 95-464) that would qualify the accused as a child
15 sex offender as defined in Section 11-9.3 or 11-9.4 of the
16 Criminal Code of 1961 or the Criminal Code of 2012 shall
17 refrain from communicating with or contacting, by means of the
18 Internet, a person who is not related to the accused and whom
19 the accused reasonably believes to be under 18 years of age.
20 For purposes of this subsection (p), "Internet" has the meaning
21 ascribed to it in Section 16-0.1 of the Criminal Code of 2012;
22 and a person is not related to the accused if the person is
23 not: (i) the spouse, brother, or sister of the accused; (ii) a
24 descendant of the accused; (iii) a first or second cousin of
25 the accused; or (iv) a step-child or adopted child of the
26 accused.

1 (q) An offender placed on supervision for an offense
2 committed on or after June 1, 2008 (the effective date of
3 Public Act 95-464) that would qualify the accused as a child
4 sex offender as defined in Section 11-9.3 or 11-9.4 of the
5 Criminal Code of 1961 or the Criminal Code of 2012 shall, if so
6 ordered by the court, refrain from communicating with or
7 contacting, by means of the Internet, a person who is related
8 to the accused and whom the accused reasonably believes to be
9 under 18 years of age. For purposes of this subsection (q),
10 "Internet" has the meaning ascribed to it in Section 16-0.1 of
11 the Criminal Code of 2012; and a person is related to the
12 accused if the person is: (i) the spouse, brother, or sister of
13 the accused; (ii) a descendant of the accused; (iii) a first or
14 second cousin of the accused; or (iv) a step-child or adopted
15 child of the accused.

16 (r) An offender placed on supervision for an offense under
17 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a
18 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or
19 11-21 of the Criminal Code of 1961 or the Criminal Code of
20 2012, or any attempt to commit any of these offenses, committed
21 on or after June 1, 2009 (the effective date of Public Act
22 95-983) ~~this amendatory Act of the 95th General Assembly~~ shall:

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

1 prior approval of the court;

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

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

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

18 (s) An offender placed on supervision for an offense that
19 is a sex offense as defined in Section 2 of the Sex Offender
20 Registration Act that is committed on or after January 1, 2010
21 (the effective date of Public Act 96-362) that requires the
22 person to register as a sex offender under that Act, may not
23 knowingly use any computer scrub software on any computer that
24 the sex offender uses.

25 (t) An offender placed on supervision for a sex offense as
26 defined in the Sex Offender Registration Act committed on or

1 after January 1, 2010 (the effective date of Public Act 96-262)
2 shall refrain from accessing or using a social networking
3 website as defined in Section 17-0.5 of the Criminal Code of
4 2012.

5 (u) Jurisdiction over an offender may be transferred from
6 the sentencing court to the court of another circuit with the
7 concurrence of both courts. Further transfers or retransfers of
8 jurisdiction are also authorized in the same manner. The court
9 to which jurisdiction has been transferred shall have the same
10 powers as the sentencing court. The probation department within
11 the circuit to which jurisdiction has been transferred may
12 impose probation fees upon receiving the transferred offender,
13 as provided in subsection (i). The probation department from
14 the original sentencing court shall retain all probation fees
15 collected prior to the transfer.

16 (Source: P.A. 98-718, eff. 1-1-15; 98-940, eff. 1-1-15; 99-78,
17 eff. 7-20-15; 99-143, eff. 7-27-15; 99-642, eff. 7-28-16;
18 99-797, eff. 8-12-16; revised 9-1-16.)