

SB3801



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3801

Introduced 1/21/2022, by Sen. Robert Peters

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-6-3

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

Amends the Unified Code of Corrections. Provides that a person on probation, conditional discharge, or supervision shall not be ordered to refrain from having cannabis or alcohol in his or her body unless the person was sentenced to probation, conditional discharge, or supervision for an offense which had as an element of the offense the presence of an intoxicating compound in the person's body or the person is participating in a Problem-Solving Court certified by the Administrative Office of the Illinois Courts. Provides that for each condition imposed, the court shall state the reasonable relation the condition has to the person's crime of conviction. Provides that a person on probation, conditional discharge, or supervision shall not be ordered to refrain from use or consumption of any substance lawfully prescribed by a medical provider or authorized by the Compassionate Use of Medical Cannabis Program Act.

LRB102 25686 RLC 35168 b

A BILL FOR

1 AN ACT concerning criminal law.

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

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

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

7 Sec. 5-6-3. Conditions of probation and of conditional
8 discharge.

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

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

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

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

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

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

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

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

1 the fulfillment of community service hours for
2 participation in activities and treatment as determined by
3 court services;

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

1 passed high school equivalency testing. This paragraph (7)
2 does not apply to a person who is determined by the court
3 to be a person with a developmental disability or
4 otherwise mentally incapable of completing the educational
5 or vocational program;

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

19 (8.5) if convicted of a felony sex offense as defined
20 in the Sex Offender Management Board Act, the person shall
21 undergo and successfully complete sex offender treatment
22 by a treatment provider approved by the Board and
23 conducted in conformance with the standards developed
24 under the Sex Offender Management Board Act;

25 (8.6) if convicted of a sex offense as defined in the
26 Sex Offender Management Board Act, refrain from residing

1 at the same address or in the same condominium unit or
2 apartment unit or in the same condominium complex or
3 apartment complex with another person he or she knows or
4 reasonably should know is a convicted sex offender or has
5 been placed on supervision for a sex offense; the
6 provisions of this paragraph do not apply to a person
7 convicted of a sex offense who is placed in a Department of
8 Corrections licensed transitional housing facility for sex
9 offenders;

10 (8.7) if convicted for an offense committed on or
11 after June 1, 2008 (the effective date of Public Act
12 95-464) that would qualify the accused as a child sex
13 offender as defined in Section 11-9.3 or 11-9.4 of the
14 Criminal Code of 1961 or the Criminal Code of 2012,
15 refrain from communicating with or contacting, by means of
16 the Internet, a person who is not related to the accused
17 and whom the accused reasonably believes to be under 18
18 years of age; for purposes of this paragraph (8.7),
19 "Internet" has the meaning ascribed to it in Section
20 16-0.1 of the Criminal Code of 2012; and a person is not
21 related to the accused if the person is not: (i) the
22 spouse, brother, or sister of the accused; (ii) a
23 descendant of the accused; (iii) a first or second cousin
24 of the accused; or (iv) a step-child or adopted child of
25 the accused;

26 (8.8) 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 offender's probation officer,
10 except in connection with the offender's employment or
11 search for employment with the prior approval of the
12 offender's probation officer;

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

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

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

5 (8.9) if convicted of a sex offense as defined in the
6 Sex Offender Registration Act committed on or after
7 January 1, 2010 (the effective date of Public Act 96-262),
8 refrain from accessing or using a social networking
9 website as defined in Section 17-0.5 of the Criminal Code
10 of 2012;

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

23 (10) if convicted of a sex offense as defined in
24 subsection (a-5) of Section 3-1-2 of this Code, unless the
25 offender is a parent or guardian of the person under 18
26 years of age present in the home and no non-familial

1 minors are present, not participate in a holiday event
2 involving children under 18 years of age, such as
3 distributing candy or other items to children on
4 Halloween, wearing a Santa Claus costume on or preceding
5 Christmas, being employed as a department store Santa
6 Claus, or wearing an Easter Bunny costume on or preceding
7 Easter;

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

15 (12) if convicted of a violation of the
16 Methamphetamine Control and Community Protection Act, the
17 Methamphetamine Precursor Control Act, or a
18 methamphetamine related offense:

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

22 (B) prohibited from purchasing, possessing, or
23 having under his or her control any product containing
24 ammonium nitrate; and

25 (13) if convicted of a hate crime involving the
26 protected class identified in subsection (a) of Section

1 12-7.1 of the Criminal Code of 2012 that gave rise to the
2 offense the offender committed, perform public or
3 community service of no less than 200 hours and enroll in
4 an educational program discouraging hate crimes that
5 includes racial, ethnic, and cultural sensitivity training
6 ordered by the court.

7 (b) The Court may in addition to other reasonable
8 conditions relating to the nature of the offense or the
9 rehabilitation of the defendant as determined for each
10 defendant in the proper discretion of the Court require that
11 the person:

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

15 (2) pay a fine and costs;

16 (3) work or pursue a course of study or vocational
17 training;

18 (4) undergo medical, psychological or psychiatric
19 treatment; or treatment for drug addiction or alcoholism;

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

22 (6) support his dependents;

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

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

25 (ii) attend school;

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

1 (iv) contribute to his own support at home or in a
2 foster home;

3 (v) with the consent of the superintendent of the
4 facility, attend an educational program at a facility
5 other than the school in which the offense was
6 committed if he or she is convicted of a crime of
7 violence as defined in Section 2 of the Crime Victims
8 Compensation Act committed in a school, on the real
9 property comprising a school, or within 1,000 feet of
10 the real property comprising a school;

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

13 (9) perform some reasonable public or community
14 service;

15 (10) serve a term of home confinement. In addition to
16 any other applicable condition of probation or conditional
17 discharge, the conditions of home confinement shall be
18 that the offender:

19 (i) remain within the interior premises of the
20 place designated for his confinement during the hours
21 designated by the court;

22 (ii) admit any person or agent designated by the
23 court into the offender's place of confinement at any
24 time for purposes of verifying the offender's
25 compliance with the conditions of his confinement; and

26 (iii) if further deemed necessary by the court or

1 the Probation or Court Services Department, be placed
2 on an approved electronic monitoring device, subject
3 to Article 8A of Chapter V;

4 (iv) for persons convicted of any alcohol,
5 cannabis or controlled substance violation who are
6 placed on an approved monitoring device as a condition
7 of probation or conditional discharge, the court shall
8 impose a reasonable fee for each day of the use of the
9 device, as established by the county board in
10 subsection (g) of this Section, unless after
11 determining the inability of the offender to pay the
12 fee, the court assesses a lesser fee or no fee as the
13 case may be. This fee shall be imposed in addition to
14 the fees imposed under subsections (g) and (i) of this
15 Section. The fee shall be collected by the clerk of the
16 circuit court, except as provided in an administrative
17 order of the Chief Judge of the circuit court. The
18 clerk of the circuit court shall pay all monies
19 collected from this fee to the county treasurer for
20 deposit in the substance abuse services fund under
21 Section 5-1086.1 of the Counties Code, except as
22 provided in an administrative order of the Chief Judge
23 of the circuit court.

24 The Chief Judge of the circuit court of the county
25 may by administrative order establish a program for
26 electronic monitoring of offenders, in which a vendor

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

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

10 (v) for persons convicted of offenses other than
11 those referenced in clause (iv) above and who are
12 placed on an approved monitoring device as a condition
13 of probation or conditional discharge, the court shall
14 impose a reasonable fee for each day of the use of the
15 device, as established by the county board in
16 subsection (g) of this Section, unless after
17 determining the inability of the defendant to pay the
18 fee, the court assesses a lesser fee or no fee as the
19 case may be. This fee shall be imposed in addition to
20 the fees imposed under subsections (g) and (i) of this
21 Section. The fee shall be collected by the clerk of the
22 circuit court, except as provided in an administrative
23 order of the Chief Judge of the circuit court. The
24 clerk of the circuit court shall pay all monies
25 collected from this fee to the county treasurer who
26 shall use the monies collected to defray the costs of

1 corrections. The county treasurer shall deposit the
2 fee collected in the probation and court services
3 fund. The Chief Judge of the circuit court of the
4 county may by administrative order establish a program
5 for electronic monitoring of offenders, in which a
6 vendor supplies and monitors the operation of the
7 electronic monitoring device, and collects the fees on
8 behalf of the county. The program shall include
9 provisions for indigent offenders and the collection
10 of unpaid fees. The program shall not unduly burden
11 the offender and shall be subject to review by the
12 Chief Judge.

13 The Chief Judge of the circuit court may suspend
14 any additional charges or fees for late payment,
15 interest, or damage to any device.

16 (11) comply with the terms and conditions of an order
17 of protection issued by the court pursuant to the Illinois
18 Domestic Violence Act of 1986, as now or hereafter
19 amended, or an order of protection issued by the court of
20 another state, tribe, or United States territory. A copy
21 of the order of protection shall be transmitted to the
22 probation officer or agency having responsibility for the
23 case;

24 (12) reimburse any "local anti-crime program" as
25 defined in Section 7 of the Anti-Crime Advisory Council
26 Act for any reasonable expenses incurred by the program on

1 the offender's case, not to exceed the maximum amount of
2 the fine authorized for the offense for which the
3 defendant was sentenced;

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

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

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

1 (16) 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
4 the Methamphetamine Control and Community Protection Act,
5 unless prescribed by a physician, and submit samples of
6 his or her blood or urine or both for tests to determine
7 the presence of any illicit drug;

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

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

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

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

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

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

25 (19) refrain from possessing a firearm or other
26 dangerous weapon where the offense is a misdemeanor that

1 did not involve the intentional or knowing infliction of
2 bodily harm or threat of bodily harm.

3 (c) The court may as a condition of probation or of
4 conditional discharge require that a person under 18 years of
5 age found guilty of any alcohol, cannabis or controlled
6 substance violation, refrain from acquiring a driver's license
7 during the period of probation or conditional discharge. If
8 such person is in possession of a permit or license, the court
9 may require that the minor refrain from driving or operating
10 any motor vehicle during the period of probation or
11 conditional discharge, except as may be necessary in the
12 course of the minor's lawful employment.

13 (d) An offender sentenced to probation or to conditional
14 discharge shall be given a certificate setting forth the
15 conditions thereof.

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

24 Persons committed to imprisonment as a condition of
25 probation or conditional discharge shall not be committed to
26 the Department of Corrections.

1 (f) The court may combine a sentence of periodic
2 imprisonment under Article 7 or a sentence to a county impact
3 incarceration program under Article 8 with a sentence of
4 probation or conditional discharge.

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

1 fees collected in the county working cash fund under Section
2 6-27001 or Section 6-29002 of the Counties Code, as the case
3 may be. The Chief Judge of the circuit court of the county may
4 by administrative order establish a program for electronic
5 monitoring of offenders, in which a vendor supplies and
6 monitors the operation of the electronic monitoring device,
7 and collects the fees on behalf of the county. The program
8 shall include provisions for indigent offenders and the
9 collection of unpaid fees. The program shall not unduly burden
10 the offender and shall be subject to review by the Chief Judge.

11 The Chief Judge of the circuit court may suspend any
12 additional charges or fees for late payment, interest, or
13 damage to any device.

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

1 transfer. After the transfer, all probation fees shall be paid
2 to the probation department within the circuit to which
3 jurisdiction has been transferred.

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

26 A circuit court may not impose a probation fee under this

1 subsection (i) in excess of \$25 per month unless the circuit
2 court has adopted, by administrative order issued by the chief
3 judge, a standard probation fee guide determining an
4 offender's ability to pay. Of the amount collected as a
5 probation fee, up to \$5 of that fee collected per month may be
6 used to provide services to crime victims and their families.

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

19 Public Act 93-970 deletes the \$10 increase in the fee
20 under this subsection that was imposed by Public Act 93-616.
21 This deletion is intended to control over any other Act of the
22 93rd General Assembly that retains or incorporates that fee
23 increase.

24 (i-5) In addition to the fees imposed under subsection (i)
25 of this Section, in the case of an offender convicted of a
26 felony sex offense (as defined in the Sex Offender Management

1 Board Act) or an offense that the court or probation
2 department has determined to be sexually motivated (as defined
3 in the Sex Offender Management Board Act), the court or the
4 probation department shall assess additional fees to pay for
5 all costs of treatment, assessment, evaluation for risk and
6 treatment, and monitoring the offender, based on that
7 offender's ability to pay those costs either as they occur or
8 under a payment plan.

9 (j) All fines and costs imposed under this Section for any
10 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
11 Code, or a similar provision of a local ordinance, and any
12 violation of the Child Passenger Protection Act, or a similar
13 provision of a local ordinance, shall be collected and
14 disbursed by the circuit clerk as provided under the Criminal
15 and Traffic Assessment Act.

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

25 (l) The court may order an offender who is sentenced to
26 probation or conditional discharge for a violation of an order

1 of protection be placed under electronic surveillance as
2 provided in Section 5-8A-7 of this Code.

3 (m) A person on probation, conditional discharge, or
4 supervision shall not be ordered to refrain from having
5 cannabis or alcohol in his or her body unless the person was
6 sentenced to probation, conditional discharge, or supervision
7 for an offense which had as an element of the offense the
8 presence of an intoxicating compound in the person's body or
9 the person is participating in a Problem-Solving Court
10 certified by the Administrative Office of the Illinois Courts.
11 For each condition imposed, the court shall state the
12 reasonable relation the condition has to the person's crime of
13 conviction.

14 (n) A person on probation, conditional discharge, or
15 supervision shall not be ordered to refrain from use or
16 consumption of any substance lawfully prescribed by a medical
17 provider or authorized by the Compassionate Use of Medical
18 Cannabis Program Act.

19 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21.)