



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3120

Introduced 2/17/2023, by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

See Index

Amends the Juvenile Court Act of 1987. Provides that the court shall not order any assessments, such as fees, fines, or administrative costs, except for assessments made in traffic, boating, or fish and game law, or municipal ordinance violations as provided in the Act, against a minor subject to the Minors Requiring Authoritative Intervention Article, Addicted Minors Article, or Delinquent Minors Article of the Act or against the minor's parent, guardian, or legal custodian. Provides that, except for assessments made in traffic, boating, or fish and game law, or municipal ordinance violations as provided in the Act, any judgment, order, agreement, or other legally enforceable encumbrance directing a minor or his or her parent, guardian, or legal custodian to pay assessments prior to the effective date of the amendatory Act is null, void, and not collectible if there remains a balance due, including interest, penalties, or collection fees. Provides that, if the court orders community service for the minor, community service shall not interfere with the school hours, school-related activities, or work commitments of the minor or the minor's parent, guardian, or legal custodian. Provides that the court shall not order a minor or the minor's parent, guardian, or legal custodian to pay costs relating to any sentencing order, including any fee, fine, or administrative cost authorized under certain provisions of the Unified Code of Corrections. Provides that the inability of a minor, or minor's parent, guardian, or legal custodian, to cover the costs associated with an appropriate sentencing order shall not be the basis for the court to enter a sentencing order incongruent with the court's findings regarding the offense on which the minor was adjudicated or the mitigating factors. Provides that, one year after the effective date of the amendatory Act, the Administrative Office of the Illinois Courts shall report to the General Assembly: (1) the number of judgments, orders, agreements, or other legally enforceable encumbrances vacated pursuant to this provision in each judicial district; and (2) the total balances of fees, fines, and administrative costs vacated in each judicial district. Makes other changes. Amends other Acts to make conforming changes. Effective immediately.

LRB103 30791 RLC 57282 b

A BILL FOR

1 AN ACT concerning minors.

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

4 Section 5. The Counties Code is amended by changing
5 Section 5-1101.3 as follows:

6 (55 ILCS 5/5-1101.3)

7 Sec. 5-1101.3. Additional fees to finance new judicial
8 facilities. The county boards of Kane County, Kendall County,
9 and Will County may by ordinance impose a judicial facilities
10 fee to be used for the building of new judicial facilities.

11 (a) In setting such fee, the county board, with the
12 concurrence of the Chief Judge of the applicable judicial
13 circuit or the presiding judge of the county in a multi-county
14 judicial circuit, may impose different rates for the various
15 types or categories of civil and criminal cases, not to exceed
16 \$30. The fees are to be paid as follows:

17 (1) In civil cases, the fee shall be paid by each party
18 at the time of filing the first pleading, paper, or other
19 appearance; provided that no additional fee shall be
20 required if more than one party is represented in a single
21 pleading, paper, or other appearance.

22 (2) In felony, misdemeanor, local or county ordinance,
23 traffic, and conservation cases, the fee shall be assessed

1 against the defendant upon the entry of a judgment of
2 conviction, an order of supervision, or a sentence of
3 probation without entry of judgment pursuant to Section 10
4 of the Cannabis Control Act, Section 410 of the Illinois
5 Controlled Substances Act, Section 70 of the
6 Methamphetamine Control and Community Protection Act,
7 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of
8 the Criminal Code of 1961 or the Criminal Code of 2012,
9 Section 10-102 of the Illinois Alcoholism and Other Drug
10 Dependency Act, or Section 10 of the Steroid Control Act.

11 (2.5) The court shall not order any fees, fines,
12 costs, or other applicable assessments authorized under
13 this Section against a minor subject to Article III, IV,
14 or V of the Juvenile Court Act of 1987, or a minor under
15 the age of 18 transferred to adult court or excluded from
16 juvenile court jurisdiction under Article V of the
17 Juvenile Court Act of 1987, or the minor's parent,
18 guardian, or legal custodian.

19 (3) In local or county ordinance, traffic, and
20 conservation cases, if fines are paid in full without a
21 court appearance, then the fee shall not be imposed or
22 collected.

23 (b) The proceeds of all fees enacted under this Section
24 must be deposited into the county's Judicial Department
25 Facilities Construction Fund and used for the sole purpose of
26 funding in whole or in part the costs associated with building

1 new judicial facilities within the county, which shall be
2 designed and constructed by the county board with the
3 concurrence of the Chief Judge of the applicable judicial
4 circuit or the presiding judge of the county in a multi-county
5 judicial circuit.

6 (Source: P.A. 102-1021, eff. 7-1-22.)

7 Section 10. The Clerks of Courts Act is amended by
8 changing Sections 27.1b and 27.3b-1 as follows:

9 (705 ILCS 105/27.1b)

10 (Section scheduled to be repealed on January 1, 2024)

11 Sec. 27.1b. Circuit court clerk fees. Notwithstanding any
12 other provision of law, all fees charged by the clerks of the
13 circuit court for the services described in this Section shall
14 be established, collected, and disbursed in accordance with
15 this Section. Except as otherwise specified in this Section,
16 all fees under this Section shall be paid in advance and
17 disbursed by each clerk on a monthly basis. In a county with a
18 population of over 3,000,000, units of local government and
19 school districts shall not be required to pay fees under this
20 Section in advance and the clerk shall instead send an
21 itemized bill to the unit of local government or school
22 district, within 30 days of the fee being incurred, and the
23 unit of local government or school district shall be allowed
24 at least 30 days from the date of the itemized bill to pay;

1 these payments shall be disbursed by each clerk on a monthly
2 basis. Unless otherwise specified in this Section, the amount
3 of a fee shall be determined by ordinance or resolution of the
4 county board and remitted to the county treasurer to be used
5 for purposes related to the operation of the court system in
6 the county. In a county with a population of over 3,000,000,
7 any amount retained by the clerk of the circuit court or
8 remitted to the county treasurer shall be subject to
9 appropriation by the county board.

10 (a) Civil cases. The fee for filing a complaint, petition,
11 or other pleading initiating a civil action shall be as set
12 forth in the applicable schedule under this subsection in
13 accordance with case categories established by the Supreme
14 Court in schedules.

15 (1) SCHEDULE 1: not to exceed a total of \$366 in a
16 county with a population of 3,000,000 or more and not to
17 exceed \$316 in any other county, except as applied to
18 units of local government and school districts in counties
19 with more than 3,000,000 inhabitants an amount not to
20 exceed \$190 through December 31, 2021 and \$184 on and
21 after January 1, 2022. The fees collected under this
22 schedule shall be disbursed as follows:

23 (A) The clerk shall retain a sum, in an amount not
24 to exceed \$55 in a county with a population of
25 3,000,000 or more and in an amount not to exceed \$45 in
26 any other county determined by the clerk with the

1 approval of the Supreme Court, to be used for court
2 automation, court document storage, and administrative
3 purposes.

4 (B) The clerk shall remit up to \$21 to the State
5 Treasurer. The State Treasurer shall deposit the
6 appropriate amounts, in accordance with the clerk's
7 instructions, as follows:

8 (i) up to \$10, as specified by the Supreme
9 Court in accordance with Part 10A of Article II of
10 the Code of Civil Procedure, into the Mandatory
11 Arbitration Fund;

12 (ii) \$2 into the Access to Justice Fund; and

13 (iii) \$9 into the Supreme Court Special
14 Purposes Fund.

15 (C) The clerk shall remit a sum to the County
16 Treasurer, in an amount not to exceed \$290 in a county
17 with a population of 3,000,000 or more and in an amount
18 not to exceed \$250 in any other county, as specified by
19 ordinance or resolution passed by the county board,
20 for purposes related to the operation of the court
21 system in the county.

22 (2) SCHEDULE 2: not to exceed a total of \$357 in a
23 county with a population of 3,000,000 or more and not to
24 exceed \$266 in any other county, except as applied to
25 units of local government and school districts in counties
26 with more than 3,000,000 inhabitants an amount not to

1 exceed \$190 through December 31, 2021 and \$184 on and
2 after January 1, 2022. The fees collected under this
3 schedule shall be disbursed as follows:

4 (A) The clerk shall retain a sum, in an amount not
5 to exceed \$55 in a county with a population of
6 3,000,000 or more and in an amount not to exceed \$45 in
7 any other county determined by the clerk with the
8 approval of the Supreme Court, to be used for court
9 automation, court document storage, and administrative
10 purposes.

11 (B) The clerk shall remit up to \$21 to the State
12 Treasurer. The State Treasurer shall deposit the
13 appropriate amounts, in accordance with the clerk's
14 instructions, as follows:

15 (i) up to \$10, as specified by the Supreme
16 Court in accordance with Part 10A of Article II of
17 the Code of Civil Procedure, into the Mandatory
18 Arbitration Fund;

19 (ii) \$2 into the Access to Justice Fund: and

20 (iii) \$9 into the Supreme Court Special
21 Purposes Fund.

22 (C) The clerk shall remit a sum to the County
23 Treasurer, in an amount not to exceed \$281 in a county
24 with a population of 3,000,000 or more and in an amount
25 not to exceed \$200 in any other county, as specified by
26 ordinance or resolution passed by the county board,

1 for purposes related to the operation of the court
2 system in the county.

3 (3) SCHEDULE 3: not to exceed a total of \$265 in a
4 county with a population of 3,000,000 or more and not to
5 exceed \$89 in any other county, except as applied to units
6 of local government and school districts in counties with
7 more than 3,000,000 inhabitants an amount not to exceed
8 \$190 through December 31, 2021 and \$184 on and after
9 January 1, 2022. The fees collected under this schedule
10 shall be disbursed as follows:

11 (A) The clerk shall retain a sum, in an amount not
12 to exceed \$55 in a county with a population of
13 3,000,000 or more and in an amount not to exceed \$22 in
14 any other county determined by the clerk with the
15 approval of the Supreme Court, to be used for court
16 automation, court document storage, and administrative
17 purposes.

18 (B) The clerk shall remit \$11 to the State
19 Treasurer. The State Treasurer shall deposit the
20 appropriate amounts in accordance with the clerk's
21 instructions, as follows:

22 (i) \$2 into the Access to Justice Fund; and
23 (ii) \$9 into the Supreme Court Special
24 Purposes Fund.

25 (C) The clerk shall remit a sum to the County
26 Treasurer, in an amount not to exceed \$199 in a county

1 with a population of 3,000,000 or more and in an amount
2 not to exceed \$56 in any other county, as specified by
3 ordinance or resolution passed by the county board,
4 for purposes related to the operation of the court
5 system in the county.

6 (4) SCHEDULE 4: \$0.

7 (b) Appearance. The fee for filing an appearance in a
8 civil action, including a cannabis civil law action under the
9 Cannabis Control Act, shall be as set forth in the applicable
10 schedule under this subsection in accordance with case
11 categories established by the Supreme Court in schedules.

12 (1) SCHEDULE 1: not to exceed a total of \$230 in a
13 county with a population of 3,000,000 or more and not to
14 exceed \$191 in any other county, except as applied to
15 units of local government and school districts in counties
16 with more than 3,000,000 inhabitants an amount not to
17 exceed \$75. The fees collected under this schedule shall
18 be disbursed as follows:

19 (A) The clerk shall retain a sum, in an amount not
20 to exceed \$50 in a county with a population of
21 3,000,000 or more and in an amount not to exceed \$45 in
22 any other county determined by the clerk with the
23 approval of the Supreme Court, to be used for court
24 automation, court document storage, and administrative
25 purposes.

26 (B) The clerk shall remit up to \$21 to the State

1 Treasurer. The State Treasurer shall deposit the
2 appropriate amounts, in accordance with the clerk's
3 instructions, as follows:

4 (i) up to \$10, as specified by the Supreme
5 Court in accordance with Part 10A of Article II of
6 the Code of Civil Procedure, into the Mandatory
7 Arbitration Fund;

8 (ii) \$2 into the Access to Justice Fund; and

9 (iii) \$9 into the Supreme Court Special
10 Purposes Fund.

11 (C) The clerk shall remit a sum to the County
12 Treasurer, in an amount not to exceed \$159 in a county
13 with a population of 3,000,000 or more and in an amount
14 not to exceed \$125 in any other county, as specified by
15 ordinance or resolution passed by the county board,
16 for purposes related to the operation of the court
17 system in the county.

18 (2) SCHEDULE 2: not to exceed a total of \$130 in a
19 county with a population of 3,000,000 or more and not to
20 exceed \$109 in any other county, except as applied to
21 units of local government and school districts in counties
22 with more than 3,000,000 inhabitants an amount not to
23 exceed \$75. The fees collected under this schedule shall
24 be disbursed as follows:

25 (A) The clerk shall retain a sum, in an amount not
26 to exceed \$50 in a county with a population of

1 3,000,000 or more and in an amount not to exceed \$10 in
2 any other county determined by the clerk with the
3 approval of the Supreme Court, to be used for court
4 automation, court document storage, and administrative
5 purposes.

6 (B) The clerk shall remit \$9 to the State
7 Treasurer, which the State Treasurer shall deposit
8 into the Supreme Court Special Purposes Fund.

9 (C) The clerk shall remit a sum to the County
10 Treasurer, in an amount not to exceed \$71 in a county
11 with a population of 3,000,000 or more and in an amount
12 not to exceed \$90 in any other county, as specified by
13 ordinance or resolution passed by the county board,
14 for purposes related to the operation of the court
15 system in the county.

16 (3) SCHEDULE 3: \$0.

17 (b-5) Kane County and Will County. In Kane County and Will
18 County civil cases, there is an additional fee of up to \$30 as
19 set by the county board under Section 5-1101.3 of the Counties
20 Code to be paid by each party at the time of filing the first
21 pleading, paper, or other appearance; provided that no
22 additional fee shall be required if more than one party is
23 represented in a single pleading, paper, or other appearance.
24 Distribution of fees collected under this subsection (b-5)
25 shall be as provided in Section 5-1101.3 of the Counties Code.

26 (c) Counterclaim or third party complaint. When any

1 defendant files a counterclaim or third party complaint, as
2 part of the defendant's answer or otherwise, the defendant
3 shall pay a filing fee for each counterclaim or third party
4 complaint in an amount equal to the filing fee the defendant
5 would have had to pay had the defendant brought a separate
6 action for the relief sought in the counterclaim or third
7 party complaint, less the amount of the appearance fee, if
8 any, that the defendant has already paid in the action in which
9 the counterclaim or third party complaint is filed.

10 (d) Alias summons. The clerk shall collect a fee not to
11 exceed \$6 in a county with a population of 3,000,000 or more
12 and not to exceed \$5 in any other county for each alias summons
13 or citation issued by the clerk, except as applied to units of
14 local government and school districts in counties with more
15 than 3,000,000 inhabitants an amount not to exceed \$5 for each
16 alias summons or citation issued by the clerk.

17 (e) Jury services. The clerk shall collect, in addition to
18 other fees allowed by law, a sum not to exceed \$212.50, as a
19 fee for the services of a jury in every civil action not
20 quasi-criminal in its nature and not a proceeding for the
21 exercise of the right of eminent domain and in every other
22 action wherein the right of trial by jury is or may be given by
23 law. The jury fee shall be paid by the party demanding a jury
24 at the time of filing the jury demand. If the fee is not paid
25 by either party, no jury shall be called in the action or
26 proceeding, and the action or proceeding shall be tried by the

1 court without a jury.

2 (f) Change of venue. In connection with a change of venue:

3 (1) The clerk of the jurisdiction from which the case
4 is transferred may charge a fee, not to exceed \$40, for the
5 preparation and certification of the record; and

6 (2) The clerk of the jurisdiction to which the case is
7 transferred may charge the same filing fee as if it were
8 the commencement of a new suit.

9 (g) Petition to vacate or modify.

10 (1) In a proceeding involving a petition to vacate or
11 modify any final judgment or order filed within 30 days
12 after the judgment or order was entered, except for an
13 eviction case, small claims case, petition to reopen an
14 estate, petition to modify, terminate, or enforce a
15 judgment or order for child or spousal support, or
16 petition to modify, suspend, or terminate an order for
17 withholding, the fee shall not exceed \$60 in a county with
18 a population of 3,000,000 or more and shall not exceed \$50
19 in any other county, except as applied to units of local
20 government and school districts in counties with more than
21 3,000,000 inhabitants an amount not to exceed \$50.

22 (2) In a proceeding involving a petition to vacate or
23 modify any final judgment or order filed more than 30 days
24 after the judgment or order was entered, except for a
25 petition to modify, terminate, or enforce a judgment or
26 order for child or spousal support, or petition to modify,

1 suspend, or terminate an order for withholding, the fee
2 shall not exceed \$75.

3 (3) In a proceeding involving a motion to vacate or
4 amend a final order, motion to vacate an ex parte
5 judgment, judgment of forfeiture, or "failure to appear"
6 or "failure to comply" notices sent to the Secretary of
7 State, the fee shall equal \$40.

8 (h) Appeals preparation. The fee for preparation of a
9 record on appeal shall be based on the number of pages, as
10 follows:

11 (1) if the record contains no more than 100 pages, the
12 fee shall not exceed \$70 in a county with a population of
13 3,000,000 or more and shall not exceed \$50 in any other
14 county;

15 (2) if the record contains between 100 and 200 pages,
16 the fee shall not exceed \$100; and

17 (3) if the record contains 200 or more pages, the
18 clerk may collect an additional fee not to exceed 25 cents
19 per page.

20 (i) Remands. In any cases remanded to the circuit court
21 from the Supreme Court or the appellate court for a new trial,
22 the clerk shall reinstate the case with either its original
23 number or a new number. The clerk shall not charge any new or
24 additional fee for the reinstatement. Upon reinstatement, the
25 clerk shall advise the parties of the reinstatement. Parties
26 shall have the same right to a jury trial on remand and

1 reinstatement that they had before the appeal, and no
2 additional or new fee or charge shall be made for a jury trial
3 after remand.

4 (j) Garnishment, wage deduction, and citation. In
5 garnishment affidavit, wage deduction affidavit, and citation
6 petition proceedings:

7 (1) if the amount in controversy in the proceeding is
8 not more than \$1,000, the fee may not exceed \$35 in a
9 county with a population of 3,000,000 or more and may not
10 exceed \$15 in any other county, except as applied to units
11 of local government and school districts in counties with
12 more than 3,000,000 inhabitants an amount not to exceed
13 \$15;

14 (2) if the amount in controversy in the proceeding is
15 greater than \$1,000 and not more than \$5,000, the fee may
16 not exceed \$45 in a county with a population of 3,000,000
17 or more and may not exceed \$30 in any other county, except
18 as applied to units of local government and school
19 districts in counties with more than 3,000,000 inhabitants
20 an amount not to exceed \$30; and

21 (3) if the amount in controversy in the proceeding is
22 greater than \$5,000, the fee may not exceed \$65 in a county
23 with a population of 3,000,000 or more and may not exceed
24 \$50 in any other county, except as applied to units of
25 local government and school districts in counties with
26 more than 3,000,000 inhabitants an amount not to exceed

1 \$50.

2 (j-5) Debt collection. In any proceeding to collect a debt
3 subject to the exception in item (ii) of subparagraph (A-5) of
4 paragraph (1) of subsection (z) of this Section, the circuit
5 court shall order and the clerk shall collect from each
6 judgment debtor a fee of:

7 (1) \$35 if the amount in controversy in the proceeding
8 is not more than \$1,000;

9 (2) \$45 if the amount in controversy in the proceeding
10 is greater than \$1,000 and not more than \$5,000; and

11 (3) \$65 if the amount in controversy in the proceeding
12 is greater than \$5,000.

13 (k) Collections.

14 (1) For all collections made of others, except the
15 State and county and except in maintenance or child
16 support cases, the clerk may collect a fee of up to 2.5% of
17 the amount collected and turned over.

18 (2) In child support and maintenance cases, the clerk
19 may collect an annual fee of up to \$36 from the person
20 making payment for maintaining child support records and
21 the processing of support orders to the State of Illinois
22 KIDS system and the recording of payments issued by the
23 State Disbursement Unit for the official record of the
24 Court. This fee is in addition to and separate from
25 amounts ordered to be paid as maintenance or child support
26 and shall be deposited into a Separate Maintenance and

1 Child Support Collection Fund, of which the clerk shall be
2 the custodian, ex officio, to be used by the clerk to
3 maintain child support orders and record all payments
4 issued by the State Disbursement Unit for the official
5 record of the Court. The clerk may recover from the person
6 making the maintenance or child support payment any
7 additional cost incurred in the collection of this annual
8 fee.

9 (3) The clerk may collect a fee of \$5 for
10 certifications made to the Secretary of State as provided
11 in Section 7-703 of the Illinois Vehicle Code, and this
12 fee shall be deposited into the Separate Maintenance and
13 Child Support Collection Fund.

14 (4) In proceedings to foreclose the lien of delinquent
15 real estate taxes, State's Attorneys shall receive a fee
16 of 10% of the total amount realized from the sale of real
17 estate sold in the proceedings. The clerk shall collect
18 the fee from the total amount realized from the sale of the
19 real estate sold in the proceedings and remit to the
20 County Treasurer to be credited to the earnings of the
21 Office of the State's Attorney.

22 (l) Mailing. The fee for the clerk mailing documents shall
23 not exceed \$10 plus the cost of postage.

24 (m) Certified copies. The fee for each certified copy of a
25 judgment, after the first copy, shall not exceed \$10.

26 (n) Certification, authentication, and reproduction.

1 (1) The fee for each certification or authentication
2 for taking the acknowledgment of a deed or other
3 instrument in writing with the seal of office shall not
4 exceed \$6.

5 (2) The fee for reproduction of any document contained
6 in the clerk's files shall not exceed:

7 (A) \$2 for the first page;

8 (B) 50 cents per page for the next 19 pages; and

9 (C) 25 cents per page for all additional pages.

10 (o) Record search. For each record search, within a
11 division or municipal district, the clerk may collect a search
12 fee not to exceed \$6 for each year searched.

13 (p) Hard copy. For each page of hard copy print output,
14 when case records are maintained on an automated medium, the
15 clerk may collect a fee not to exceed \$10 in a county with a
16 population of 3,000,000 or more and not to exceed \$6 in any
17 other county, except as applied to units of local government
18 and school districts in counties with more than 3,000,000
19 inhabitants an amount not to exceed \$6.

20 (q) Index inquiry and other records. No fee shall be
21 charged for a single plaintiff and defendant index inquiry or
22 single case record inquiry when this request is made in person
23 and the records are maintained in a current automated medium,
24 and when no hard copy print output is requested. The fees to be
25 charged for management records, multiple case records, and
26 multiple journal records may be specified by the Chief Judge

1 pursuant to the guidelines for access and dissemination of
2 information approved by the Supreme Court.

3 (r) Performing a marriage. There shall be a \$10 fee for
4 performing a marriage in court.

5 (s) Voluntary assignment. For filing each deed of
6 voluntary assignment, the clerk shall collect a fee not to
7 exceed \$20. For recording a deed of voluntary assignment, the
8 clerk shall collect a fee not to exceed 50 cents for each 100
9 words. Exceptions filed to claims presented to an assignee of
10 a debtor who has made a voluntary assignment for the benefit of
11 creditors shall be considered and treated, for the purpose of
12 taxing costs therein, as actions in which the party or parties
13 filing the exceptions shall be considered as party or parties
14 plaintiff, and the claimant or claimants as party or parties
15 defendant, and those parties respectively shall pay to the
16 clerk the same fees as provided by this Section to be paid in
17 other actions.

18 (t) Expungement petition. Except as provided in Sections
19 1-19 and 5-915 of the Juvenile Court Act of 1987, the ~~the~~ clerk
20 may collect a fee not to exceed \$60 for each expungement
21 petition filed and an additional fee not to exceed \$4 for each
22 certified copy of an order to expunge arrest records.

23 (u) Transcripts of judgment. For the filing of a
24 transcript of judgment, the clerk may collect the same fee as
25 if it were the commencement of a new suit.

26 (v) Probate filings.

1 (1) For each account (other than one final account)
2 filed in the estate of a decedent, or ward, the fee shall
3 not exceed \$25.

4 (2) For filing a claim in an estate when the amount
5 claimed is greater than \$150 and not more than \$500, the
6 fee shall not exceed \$40 in a county with a population of
7 3,000,000 or more and shall not exceed \$25 in any other
8 county; when the amount claimed is greater than \$500 and
9 not more than \$10,000, the fee shall not exceed \$55 in a
10 county with a population of 3,000,000 or more and shall
11 not exceed \$40 in any other county; and when the amount
12 claimed is more than \$10,000, the fee shall not exceed \$75
13 in a county with a population of 3,000,000 or more and
14 shall not exceed \$60 in any other county; except the court
15 in allowing a claim may add to the amount allowed the
16 filing fee paid by the claimant.

17 (3) For filing in an estate a claim, petition, or
18 supplemental proceeding based upon an action seeking
19 equitable relief including the construction or contest of
20 a will, enforcement of a contract to make a will, and
21 proceedings involving testamentary trusts or the
22 appointment of testamentary trustees, the fee shall not
23 exceed \$60.

24 (4) There shall be no fee for filing in an estate: (i)
25 the appearance of any person for the purpose of consent;
26 or (ii) the appearance of an executor, administrator,

1 administrator to collect, guardian, guardian ad litem, or
2 special administrator.

3 (5) For each jury demand, the fee shall not exceed
4 \$137.50.

5 (6) For each certified copy of letters of office, of
6 court order, or other certification, the fee shall not
7 exceed \$2 per page.

8 (7) For each exemplification, the fee shall not exceed
9 \$2, plus the fee for certification.

10 (8) The executor, administrator, guardian, petitioner,
11 or other interested person or his or her attorney shall
12 pay the cost of publication by the clerk directly to the
13 newspaper.

14 (9) The person on whose behalf a charge is incurred
15 for witness, court reporter, appraiser, or other
16 miscellaneous fees shall pay the same directly to the
17 person entitled thereto.

18 (10) The executor, administrator, guardian,
19 petitioner, or other interested person or his or her
20 attorney shall pay to the clerk all postage charges
21 incurred by the clerk in mailing petitions, orders,
22 notices, or other documents pursuant to the provisions of
23 the Probate Act of 1975.

24 (w) Corrections of numbers. For correction of the case
25 number, case title, or attorney computer identification
26 number, if required by rule of court, on any document filed in

1 the clerk's office, to be charged against the party that filed
2 the document, the fee shall not exceed \$25.

3 (x) Miscellaneous.

4 (1) Interest earned on any fees collected by the clerk
5 shall be turned over to the county general fund as an
6 earning of the office.

7 (2) For any check, draft, or other bank instrument
8 returned to the clerk for non-sufficient funds, account
9 closed, or payment stopped, the clerk shall collect a fee
10 of \$25.

11 (y) Other fees. Any fees not covered in this Section shall
12 be set by rule or administrative order of the circuit court
13 with the approval of the Administrative Office of the Illinois
14 Courts. The clerk of the circuit court may provide services in
15 connection with the operation of the clerk's office, other
16 than those services mentioned in this Section, as may be
17 requested by the public and agreed to by the clerk and approved
18 by the Chief Judge. Any charges for additional services shall
19 be as agreed to between the clerk and the party making the
20 request and approved by the Chief Judge. Nothing in this
21 subsection shall be construed to require any clerk to provide
22 any service not otherwise required by law.

23 (y-5) Unpaid fees. Unless a court ordered payment schedule
24 is implemented or the fee requirements of this Section are
25 waived under a court order, the clerk of the circuit court may
26 add to any unpaid fees and costs under this Section a

1 delinquency amount equal to 5% of the unpaid fees that remain
2 unpaid after 30 days, 10% of the unpaid fees that remain unpaid
3 after 60 days, and 15% of the unpaid fees that remain unpaid
4 after 90 days. Notice to those parties may be made by signage
5 posting or publication. The additional delinquency amounts
6 collected under this Section shall be deposited into the
7 Circuit Court Clerk Operations and Administration Fund and
8 used to defray additional administrative costs incurred by the
9 clerk of the circuit court in collecting unpaid fees and
10 costs.

11 (z) Exceptions.

12 (1) No fee authorized by this Section shall apply to:

13 (A) police departments or other law enforcement
14 agencies. In this Section, "law enforcement agency"
15 means: an agency of the State or agency of a unit of
16 local government which is vested by law or ordinance
17 with the duty to maintain public order and to enforce
18 criminal laws or ordinances; the Attorney General; or
19 any State's Attorney;

20 (A-5) any unit of local government or school
21 district, except in counties having a population of
22 500,000 or more the county board may by resolution set
23 fees for units of local government or school districts
24 no greater than the minimum fees applicable in
25 counties with a population less than 3,000,000;
26 provided however, no fee may be charged to any unit of

1 local government or school district in connection with
2 any action which, in whole or in part, is: (i) to
3 enforce an ordinance; (ii) to collect a debt; or (iii)
4 under the Administrative Review Law;

5 (B) any action instituted by the corporate
6 authority of a municipality with more than 1,000,000
7 inhabitants under Section 11-31-1 of the Illinois
8 Municipal Code and any action instituted under
9 subsection (b) of Section 11-31-1 of the Illinois
10 Municipal Code by a private owner or tenant of real
11 property within 1,200 feet of a dangerous or unsafe
12 building seeking an order compelling the owner or
13 owners of the building to take any of the actions
14 authorized under that subsection;

15 (C) any commitment petition or petition for an
16 order authorizing the administration of psychotropic
17 medication or electroconvulsive therapy under the
18 Mental Health and Developmental Disabilities Code;

19 (D) a petitioner in any order of protection
20 proceeding, including, but not limited to, fees for
21 filing, modifying, withdrawing, certifying, or
22 photocopying petitions for orders of protection,
23 issuing alias summons, any related filing service, or
24 certifying, modifying, vacating, or photocopying any
25 orders of protection; ~~or~~

26 (E) proceedings for the appointment of a

1 confidential intermediary under the Adoption Act; ~~or~~

2 (F) a minor subject to Article III, IV, or V of the
3 Juvenile Court Act of 1987, or the minor's parent,
4 guardian, or legal custodian; or

5 (G) a minor under the age of 18 transferred to
6 adult court or excluded from juvenile court
7 jurisdiction under Article V of the Juvenile Court Act
8 of 1987, or the minor's parent, guardian, or legal
9 custodian.

10 (2) No fee other than the filing fee contained in the
11 applicable schedule in subsection (a) shall be charged to
12 any person in connection with an adoption proceeding.

13 (3) Upon good cause shown, the court may waive any
14 fees associated with a special needs adoption. The term
15 "special needs adoption" has the meaning provided by the
16 Illinois Department of Children and Family Services.

17 (aa) This Section is repealed on January 1, 2024.

18 (Source: P.A. 101-645, eff. 6-26-20; 102-145, eff. 7-23-21;
19 102-278, eff. 8-6-21; 102-558, eff. 8-20-21; 102-813, eff.
20 5-13-22.)

21 (705 ILCS 105/27.3b-1)

22 Sec. 27.3b-1. Minimum fines; disbursement of fines.

23 (a) Unless otherwise specified by law, the minimum fine
24 for a conviction or supervision disposition on a minor traffic
25 offense is \$25 and the minimum fine for a conviction,

1 supervision disposition, or violation based upon a plea of
2 guilty or finding of guilt for any other offense is \$75. If the
3 court finds that the fine would impose an undue burden on the
4 victim, the court may reduce or waive the fine. In this
5 subsection (a), "victim" shall not be construed to include the
6 defendant.

7 (a-5) Except for traffic fines, the court shall not order
8 any fees, fines, costs, or other applicable assessments
9 authorized under this Section against a minor subject to
10 Article III, IV, or V of the Juvenile Court Act of 1987, or a
11 minor under the age of 18 transferred to adult court or
12 excluded from juvenile court jurisdiction under Article V of
13 the Juvenile Court Act of 1987, or the minor's parent,
14 guardian, or legal custodian.

15 (b) Unless otherwise specified by law, all fines imposed
16 on a misdemeanor offense, other than a traffic, conservation,
17 or driving under the influence offense, or on a felony offense
18 shall be disbursed within 60 days after receipt by the circuit
19 clerk to the county treasurer for deposit into the county's
20 General Fund. Unless otherwise specified by law, all fines
21 imposed on an ordinance offense or a misdemeanor traffic,
22 misdemeanor conservation, or misdemeanor driving under the
23 influence offense shall be disbursed within 60 days after
24 receipt by the circuit clerk to the treasurer of the unit of
25 government of the arresting agency. If the arresting agency is
26 the office of the sheriff, the county treasurer shall deposit

1 the portion into a fund to support the law enforcement
2 operations of the office of the sheriff. If the arresting
3 agency is a State agency, the State Treasurer shall deposit
4 the portion as follows:

5 (1) if the arresting agency is the Illinois State
6 Police, into the State Police Law Enforcement
7 Administration Fund;

8 (2) if the arresting agency is the Department of
9 Natural Resources, into the Conservation Police Operations
10 Assistance Fund;

11 (3) if the arresting agency is the Secretary of State,
12 into the Secretary of State Police Services Fund; and

13 (4) if the arresting agency is the Illinois Commerce
14 Commission, into the Transportation Regulatory Fund.

15 (Source: P.A. 101-636, eff. 6-10-20; 102-538, eff. 8-20-21.)

16 Section 15. The Criminal and Traffic Assessment Act is
17 amended by changing Sections 5-5, 5-10, 5-15, and 15-70 as
18 follows:

19 (705 ILCS 135/5-5)

20 (Section scheduled to be repealed on January 1, 2024)

21 Sec. 5-5. Minimum fine. Unless otherwise specified by law,
22 the minimum fine for a conviction or supervision disposition
23 on a minor traffic offense is \$25 and the minimum fine for a
24 conviction, supervision disposition, or violation based upon a

1 plea of guilty or finding of guilt for any other offense is
2 \$75. If the court finds that the fine would impose an undue
3 burden on the victim, the court may reduce or waive the fine.
4 In this Section, "victim" shall not be construed to include
5 the defendant. Except for traffic fines, the court shall not
6 order any fees, fines, costs, or other applicable assessments
7 authorized under this Section against a minor subject to
8 Article III, IV, or V of the Juvenile Court Act of 1987, or a
9 minor under the age of 18 transferred to adult court or
10 excluded from juvenile court jurisdiction under Article V of
11 the Juvenile Court Act of 1987, or the minor's parent,
12 guardian, or legal custodian.

13 (Source: P.A. 100-987, eff. 7-1-19.)

14 (705 ILCS 135/5-10)

15 (Section scheduled to be repealed on January 1, 2024)

16 Sec. 5-10. Schedules; payment.

17 (a) In each case, the court shall order an assessment at
18 the time of sentencing, as set forth in this Act, for a
19 defendant to pay in addition to any fine, restitution, or
20 forfeiture ordered by the court when the defendant is
21 convicted of, pleads guilty to, or is placed on court
22 supervision for a violation of a statute of this State or a
23 similar local ordinance. The court may order a fine,
24 restitution, or forfeiture on any violation that is being
25 sentenced but shall order only one assessment from the

1 Schedule of Assessments 1 through 13 of this Act for all
2 sentenced violations in a case, that being the schedule
3 applicable to the highest classified offense violation that is
4 being sentenced, plus any conditional assessments under
5 Section 15-70 of this Act applicable to any sentenced
6 violation in the case.

7 (a-5) Except for restitution and traffic violations, the
8 court shall not order any fees, fines, costs, or other
9 applicable assessments authorized under this Section against a
10 minor subject to Article III, IV, or V of the Juvenile Court
11 Act of 1987, or a minor under the age of 18 transferred to
12 adult court or excluded from juvenile court jurisdiction under
13 Article V of the Juvenile Court Act of 1987, or the minor's
14 parent, guardian, or legal custodian.

15 (b) If the court finds that the schedule of assessments
16 will cause an undue burden on any victim in a case or if the
17 court orders community service or some other punishment in
18 place of the applicable schedule of assessments, the court may
19 reduce the amount set forth in the applicable schedule of
20 assessments or not order the applicable schedule of
21 assessments. If the court reduces the amount set forth in the
22 applicable schedule of assessments, then all recipients of the
23 funds collected will receive a prorated amount to reflect the
24 reduction.

25 (c) The court may order the assessments to be paid
26 forthwith or within a specified period of time or in

1 installments.

2 (c-3) Excluding any ordered conditional assessment, if the
3 assessment is not paid within the period of probation,
4 conditional discharge, or supervision to which the defendant
5 was originally sentenced, the court may extend the period of
6 probation, conditional discharge, or supervision under Section
7 5-6-2 or 5-6-3.1 of the Unified Code of Corrections, as
8 applicable, until the assessment is paid or until successful
9 completion of public or community service set forth in
10 subsection (b) of Section 5-20 of this Act or the successful
11 completion of the substance abuse intervention or treatment
12 program set forth in subsection (c-5) of this Section.

13 Except for traffic violations, the court shall not order a
14 fee or other cost under this subsection (c-3) against a minor
15 subject to Article III, IV, or V of the Juvenile Court Act of
16 1987, or a minor under the age of 18 transferred to adult court
17 or excluded from juvenile court jurisdiction under Article V
18 of the Juvenile Court Act of 1987, or the minor's parent,
19 guardian, or legal custodian.

20 (c-5) Excluding any ordered conditional assessment, the
21 court may suspend the collection of the assessment; provided,
22 the defendant agrees to enter a substance abuse intervention
23 or treatment program approved by the court; and further
24 provided that the defendant agrees to pay for all or some
25 portion of the costs associated with the intervention or
26 treatment program. In this case, the collection of the

1 assessment shall be suspended during the defendant's
2 participation in the approved intervention or treatment
3 program. Upon successful completion of the program, the
4 defendant may apply to the court to reduce the assessment
5 imposed under this Section by any amount actually paid by the
6 defendant for his or her participation in the program. The
7 court shall not reduce the assessment under this subsection
8 unless the defendant establishes to the satisfaction of the
9 court that he or she has successfully completed the
10 intervention or treatment program. If the defendant's
11 participation is for any reason terminated before his or her
12 successful completion of the intervention or treatment
13 program, collection of the entire assessment imposed under
14 this Act shall be enforced. Nothing in this Section shall be
15 deemed to affect or suspend any other fines, restitution
16 costs, forfeitures, or assessments imposed under this or any
17 other Act.

18 Except for traffic violations, the court shall not order a
19 fee or other cost under this subsection (c-5) against a minor
20 subject to Article III, IV, or V of the Juvenile Court Act of
21 1987, or a minor under the age of 18 transferred to adult court
22 or excluded from juvenile court jurisdiction under Article V
23 of the Juvenile Court Act of 1987, or the minor's parent,
24 guardian, or legal custodian.

25 (d) Except as provided in Section 5-15 of this Act, the
26 defendant shall pay to the clerk of the court and the clerk

1 shall remit the assessment to the appropriate entity as set
2 forth in the ordered schedule of assessments within one month
3 of its receipt.

4 (e) Unless a court ordered payment schedule is implemented
5 or the assessment requirements of this Act are waived under a
6 court order, the clerk of the circuit court may add to any
7 unpaid assessments under this Act a delinquency amount equal
8 to 5% of the unpaid assessments that remain unpaid after 30
9 days, 10% of the unpaid assessments that remain unpaid after
10 60 days, and 15% of the unpaid assessments that remain unpaid
11 after 90 days. Notice to those parties may be made by signage
12 posting or publication. The additional delinquency amounts
13 collected under this Section shall be deposited into the
14 Circuit Clerk Operations and Administration Fund and used to
15 defray additional administrative costs incurred by the clerk
16 of the circuit court in collecting unpaid assessments.

17 (f) The clerk of the circuit court shall not add
18 delinquency amounts to unpaid assessments against a minor
19 subject to Article III, IV, or V of the Juvenile Court Act of
20 1987, or a minor under the age of 18 transferred to adult court
21 or excluded from juvenile court jurisdiction under Article V
22 of the Juvenile Court Act of 1987, or the minor's parent,
23 guardian, or legal custodian.

24 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19.)

25 (705 ILCS 135/5-15)

1 (Section scheduled to be repealed on January 1, 2024)

2 Sec. 5-15. Service provider costs. Unless otherwise
3 provided in Article 15 of this Act, the defendant shall pay
4 service provider costs to the entity that provided the
5 service. Service provider costs are not eligible for credit
6 for time served, substitution of community service, or waiver.
7 The circuit court may, through administrative order or local
8 rule, appoint the clerk of the court as the receiver and
9 remitter of certain service provider costs, which may include,
10 but are not limited to, probation fees, traffic school fees,
11 or drug or alcohol testing fees. Except for traffic
12 violations, the costs, fees, or any other assessments
13 referenced in this Section shall not apply to a minor subject
14 to Article III, IV, or V of the Juvenile Court Act of 1987, or
15 a minor under the age of 18 transferred to adult court or
16 excluded from juvenile court jurisdiction under Article V of
17 the Juvenile Court Act of 1987, or the minor's parent,
18 guardian, or legal custodian.

19 (Source: P.A. 100-987, eff. 7-1-19.)

20 (705 ILCS 135/15-70)

21 (Section scheduled to be repealed on January 1, 2024)

22 Sec. 15-70. Conditional assessments. In addition to
23 payments under one of the Schedule of Assessments 1 through 13
24 of this Act, the court shall also order payment of any of the
25 following conditional assessment amounts for each sentenced

1 violation in the case to which a conditional assessment is
2 applicable, which shall be collected and remitted by the Clerk
3 of the Circuit Court as provided in this Section:

4 (1) arson, residential arson, or aggravated arson,
5 \$500 per conviction to the State Treasurer for deposit
6 into the Fire Prevention Fund;

7 (2) child pornography under Section 11-20.1 of the
8 Criminal Code of 1961 or the Criminal Code of 2012, \$500
9 per conviction, unless more than one agency is responsible
10 for the arrest in which case the amount shall be remitted
11 to each unit of government equally:

12 (A) if the arresting agency is an agency of a unit
13 of local government, \$500 to the treasurer of the unit
14 of local government for deposit into the unit of local
15 government's General Fund, except that if the Illinois
16 State Police provides digital or electronic forensic
17 examination assistance, or both, to the arresting
18 agency then \$100 to the State Treasurer for deposit
19 into the State Crime Laboratory Fund; or

20 (B) if the arresting agency is the Illinois State
21 Police, \$500 to the State Treasurer for deposit into
22 the State Crime Laboratory Fund;

23 (3) crime laboratory drug analysis for a drug-related
24 offense involving possession or delivery of cannabis or
25 possession or delivery of a controlled substance as
26 defined in the Cannabis Control Act, the Illinois

1 Controlled Substances Act, or the Methamphetamine Control
2 and Community Protection Act, \$100 reimbursement for
3 laboratory analysis, as set forth in subsection (f) of
4 Section 5-9-1.4 of the Unified Code of Corrections;

5 (4) DNA analysis, \$250 on each conviction in which it
6 was used to the State Treasurer for deposit into the State
7 Crime Laboratory Fund as set forth in Section 5-9-1.4 of
8 the Unified Code of Corrections;

9 (5) DUI analysis, \$150 on each sentenced violation in
10 which it was used as set forth in subsection (f) of Section
11 5-9-1.9 of the Unified Code of Corrections;

12 (6) drug-related offense involving possession or
13 delivery of cannabis or possession or delivery of a
14 controlled substance, other than methamphetamine, as
15 defined in the Cannabis Control Act or the Illinois
16 Controlled Substances Act, an amount not less than the
17 full street value of the cannabis or controlled substance
18 seized for each conviction to be disbursed as follows:

19 (A) 12.5% of the street value assessment shall be
20 paid into the Youth Drug Abuse Prevention Fund, to be
21 used by the Department of Human Services for the
22 funding of programs and services for drug-abuse
23 treatment, and prevention and education services;

24 (B) 37.5% to the county in which the charge was
25 prosecuted, to be deposited into the county General
26 Fund;

1 (C) 50% to the treasurer of the arresting law
2 enforcement agency of the municipality or county, or
3 to the State Treasurer if the arresting agency was a
4 state agency, to be deposited as provided in
5 subsection (c) of Section 10-5;

6 (D) if the arrest was made in combination with
7 multiple law enforcement agencies, the clerk shall
8 equitably allocate the portion in subparagraph (C) of
9 this paragraph (6) among the law enforcement agencies
10 involved in the arrest;

11 (6.5) Kane County or Will County, in felony,
12 misdemeanor, local or county ordinance, traffic, or
13 conservation cases, up to \$30 as set by the county board
14 under Section 5-1101.3 of the Counties Code upon the entry
15 of a judgment of conviction, an order of supervision, or a
16 sentence of probation without entry of judgment under
17 Section 10 of the Cannabis Control Act, Section 410 of the
18 Illinois Controlled Substances Act, Section 70 of the
19 Methamphetamine Control and Community Protection Act,
20 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of
21 the Criminal Code of 1961 or the Criminal Code of 2012,
22 Section 10-102 of the Illinois Alcoholism and Other Drug
23 Dependency Act, or Section 10 of the Steroid Control Act;
24 except in local or county ordinance, traffic, and
25 conservation cases, if fines are paid in full without a
26 court appearance, then the assessment shall not be imposed

1 or collected. Distribution of assessments collected under
2 this paragraph (6.5) shall be as provided in Section
3 5-1101.3 of the Counties Code;

4 (7) methamphetamine-related offense involving
5 possession or delivery of methamphetamine or any salt of
6 an optical isomer of methamphetamine or possession of a
7 methamphetamine manufacturing material as set forth in
8 Section 10 of the Methamphetamine Control and Community
9 Protection Act with the intent to manufacture a substance
10 containing methamphetamine or salt of an optical isomer of
11 methamphetamine, an amount not less than the full street
12 value of the methamphetamine or salt of an optical isomer
13 of methamphetamine or methamphetamine manufacturing
14 materials seized for each conviction to be disbursed as
15 follows:

16 (A) 12.5% of the street value assessment shall be
17 paid into the Youth Drug Abuse Prevention Fund, to be
18 used by the Department of Human Services for the
19 funding of programs and services for drug-abuse
20 treatment, and prevention and education services;

21 (B) 37.5% to the county in which the charge was
22 prosecuted, to be deposited into the county General
23 Fund;

24 (C) 50% to the treasurer of the arresting law
25 enforcement agency of the municipality or county, or
26 to the State Treasurer if the arresting agency was a

1 state agency, to be deposited as provided in
2 subsection (c) of Section 10-5;

3 (D) if the arrest was made in combination with
4 multiple law enforcement agencies, the clerk shall
5 equitably allocate the portion in subparagraph (C) of
6 this paragraph (6) among the law enforcement agencies
7 involved in the arrest;

8 (8) order of protection violation under Section 12-3.4
9 of the Criminal Code of 2012, \$200 for each conviction to
10 the county treasurer for deposit into the Probation and
11 Court Services Fund for implementation of a domestic
12 violence surveillance program and any other assessments or
13 fees imposed under Section 5-9-1.16 of the Unified Code of
14 Corrections;

15 (9) order of protection violation, \$25 for each
16 violation to the State Treasurer, for deposit into the
17 Domestic Violence Abuser Services Fund;

18 (10) prosecution by the State's Attorney of a:

19 (A) petty or business offense, \$4 to the county
20 treasurer of which \$2 deposited into the State's
21 Attorney Records Automation Fund and \$2 into the
22 Public Defender Records Automation Fund;

23 (B) conservation or traffic offense, \$2 to the
24 county treasurer for deposit into the State's Attorney
25 Records Automation Fund;

26 (11) speeding in a construction zone violation, \$250

1 to the State Treasurer for deposit into the Transportation
2 Safety Highway Hire-back Fund, unless (i) the violation
3 occurred on a highway other than an interstate highway and
4 (ii) a county police officer wrote the ticket for the
5 violation, in which case to the county treasurer for
6 deposit into that county's Transportation Safety Highway
7 Hire-back Fund;

8 (12) supervision disposition on an offense under the
9 Illinois Vehicle Code or similar provision of a local
10 ordinance, 50 cents, unless waived by the court, into the
11 Prisoner Review Board Vehicle and Equipment Fund;

12 (13) victim and offender are family or household
13 members as defined in Section 103 of the Illinois Domestic
14 Violence Act of 1986 and offender pleads guilty or no
15 contest to or is convicted of murder, voluntary
16 manslaughter, involuntary manslaughter, burglary,
17 residential burglary, criminal trespass to residence,
18 criminal trespass to vehicle, criminal trespass to land,
19 criminal damage to property, telephone harassment,
20 kidnapping, aggravated kidnaping, unlawful restraint,
21 forcible detention, child abduction, indecent solicitation
22 of a child, sexual relations between siblings,
23 exploitation of a child, child pornography, assault,
24 aggravated assault, battery, aggravated battery, heinous
25 battery, aggravated battery of a child, domestic battery,
26 reckless conduct, intimidation, criminal sexual assault,

1 predatory criminal sexual assault of a child, aggravated
2 criminal sexual assault, criminal sexual abuse, aggravated
3 criminal sexual abuse, violation of an order of
4 protection, disorderly conduct, endangering the life or
5 health of a child, child abandonment, contributing to
6 dependency or neglect of child, or cruelty to children and
7 others, \$200 for each sentenced violation to the State
8 Treasurer for deposit as follows: (i) for sexual assault,
9 as defined in Section 5-9-1.7 of the Unified Code of
10 Corrections, when the offender and victim are family
11 members, one-half to the Domestic Violence Shelter and
12 Service Fund, and one-half to the Sexual Assault Services
13 Fund; (ii) for the remaining offenses to the Domestic
14 Violence Shelter and Service Fund;

15 (14) violation of Section 11-501 of the Illinois
16 Vehicle Code, Section 5-7 of the Snowmobile Registration
17 and Safety Act, Section 5-16 of the Boat Registration and
18 Safety Act, or a similar provision, whose operation of a
19 motor vehicle, snowmobile, or watercraft while in
20 violation of Section 11-501, Section 5-7 of the Snowmobile
21 Registration and Safety Act, Section 5-16 of the Boat
22 Registration and Safety Act, or a similar provision
23 proximately caused an incident resulting in an appropriate
24 emergency response, \$1,000 maximum to the public agency
25 that provided an emergency response related to the
26 person's violation, or as provided in subsection (c) of

1 Section 10-5 if the arresting agency was a State agency,
2 unless more than one agency was responsible for the
3 arrest, in which case the amount shall be remitted to each
4 unit of government equally;

5 (15) violation of Section 401, 407, or 407.2 of the
6 Illinois Controlled Substances Act that proximately caused
7 any incident resulting in an appropriate drug-related
8 emergency response, \$1,000 as reimbursement for the
9 emergency response to the law enforcement agency that made
10 the arrest, or as provided in subsection (c) of Section
11 10-5 if the arresting agency was a State agency, unless
12 more than one agency was responsible for the arrest, in
13 which case the amount shall be remitted to each unit of
14 government equally;

15 (16) violation of reckless driving, aggravated
16 reckless driving, or driving 26 miles per hour or more in
17 excess of the speed limit that triggered an emergency
18 response, \$1,000 maximum reimbursement for the emergency
19 response to be distributed in its entirety to a public
20 agency that provided an emergency response related to the
21 person's violation, or as provided in subsection (c) of
22 Section 10-5 if the arresting agency was a State agency,
23 unless more than one agency was responsible for the
24 arrest, in which case the amount shall be remitted to each
25 unit of government equally;

26 (17) violation based upon each plea of guilty,

1 stipulation of facts, or finding of guilt resulting in a
2 judgment of conviction or order of supervision for an
3 offense under Section 10-9, 11-14.1, 11-14.3, or 11-18 of
4 the Criminal Code of 2012 that results in the imposition
5 of a fine, to be distributed as follows:

6 (A) \$50 to the county treasurer for deposit into
7 the Circuit Court Clerk Operation and Administrative
8 Fund to cover the costs in administering this
9 paragraph (17);

10 (B) \$300 to the State Treasurer who shall deposit
11 the portion as follows:

12 (i) if the arresting or investigating agency
13 is the Illinois State Police, into the State
14 Police Law Enforcement Administration Fund;

15 (ii) if the arresting or investigating agency
16 is the Department of Natural Resources, into the
17 Conservation Police Operations Assistance Fund;

18 (iii) if the arresting or investigating agency
19 is the Secretary of State, into the Secretary of
20 State Police Services Fund;

21 (iv) if the arresting or investigating agency
22 is the Illinois Commerce Commission, into the
23 Transportation Regulatory Fund; or

24 (v) if more than one of the State agencies in
25 this subparagraph (B) is the arresting or
26 investigating agency, then equal shares with the

1 shares deposited as provided in the applicable
2 items (i) through (iv) of this subparagraph (B);
3 and

4 (C) the remainder for deposit into the Specialized
5 Services for Survivors of Human Trafficking Fund;

6 (18) weapons violation under Section 24-1.1, 24-1.2,
7 or 24-1.5 of the Criminal Code of 1961 or the Criminal Code
8 of 2012, \$100 for each conviction to the State Treasurer
9 for deposit into the Trauma Center Fund; and

10 (19) violation of subsection (c) of Section 11-907 of
11 the Illinois Vehicle Code, \$250 to the State Treasurer for
12 deposit into the Scott's Law Fund, unless a county or
13 municipal police officer wrote the ticket for the
14 violation, in which case to the county treasurer for
15 deposit into that county's or municipality's
16 Transportation Safety Highway Hire-back Fund to be used as
17 provided in subsection (j) of Section 11-907 of the
18 Illinois Vehicle Code.

19 Except for traffic violations, the fees, fines, or other
20 assessments under this Section shall not apply to a minor
21 subject to Article III, IV, or V of the Juvenile Court Act of
22 1987, or a minor under the age of 18 transferred to adult court
23 or excluded from juvenile court jurisdiction under Article V
24 of the Juvenile Court Act of 1987, or the minor's parent,
25 guardian, or legal custodian.

26 (Source: P.A. 101-173, eff. 1-1-20; 101-636, eff. 6-10-20;

1 102-145, eff. 7-23-21; 102-505, eff. 8-20-21; 102-538, eff.
2 8-20-21; 102-813, eff. 5-13-22.)

3 Section 20. The Juvenile Court Act of 1987 is amended by
4 changing Sections 3-17, 3-19, 3-21, 3-24, 3-33.5, 4-14, 4-16,
5 4-18, 4-21, 5-525, 5-610, 5-615, 5-710, 5-715, 5-915, 6-7, and
6 6-9 and by adding Section 1-19 as follows:

7 (705 ILCS 405/1-19 new)

8 Sec. 1-19. Assessments and outstanding balances owed by
9 minors or their parents, guardians, or legal custodians;
10 report.

11 (a) The court shall not order any assessments, such as
12 fees, fines, or administrative costs, except for those
13 provided in Section 5-125 of this Act, against a minor subject
14 to Article III, IV, or V of this Act or against the minor's
15 parent, guardian, or legal custodian.

16 (b) The court shall not order fees, fines, or
17 administrative costs, except for those provided in Section
18 5-125 of this Act, against a minor under the age of 18
19 transferred to adult court or excluded from juvenile court
20 jurisdiction under Article V of this Act, or the minor's
21 parent, guardian, or legal custodian.

22 (c) Except for assessments made in traffic, boating, or
23 fish and game law, or municipal ordinance violations as
24 provided in Section 5-125 of this Act, any judgment, order,

1 agreement, or other legally enforceable encumbrance directing
2 a minor or his or her parent, guardian, or legal custodian to
3 pay assessments prior to the effective date of this amendatory
4 Act of the 103rd General Assembly is null, void, and not
5 collectible if there remains a balance due, including
6 interest, penalties, or collection fees.

7 (d) Within 90 calendar days after the effective date of
8 this amendatory Act of the 103rd General Assembly, the court
9 shall automatically vacate all orders or other legally
10 enforceable encumbrances directing a minor or his or her
11 parent, guardian, or legal custodian to pay any fees, fines,
12 or administrative costs of any balances due, including
13 interest, penalties, or collection fees, as of the effective
14 date of this amendatory Act of the 103rd General Assembly.

15 (e) Within 30 calendar days after the effective date of
16 this amendatory Act of the 103rd General Assembly, the clerk
17 of the circuit court shall provide written notice to any and
18 all collection agencies and circuit court staff to inform them
19 that any pending or outstanding fees, fines, or administrative
20 costs made not collectible by this amendatory Act of the 103rd
21 General Assembly have been vacated and are null, void, and not
22 collectible.

23 (f) Within 30 calendar days after the effective date of
24 this amendatory Act of the 103rd General Assembly, the
25 probation officer, if applicable, or any other designated
26 person from the juvenile probation department and the clerk of

1 the circuit court shall provide written notice to the minor
2 and the minor's parent, guardian, or legal custodian that, as
3 of the effective date of this amendatory Act of the 103rd
4 General Assembly, all payment obligations are discharged for
5 any pending or outstanding fees, fines, or administrative
6 costs made not collectible by this amendatory Act of the 103rd
7 General Assembly.

8 (g) If a payment is made by a minor or his or her parent,
9 guardian, or legal custodian on or after the effective date of
10 this amendatory Act of the 103rd General Assembly, the clerk
11 of the circuit court shall automatically and immediately
12 reimburse payments made toward fees, fines, and costs made
13 null, void, and uncollectible by this amendatory Act of the
14 103rd General Assembly.

15 (h) One year after the effective date of this amendatory
16 Act of the 103rd General Assembly, the Administrative Office
17 of the Illinois Courts shall report to the General Assembly:

18 (1) the number of judgments, orders, agreements, or
19 other legally enforceable encumbrances vacated pursuant to
20 this Section in each judicial district; and

21 (2) the total balances of fees, fines, and
22 administrative costs vacated in each judicial district.

23 (705 ILCS 405/3-17) (from Ch. 37, par. 803-17)

24 Sec. 3-17. Summons. (1) When a petition is filed, the
25 clerk of the court shall issue a summons with a copy of the

1 petition attached. The summons shall be directed to the
2 minor's legal guardian or custodian and to each person named
3 as a respondent in the petition, except that summons need not
4 be directed to a minor respondent under 8 years of age for whom
5 the court appoints a guardian ad litem if the guardian ad litem
6 appears on behalf of the minor in any proceeding under this
7 Act.

8 (2) The summons must contain a statement that the minor or
9 any of the respondents is entitled to have an attorney present
10 at the hearing on the petition, and that the clerk of the court
11 should be notified promptly if the minor or any other
12 respondent desires to be represented by an attorney but is
13 financially unable to employ counsel.

14 (3) The summons shall be issued under the seal of the
15 court, attested to and signed with the name of the clerk of the
16 court, dated on the day it is issued, and shall require each
17 respondent to appear and answer the petition on the date set
18 for the adjudicatory hearing.

19 (4) The summons may be served by any county sheriff,
20 coroner or probation officer, even though the officer is the
21 petitioner. The return of the summons with endorsement of
22 service by the officer is sufficient proof thereof.

23 (5) Service of a summons and petition shall be made by: (a)
24 leaving a copy thereof with the person summoned at least 3 days
25 before the time stated therein for appearance; (b) leaving a
26 copy at his usual place of abode with some person of the

1 family, of the age of 10 years or upwards, and informing that
2 person of the contents thereof, provided the officer or other
3 person making service shall also send a copy of the summons in
4 a sealed envelope with postage fully prepaid, addressed to the
5 person summoned at his usual place of abode, at least 3 days
6 before the time stated therein for appearance; or (c) leaving
7 a copy thereof with the guardian or custodian of a minor, at
8 least 3 days before the time stated therein for appearance. If
9 the guardian or custodian is an agency of the State of
10 Illinois, proper service may be made by leaving a copy of the
11 summons and petition with any administrative employee of such
12 agency designated by such agency to accept service of summons
13 and petitions. The certificate of the officer or affidavit of
14 the person that he has sent the copy pursuant to this Section
15 is sufficient proof of service.

16 (6) When a parent or other person, who has signed a written
17 promise to appear and bring the minor to court or who has
18 waived or acknowledged service, fails to appear with the minor
19 on the date set by the court, a bench warrant may be issued for
20 the parent or other person, the minor, or both.

21 (7) The appearance of the minor's legal guardian or
22 custodian, or a person named as a respondent in a petition, in
23 any proceeding under this Act shall constitute a waiver of
24 service of summons and submission to the jurisdiction of the
25 court. A copy of the summons and petition shall be provided to
26 the person at the time of his appearance.

1 (8) The court shall not order the minor or his or her
2 parent, guardian, or legal custodian to pay fees, fines, or
3 administrative costs in the service of process.

4 (Source: P.A. 86-441.)

5 (705 ILCS 405/3-19) (from Ch. 37, par. 803-19)

6 Sec. 3-19. Guardian ad litem.

7 (1) Immediately upon the filing of a petition alleging
8 that the minor requires authoritative intervention, the court
9 may appoint a guardian ad litem for the minor if

10 (a) such petition alleges that the minor is the victim
11 of sexual abuse or misconduct; or

12 (b) such petition alleges that charges alleging the
13 commission of any of the sex offenses defined in Article
14 11 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,
15 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
16 Criminal Code of 1961 or the Criminal Code of 2012, have
17 been filed against a defendant in any court and that such
18 minor is the alleged victim of the acts of the defendant in
19 the commission of such offense.

20 (2) Unless the guardian ad litem appointed pursuant to
21 paragraph (1) is an attorney at law he shall be represented in
22 the performance of his duties by counsel.

23 (3) Before proceeding with the hearing, the court shall
24 appoint a guardian ad litem for the minor if

25 (a) no parent, guardian, custodian or relative of the

1 minor appears at the first or any subsequent hearing of
2 the case;

3 (b) the petition prays for the appointment of a
4 guardian with power to consent to adoption; or

5 (c) the petition for which the minor is before the
6 court resulted from a report made pursuant to the Abused
7 and Neglected Child Reporting Act.

8 (4) The court may appoint a guardian ad litem for the minor
9 whenever it finds that there may be a conflict of interest
10 between the minor and his parents or other custodian or that it
11 is otherwise in the minor's interest to do so.

12 (5) The reasonable fees of a guardian ad litem appointed
13 under this Section shall be fixed by the court and ~~charged to~~
14 ~~the parents of the minor, to the extent they are able to pay.~~
15 ~~If the parents are unable to pay those fees, they shall be paid~~
16 from the general fund of the county.

17 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

18 (705 ILCS 405/3-21) (from Ch. 37, par. 803-21)

19 Sec. 3-21. Continuance under supervision.

20 (1) The court may enter an order of continuance under
21 supervision (a) upon an admission or stipulation by the
22 appropriate respondent or minor respondent of the facts
23 supporting the petition and before proceeding to findings and
24 adjudication, or after hearing the evidence at the
25 adjudicatory hearing but before noting in the minutes of

1 proceedings a finding of whether or not the minor is a person
2 requiring authoritative intervention; and (b) in the absence
3 of objection made in open court by the minor, his parent,
4 guardian, custodian, responsible relative, defense attorney or
5 the State's Attorney.

6 (2) If the minor, his parent, guardian, custodian,
7 responsible relative, defense attorney or State's Attorney,
8 objects in open court to any such continuance and insists upon
9 proceeding to findings and adjudication, the court shall so
10 proceed.

11 (3) Nothing in this Section limits the power of the court
12 to order a continuance of the hearing for the production of
13 additional evidence or for any other proper reason.

14 (4) When a hearing where a minor is alleged to be a minor
15 requiring authoritative intervention is continued pursuant to
16 this Section, the court may permit the minor to remain in his
17 home subject to such conditions concerning his conduct and
18 supervision as the court may require by order.

19 (5) If a petition is filed charging a violation of a
20 condition of the continuance under supervision, the court
21 shall conduct a hearing. If the court finds that such
22 condition of supervision has not been fulfilled the court may
23 proceed to findings and adjudication and disposition. The
24 filing of a petition for violation of a condition of the
25 continuance under supervision shall toll the period of
26 continuance under supervision until the final determination of

1 the charge, and the term of the continuance under supervision
2 shall not run until the hearing and disposition of the
3 petition for violation; provided where the petition alleges
4 conduct that does not constitute a criminal offense, the
5 hearing must be held within 15 days of the filing of the
6 petition unless a delay in such hearing has been occasioned by
7 the minor, in which case the delay shall continue the tolling
8 of the period of continuance under supervision for the period
9 of such delay.

10 (6) (Blank). ~~The court must impose upon a minor under an~~
11 ~~order of continuance under supervision or an order of~~
12 ~~disposition under this Article III, as a condition of the~~
13 ~~order, a fee of \$25 for each month or partial month of~~
14 ~~supervision with a probation officer. If the court determines~~
15 ~~the inability of the minor, or the parent, guardian, or legal~~
16 ~~eustodian of the minor to pay the fee, the court may impose a~~
17 ~~lesser fee. The court may not impose the fee on a minor who is~~
18 ~~placed in the guardianship or custody of the Department of~~
19 ~~Children and Family Services under this Act. The fee may be~~
20 ~~imposed only upon a minor who is actively supervised by the~~
21 ~~probation and court services department. The fee must be~~
22 ~~collected by the clerk of the circuit court. The clerk of the~~
23 ~~circuit court must pay all monies collected from this fee to~~
24 ~~the county treasurer for deposit into the probation and court~~
25 ~~services fund under Section 15.1 of the Probation and~~
26 ~~Probation Officers Act.~~

1 (Source: P.A. 100-159, eff. 8-18-17.)

2 (705 ILCS 405/3-24) (from Ch. 37, par. 803-24)

3 Sec. 3-24. Kinds of dispositional orders.

4 (1) The following kinds of orders of disposition may be
5 made in respect to wards of the court: A minor found to be
6 requiring authoritative intervention under Section 3-3 may be
7 (a) committed to the Department of Children and Family
8 Services, subject to Section 5 of the Children and Family
9 Services Act; (b) placed under supervision and released to his
10 or her parents, guardian or legal custodian; (c) placed in
11 accordance with Section 3-28 with or without also being placed
12 under supervision. Conditions of supervision may be modified
13 or terminated by the court if it deems that the best interests
14 of the minor and the public will be served thereby; (d) ordered
15 partially or completely emancipated in accordance with the
16 provisions of the Emancipation of Minors Act; or (e) subject
17 to having his or her driver's license or driving privilege
18 suspended for such time as determined by the Court but only
19 until he or she attains 18 years of age.

20 (2) Any order of disposition may provide for protective
21 supervision under Section 3-25 and may include an order of
22 protection under Section 3-26.

23 (3) Unless the order of disposition expressly so provides,
24 it does not operate to close proceedings on the pending
25 petition, but is subject to modification until final closing

1 and discharge of the proceedings under Section 3-32.

2 (4) In addition to any other order of disposition, the
3 court may order any person found to be a minor requiring
4 authoritative intervention under Section 3-3 to make
5 restitution, in monetary or non-monetary form, under the terms
6 and conditions of Section 5-5-6 of the Unified Code of
7 Corrections, except that the "presentence hearing" referred to
8 therein shall be the dispositional hearing for purposes of
9 this Section. The parent, guardian or legal custodian of the
10 minor may pay some or all of such restitution on the minor's
11 behalf.

12 (5) Any order for disposition where the minor is committed
13 or placed in accordance with Section 3-28 shall provide for
14 the parents or guardian of the estate of such minor to pay to
15 the legal custodian or guardian of the person of the minor such
16 sums as are determined by the custodian or guardian of the
17 person of the minor as necessary for the minor's needs. Such
18 payments may not exceed the maximum amounts provided for by
19 Section 9.1 of the Children and Family Services Act.

20 (6) Whenever the order of disposition requires the minor
21 to attend school or participate in a program of training, the
22 truant officer or designated school official shall regularly
23 report to the court if the minor is a chronic or habitual
24 truant under Section 26-2a of the School Code.

25 (7) (Blank). ~~The court must impose upon a minor under an~~
26 ~~order of continuance under supervision or an order of~~

1 ~~disposition under this Article III, as a condition of the~~
2 ~~order, a fee of \$25 for each month or partial month of~~
3 ~~supervision with a probation officer. If the court determines~~
4 ~~the inability of the minor, or the parent, guardian, or legal~~
5 ~~custodian of the minor to pay the fee, the court may impose a~~
6 ~~lesser fee. The court may not impose the fee on a minor who is~~
7 ~~placed in the guardianship or custody of the Department of~~
8 ~~Children and Family Services under this Act. The fee may be~~
9 ~~imposed only upon a minor who is actively supervised by the~~
10 ~~probation and court services department. The fee must be~~
11 ~~collected by the clerk of the circuit court. The clerk of the~~
12 ~~circuit court must pay all monies collected from this fee to~~
13 ~~the county treasurer for deposit into the probation and court~~
14 ~~services fund under Section 15.1 of the Probation and~~
15 ~~Probation Officers Act.~~

16 (Source: P.A. 100-159, eff. 8-18-17.)

17 (705 ILCS 405/3-33.5)

18 Sec. 3-33.5. Truant minors in need of supervision.

19 (a) Definition. A minor who is reported by the office of
20 the regional superintendent of schools as a chronic truant may
21 be subject to a petition for adjudication and adjudged a
22 truant minor in need of supervision, provided that prior to
23 the filing of the petition, the office of the regional
24 superintendent of schools or a community truancy review board
25 certifies that the local school has provided appropriate

1 truancy intervention services to the truant minor and his or
2 her family. For purposes of this Section, "truancy
3 intervention services" means services designed to assist the
4 minor's return to an educational program, and includes but is
5 not limited to: assessments, counseling, mental health
6 services, shelter, optional and alternative education
7 programs, tutoring, and educational advocacy. If, after review
8 by the regional office of education or community truancy
9 review board, it is determined the local school did not
10 provide the appropriate interventions, then the minor shall be
11 referred to a comprehensive community based youth service
12 agency for truancy intervention services. If the comprehensive
13 community based youth service agency is incapable to provide
14 intervention services, then this requirement for services is
15 not applicable. The comprehensive community based youth
16 service agency shall submit reports to the office of the
17 regional superintendent of schools or truancy review board
18 within 20, 40, and 80 school days of the initial referral or at
19 any other time requested by the office of the regional
20 superintendent of schools or truancy review board, which
21 reports each shall certify the date of the minor's referral
22 and the extent of the minor's progress and participation in
23 truancy intervention services provided by the comprehensive
24 community based youth service agency. In addition, if, after
25 referral by the office of the regional superintendent of
26 schools or community truancy review board, the minor declines

1 or refuses to fully participate in truancy intervention
2 services provided by the comprehensive community based youth
3 service agency, then the agency shall immediately certify such
4 facts to the office of the regional superintendent of schools
5 or community truancy review board.

6 (a-1) There is a rebuttable presumption that a chronic
7 truant is a truant minor in need of supervision.

8 (a-2) There is a rebuttable presumption that school
9 records of a minor's attendance at school are authentic.

10 (a-3) For purposes of this Section, "chronic truant" has
11 the meaning ascribed to it in Section 26-2a of the School Code.

12 (a-4) For purposes of this Section, a "community truancy
13 review board" is a local community based board comprised of
14 but not limited to: representatives from local comprehensive
15 community based youth service agencies, representatives from
16 court service agencies, representatives from local schools,
17 representatives from health service agencies, and
18 representatives from local professional and community
19 organizations as deemed appropriate by the office of the
20 regional superintendent of schools. The regional
21 superintendent of schools must approve the establishment and
22 organization of a community truancy review board, and the
23 regional superintendent of schools or his or her designee
24 shall chair the board.

25 (a-5) Nothing in this Section shall be construed to create
26 a private cause of action or right of recovery against a

1 regional office of education, its superintendent, or its staff
2 with respect to truancy intervention services where the
3 determination to provide the services is made in good faith.

4 (b) Kinds of dispositional orders. A minor found to be a
5 truant minor in need of supervision may be:

6 (1) committed to the appropriate regional
7 superintendent of schools for a student assistance team
8 staffing, a service plan, or referral to a comprehensive
9 community based youth service agency;

10 (2) required to comply with a service plan as
11 specifically provided by the appropriate regional
12 superintendent of schools;

13 (3) ordered to obtain counseling or other supportive
14 services;

15 (4) (blank);

16 (5) required to perform some reasonable public service
17 work that does not interfere with school hours,
18 school-related activities, or work commitments of the
19 minor or the minor's parent, guardian, or legal custodian
20 ~~such as, but not limited to, the picking up of litter in~~
21 ~~public parks or along public highways or the maintenance~~
22 ~~of public facilities; or~~

23 (6) (blank).

24 A dispositional order may include public service only if
25 the court has made an express written finding that a truancy
26 prevention program has been offered by the school, regional

1 superintendent of schools, or a comprehensive community based
2 youth service agency to the truant minor in need of
3 supervision.

4 (c) Orders entered under this Section may be enforced by
5 contempt proceedings. The Court shall not order fees or fines
6 in contempt proceedings under this Section.

7 (Source: P.A. 102-456, eff. 1-1-22.)

8 (705 ILCS 405/4-14) (from Ch. 37, par. 804-14)

9 Sec. 4-14. Summons. (1) When a petition is filed, the
10 clerk of the court shall issue a summons with a copy of the
11 petition attached. The summons shall be directed to the
12 minor's legal guardian or custodian and to each person named
13 as a respondent in the petition, except that summons need not
14 be directed to a minor respondent under 8 years of age for whom
15 the court appoints a guardian ad litem if the guardian ad litem
16 appears on behalf of the minor in any proceeding under this
17 Act.

18 (2) The summons must contain a statement that the minor or
19 any of the respondents is entitled to have an attorney present
20 at the hearing on the petition, and that the clerk of the court
21 should be notified promptly if the minor or any other
22 respondent desires to be represented by an attorney but is
23 financially unable to employ counsel.

24 (3) The summons shall be issued under the seal of the
25 court, attested to and signed with the name of the clerk of the

1 court, dated on the day it is issued, and shall require each
2 respondent to appear and answer the petition on the date set
3 for the adjudicatory hearing.

4 (4) The summons may be served by any county sheriff,
5 coroner or probation officer, even though the officer is the
6 petitioner. The return of the summons with endorsement of
7 service by the officer is sufficient proof thereof.

8 (5) Service of a summons and petition shall be made by: (a)
9 leaving a copy thereof with the person summoned at least 3 days
10 before the time stated therein for appearance; (b) leaving a
11 copy at his usual place of abode with some person of the
12 family, of the age of 10 years or upwards, and informing that
13 person of the contents thereof, provided that the officer or
14 other person making service shall also send a copy of the
15 summons in a sealed envelope with postage fully prepaid,
16 addressed to the person summoned at his usual place of abode,
17 at least 3 days before the time stated therein for appearance;
18 or (c) leaving a copy thereof with the guardian or custodian of
19 a minor, at least 3 days before the time stated therein for
20 appearance. If the guardian or custodian is an agency of the
21 State of Illinois, proper service may be made by leaving a copy
22 of the summons and petition with any administrative employee
23 of such agency designated by such agency to accept service of
24 summons and petitions. The certificate of the officer or
25 affidavit of the person that he has sent the copy pursuant to
26 this Section is sufficient proof of service.

1 (6) When a parent or other person, who has signed a written
2 promise to appear and bring the minor to court or who has
3 waived or acknowledged service, fails to appear with the minor
4 on the date set by the court, a bench warrant may be issued for
5 the parent or other person, the minor, or both.

6 (7) The appearance of the minor's legal guardian or
7 custodian, or a person named as a respondent in a petition, in
8 any proceeding under this Act shall constitute a waiver of
9 service of summons and submission to the jurisdiction of the
10 court. A copy of the summons and petition shall be provided to
11 the person at the time of his appearance.

12 (8) The court shall not order the minor or his or her
13 parent, guardian, or legal custodian to pay fees, fines, or
14 administrative costs in the service of process.

15 (Source: P.A. 86-441.)

16 (705 ILCS 405/4-16) (from Ch. 37, par. 804-16)

17 Sec. 4-16. Guardian ad litem.

18 (1) Immediately upon the filing of a petition alleging
19 that the minor is a person described in Section 4-3 of this
20 Act, the court may appoint a guardian ad litem for the minor
21 if:

22 (a) such petition alleges that the minor is the victim
23 of sexual abuse or misconduct; or

24 (b) such petition alleges that charges alleging the
25 commission of any of the sex offenses defined in Article

1 11 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,
2 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
3 Criminal Code of 1961 or the Criminal Code of 2012, have
4 been filed against a defendant in any court and that such
5 minor is the alleged victim of the acts of the defendant in
6 the commission of such offense.

7 Unless the guardian ad litem appointed pursuant to this
8 paragraph (1) is an attorney at law he shall be represented in
9 the performance of his duties by counsel.

10 (2) Before proceeding with the hearing, the court shall
11 appoint a guardian ad litem for the minor if

12 (a) no parent, guardian, custodian or relative of the
13 minor appears at the first or any subsequent hearing of
14 the case;

15 (b) the petition prays for the appointment of a
16 guardian with power to consent to adoption; or

17 (c) the petition for which the minor is before the
18 court resulted from a report made pursuant to the Abused
19 and Neglected Child Reporting Act.

20 (3) The court may appoint a guardian ad litem for the minor
21 whenever it finds that there may be a conflict of interest
22 between the minor and his parents or other custodian or that it
23 is otherwise in the minor's interest to do so.

24 (4) Unless the guardian ad litem is an attorney, he shall
25 be represented by counsel.

26 (5) The reasonable fees of a guardian ad litem appointed

1 under this Section shall be fixed by the court and ~~charged to~~
2 ~~the parents of the minor, to the extent they are able to pay.~~
3 ~~If the parents are unable to pay those fees, they shall be paid~~
4 from the general fund of the county.

5 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

6 (705 ILCS 405/4-18) (from Ch. 37, par. 804-18)

7 Sec. 4-18. Continuance under supervision.

8 (1) The court may enter an order of continuance under
9 supervision (a) upon an admission or stipulation by the
10 appropriate respondent or minor respondent of the facts
11 supporting the petition and before proceeding to findings and
12 adjudication, or after hearing the evidence at the
13 adjudicatory hearing but before noting in the minutes of the
14 proceeding a finding of whether or not the minor is an addict,
15 and (b) in the absence of objection made in open court by the
16 minor, his parent, guardian, custodian, responsible relative,
17 defense attorney or the State's Attorney.

18 (2) If the minor, his parent, guardian, custodian,
19 responsible relative, defense attorney or State's Attorney,
20 objects in open court to any such continuance and insists upon
21 proceeding to findings and adjudication, the court shall so
22 proceed.

23 (3) Nothing in this Section limits the power of the court
24 to order a continuance of the hearing for the production of
25 additional evidence or for any other proper reason.

1 (4) When a hearing is continued pursuant to this Section,
2 the court may permit the minor to remain in his home subject to
3 such conditions concerning his conduct and supervision as the
4 court may require by order.

5 (5) If a petition is filed charging a violation of a
6 condition of the continuance under supervision, the court
7 shall conduct a hearing. If the court finds that such
8 condition of supervision has not been fulfilled the court may
9 proceed to findings and adjudication and disposition. The
10 filing of a petition for violation of a condition of the
11 continuance under supervision shall toll the period of
12 continuance under supervision until the final determination of
13 the charge, and the term of the continuance under supervision
14 shall not run until the hearing and disposition of the
15 petition for violation; provided where the petition alleges
16 conduct that does not constitute a criminal offense, the
17 hearing must be held within 15 days of the filing of the
18 petition unless a delay in such hearing has been occasioned by
19 the minor, in which case the delay shall continue the tolling
20 of the period of continuance under supervision for the period
21 of such delay.

22 (6) (Blank). ~~The court must impose upon a minor under an~~
23 ~~order of continuance under supervision or an order of~~
24 ~~disposition under this Article IV, as a condition of the~~
25 ~~order, a fee of \$25 for each month or partial month of~~
26 ~~supervision with a probation officer. If the court determines~~

1 ~~the inability of the minor, or the parent, guardian, or legal~~
2 ~~custodian of the minor to pay the fee, the court may impose a~~
3 ~~lesser fee. The court may not impose the fee on a minor who is~~
4 ~~placed in the guardianship or custody of the Department of~~
5 ~~Children and Family Services under this Act. The fee may be~~
6 ~~imposed only upon a minor who is actively supervised by the~~
7 ~~probation and court services department. The fee must be~~
8 ~~collected by the clerk of the circuit court. The clerk of the~~
9 ~~circuit court must pay all monies collected from this fee to~~
10 ~~the county treasurer for deposit into the probation and court~~
11 ~~services fund under Section 15.1 of the Probation and~~
12 ~~Probation Officers Act.~~

13 (Source: P.A. 100-159, eff. 8-18-17.)

14 (705 ILCS 405/4-21) (from Ch. 37, par. 804-21)

15 Sec. 4-21. Kinds of dispositional orders.

16 (1) A minor found to be addicted under Section 4-3 may be
17 (a) committed to the Department of Children and Family
18 Services, subject to Section 5 of the Children and Family
19 Services Act; (b) placed under supervision and released to his
20 or her parents, guardian or legal custodian; (c) placed in
21 accordance with Section 4-25 with or without also being placed
22 under supervision. Conditions of supervision may be modified
23 or terminated by the court if it deems that the best interests
24 of the minor and the public will be served thereby; (d)
25 required to attend an approved alcohol or drug abuse treatment

1 or counseling program on an inpatient or outpatient basis
2 instead of or in addition to the disposition otherwise
3 provided for in this paragraph; (e) ordered partially or
4 completely emancipated in accordance with the provisions of
5 the Emancipation of Minors Act; or (f) subject to having his or
6 her driver's license or driving privilege suspended for such
7 time as determined by the Court but only until he or she
8 attains 18 years of age. No disposition under this subsection
9 shall provide for the minor's placement in a secure facility.

10 (2) Any order of disposition may provide for protective
11 supervision under Section 4-22 and may include an order of
12 protection under Section 4-23.

13 (3) Unless the order of disposition expressly so provides,
14 it does not operate to close proceedings on the pending
15 petition, but is subject to modification until final closing
16 and discharge of the proceedings under Section 4-29.

17 (4) In addition to any other order of disposition, the
18 court may order any minor found to be addicted under this
19 Article as neglected with respect to his or her own injurious
20 behavior, to make restitution, in monetary or non-monetary
21 form, under the terms and conditions of Section 5-5-6 of the
22 Unified Code of Corrections, except that the "presentence
23 hearing" referred to therein shall be the dispositional
24 hearing for purposes of this Section. The parent, guardian or
25 legal custodian of the minor may pay some or all of such
26 restitution on the minor's behalf.

1 (5) Any order for disposition where the minor is placed in
2 accordance with Section 4-25 shall provide for the parents or
3 guardian of the estate of such minor to pay to the legal
4 custodian or guardian of the person of the minor such sums as
5 are determined by the custodian or guardian of the person of
6 the minor as necessary for the minor's needs. Such payments
7 may not exceed the maximum amounts provided for by Section 9.1
8 of the Children and Family Services Act.

9 (6) Whenever the order of disposition requires the minor
10 to attend school or participate in a program of training, the
11 truant officer or designated school official shall regularly
12 report to the court if the minor is a chronic or habitual
13 truant under Section 26-2a of the School Code.

14 (7) (Blank). ~~The court must impose upon a minor under an~~
15 ~~order of continuance under supervision or an order of~~
16 ~~disposition under this Article IV, as a condition of the~~
17 ~~order, a fee of \$25 for each month or partial month of~~
18 ~~supervision with a probation officer. If the court determines~~
19 ~~the inability of the minor, or the parent, guardian, or legal~~
20 ~~eustodian of the minor to pay the fee, the court may impose a~~
21 ~~lesser fee. The court may not impose the fee on a minor who is~~
22 ~~placed in the guardianship or custody of the Department of~~
23 ~~Children and Family Services under this Act. The fee may be~~
24 ~~imposed only upon a minor who is actively supervised by the~~
25 ~~probation and court services department. The fee must be~~
26 ~~collected by the clerk of the circuit court. The clerk of the~~

1 ~~circuit court must pay all monies collected from this fee to~~
2 ~~the county treasurer for deposit into the probation and court~~
3 ~~services fund under Section 15.1 of the Probation and~~
4 ~~Probation Officers Act.~~

5 (Source: P.A. 100-159, eff. 8-18-17.)

6 (705 ILCS 405/5-525)

7 Sec. 5-525. Service.

8 (1) Service by summons.

9 (a) Upon the commencement of a delinquency
10 prosecution, the clerk of the court shall issue a summons
11 with a copy of the petition attached. The summons shall be
12 directed to the minor's parent, guardian or legal
13 custodian and to each person named as a respondent in the
14 petition, except that summons need not be directed (i) to
15 a minor respondent under 8 years of age for whom the court
16 appoints a guardian ad litem if the guardian ad litem
17 appears on behalf of the minor in any proceeding under
18 this Act, or (ii) to a parent who does not reside with the
19 minor, does not make regular child support payments to the
20 minor, to the minor's other parent, or to the minor's
21 legal guardian or custodian pursuant to a support order,
22 and has not communicated with the minor on a regular
23 basis.

24 (b) The summons must contain a statement that the
25 minor is entitled to have an attorney present at the

1 hearing on the petition, and that the clerk of the court
2 should be notified promptly if the minor desires to be
3 represented by an attorney but is financially unable to
4 employ counsel.

5 (c) The summons shall be issued under the seal of the
6 court, attested in and signed with the name of the clerk of
7 the court, dated on the day it is issued, and shall require
8 each respondent to appear and answer the petition on the
9 date set for the adjudicatory hearing.

10 (d) The summons may be served by any law enforcement
11 officer, coroner or probation officer, even though the
12 officer is the petitioner. The return of the summons with
13 endorsement of service by the officer is sufficient proof
14 of service.

15 (e) Service of a summons and petition shall be made
16 by: (i) leaving a copy of the summons and petition with the
17 person summoned at least 3 days before the time stated in
18 the summons for appearance; (ii) leaving a copy at his or
19 her usual place of abode with some person of the family, of
20 the age of 10 years or upwards, and informing that person
21 of the contents of the summons and petition, provided, the
22 officer or other person making service shall also send a
23 copy of the summons in a sealed envelope with postage
24 fully prepaid, addressed to the person summoned at his or
25 her usual place of abode, at least 3 days before the time
26 stated in the summons for appearance; or (iii) leaving a

1 copy of the summons and petition with the guardian or
2 custodian of a minor, at least 3 days before the time
3 stated in the summons for appearance. If the guardian or
4 legal custodian is an agency of the State of Illinois,
5 proper service may be made by leaving a copy of the summons
6 and petition with any administrative employee of the
7 agency designated by the agency to accept the service of
8 summons and petitions. The certificate of the officer or
9 affidavit of the person that he or she has sent the copy
10 pursuant to this Section is sufficient proof of service.

11 (f) When a parent or other person, who has signed a
12 written promise to appear and bring the minor to court or
13 who has waived or acknowledged service, fails to appear
14 with the minor on the date set by the court, a bench
15 warrant may be issued for the parent or other person, the
16 minor, or both.

17 (2) Service by certified mail or publication.

18 (a) If service on individuals as provided in
19 subsection (1) is not made on any respondent within a
20 reasonable time or if it appears that any respondent
21 resides outside the State, service may be made by
22 certified mail. In that case the clerk shall mail the
23 summons and a copy of the petition to that respondent by
24 certified mail marked for delivery to addressee only. The
25 court shall not proceed with the adjudicatory hearing
26 until 5 days after the mailing. The regular return receipt

1 for certified mail is sufficient proof of service.

2 (b) If service upon individuals as provided in
3 subsection (1) is not made on any respondents within a
4 reasonable time or if any person is made a respondent
5 under the designation of "All Whom It May Concern", or if
6 service cannot be made because the whereabouts of a
7 respondent are unknown, service may be made by
8 publication. The clerk of the court as soon as possible
9 shall cause publication to be made once in a newspaper of
10 general circulation in the county where the action is
11 pending. Service by publication is not required in any
12 case when the person alleged to have legal custody of the
13 minor has been served with summons personally or by
14 certified mail, but the court may not enter any order or
15 judgment against any person who cannot be served with
16 process other than by publication unless service by
17 publication is given or unless that person appears.
18 Failure to provide service by publication to a
19 non-custodial parent whose whereabouts are unknown shall
20 not deprive the court of jurisdiction to proceed with a
21 trial or a plea of delinquency by the minor. When a minor
22 has been detained or sheltered under Section 5-501 of this
23 Act and summons has not been served personally or by
24 certified mail within 20 days from the date of the order of
25 court directing such detention or shelter care, the clerk
26 of the court shall cause publication. Service by

1 publication shall be substantially as follows:

2 "A, B, C, D, (here giving the names of the named
3 respondents, if any) and to All Whom It May Concern (if
4 there is any respondent under that designation):

5 Take notice that on (insert date) a petition was
6 filed under the Juvenile Court Act of 1987 by in
7 the circuit court of county entitled 'In the
8 interest of, a minor', and that in courtroom
9 at on (insert date) at the hour of, or as
10 soon thereafter as this cause may be heard, an
11 adjudicatory hearing will be held upon the petition to
12 have the child declared to be a ward of the court under
13 that Act. The court has authority in this proceeding
14 to take from you the custody and guardianship of the
15 minor.

16 Now, unless you appear at the hearing and show
17 cause against the petition, the allegations of the
18 petition may stand admitted as against you and each of
19 you, and an order or judgment entered.

20

21 Clerk

22 Dated (insert the date of publication)"

23 (c) The clerk shall also at the time of the
24 publication of the notice send a copy of the notice by mail
25 to each of the respondents on account of whom publication
26 is made at his or her last known address. The certificate

1 of the clerk that he or she has mailed the notice is
2 evidence of that mailing. No other publication notice is
3 required. Every respondent notified by publication under
4 this Section must appear and answer in open court at the
5 hearing. The court may not proceed with the adjudicatory
6 hearing until 10 days after service by publication on any
7 custodial parent, guardian or legal custodian of a minor
8 alleged to be delinquent.

9 (d) If it becomes necessary to change the date set for
10 the hearing in order to comply with this Section, notice
11 of the resetting of the date must be given, by certified
12 mail or other reasonable means, to each respondent who has
13 been served with summons personally or by certified mail.

14 (3) Once jurisdiction has been established over a party,
15 further service is not required and notice of any subsequent
16 proceedings in that prosecution shall be made in accordance
17 with provisions of Section 5-530.

18 (4) The appearance of the minor's parent, guardian or
19 legal custodian, or a person named as a respondent in a
20 petition, in any proceeding under this Act shall constitute a
21 waiver of service and submission to the jurisdiction of the
22 court. A copy of the petition shall be provided to the person
23 at the time of his or her appearance.

24 (5) The court shall not require the minor or his or her
25 parent, guardian, or legal custodian to pay fees, fines, or
26 administrative costs in the service of process.

1 (Source: P.A. 90-590, eff. 1-1-99; 91-357, eff. 7-29-99.)

2 (705 ILCS 405/5-610)

3 Sec. 5-610. Guardian ad litem and appointment of attorney.

4 (1) The court may appoint a guardian ad litem for the minor
5 whenever it finds that there may be a conflict of interest
6 between the minor and his or her parent, guardian or legal
7 custodian or that it is otherwise in the minor's interest to do
8 so.

9 (2) Unless the guardian ad litem is an attorney, he or she
10 shall be represented by counsel.

11 (3) The reasonable fees of a guardian ad litem appointed
12 under this Section shall be fixed by the court and ~~charged to~~
13 ~~the parents of the minor, to the extent they are able to pay.~~
14 ~~If the parents are unable to pay those fees, they shall be paid~~
15 from the general fund of the county.

16 (4) If, during the court proceedings, the parents,
17 guardian, or legal custodian prove that he or she has an actual
18 conflict of interest with the minor in that delinquency
19 proceeding and that the parents, guardian, or legal custodian
20 are indigent, the court shall appoint a separate attorney for
21 that parent, guardian, or legal custodian.

22 (5) A guardian ad litem appointed under this Section for a
23 minor who is in the custody or guardianship of the Department
24 of Children and Family Services or who has an open intact
25 family services case with the Department of Children and

1 Family Services is entitled to receive copies of any and all
2 classified reports of child abuse or neglect made pursuant to
3 the Abused and Neglected Child Reporting Act in which the
4 minor, who is the subject of the report under the Abused and
5 Neglected Child Reporting Act, is also a minor for whom the
6 guardian ad litem is appointed under this Act. The Department
7 of Children and Family Services' obligation under this
8 subsection to provide reports to a guardian ad litem for a
9 minor with an open intact family services case applies only if
10 the guardian ad litem notified the Department in writing of
11 the representation.

12 (Source: P.A. 100-158, eff. 1-1-18.)

13 (705 ILCS 405/5-615)

14 Sec. 5-615. Continuance under supervision.

15 (1) The court may enter an order of continuance under
16 supervision for an offense other than first degree murder, a
17 Class X felony or a forcible felony:

18 (a) upon an admission or stipulation by the
19 appropriate respondent or minor respondent of the facts
20 supporting the petition and before the court makes a
21 finding of delinquency, and in the absence of objection
22 made in open court by the minor, his or her parent,
23 guardian, or legal custodian, the minor's attorney or the
24 State's Attorney; or

25 (b) upon a finding of delinquency and after

1 considering the circumstances of the offense and the
2 history, character, and condition of the minor, if the
3 court is of the opinion that:

4 (i) the minor is not likely to commit further
5 crimes;

6 (ii) the minor and the public would be best served
7 if the minor were not to receive a criminal record; and

8 (iii) in the best interests of justice an order of
9 continuance under supervision is more appropriate than
10 a sentence otherwise permitted under this Act.

11 (2) (Blank).

12 (3) Nothing in this Section limits the power of the court
13 to order a continuance of the hearing for the production of
14 additional evidence or for any other proper reason.

15 (4) When a hearing where a minor is alleged to be a
16 delinquent is continued pursuant to this Section, the period
17 of continuance under supervision may not exceed 24 months. The
18 court may terminate a continuance under supervision at any
19 time if warranted by the conduct of the minor and the ends of
20 justice or vacate the finding of delinquency or both.

21 (5) When a hearing where a minor is alleged to be
22 delinquent is continued pursuant to this Section, the court
23 may, as conditions of the continuance under supervision,
24 require the minor to do any of the following:

25 (a) not violate any criminal statute of any
26 jurisdiction;

1 (b) make a report to and appear in person before any
2 person or agency as directed by the court;

3 (c) work or pursue a course of study or vocational
4 training;

5 (d) undergo medical or psychotherapeutic treatment
6 rendered by a therapist licensed under the provisions of
7 the Medical Practice Act of 1987, the Clinical
8 Psychologist Licensing Act, or the Clinical Social Work
9 and Social Work Practice Act, or an entity licensed by the
10 Department of Human Services as a successor to the
11 Department of Alcoholism and Substance Abuse, for the
12 provision of substance use disorder services as defined in
13 Section 1-10 of the Substance Use Disorder Act;

14 (e) attend or reside in a facility established for the
15 instruction or residence of persons on probation;

16 (f) support his or her dependents, if any;

17 (g) (blank); ~~pay costs;~~

18 (h) refrain from possessing a firearm or other
19 dangerous weapon, or an automobile;

20 (i) permit the probation officer to visit him or her
21 at his or her home or elsewhere;

22 (j) reside with his or her parents or in a foster home;

23 (k) attend school;

24 (k-5) 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 committed

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

6 (l) attend a non-residential program for youth;

7 (m) provide nonfinancial contributions ~~contribute~~ to
8 his or her own support at home or in a foster home;

9 (n) perform some reasonable public or community
10 service that does not interfere with school hours,
11 school-related activities, or work commitments of the
12 minor or the minor's parent, guardian, or legal custodian;

13 (o) make restitution to the victim, in the same manner
14 and under the same conditions as provided in subsection
15 (4) of Section 5-710, except that the "sentencing hearing"
16 referred to in that Section shall be the adjudicatory
17 hearing for purposes of this Section;

18 (p) comply with curfew requirements as designated by
19 the court;

20 (q) refrain from entering into a designated geographic
21 area except upon terms as the court finds appropriate. The
22 terms may include consideration of the purpose of the
23 entry, the time of day, other persons accompanying the
24 minor, and advance approval by a probation officer;

25 (r) refrain from having any contact, directly or
26 indirectly, with certain specified persons or particular

1 types of persons, including but not limited to members of
2 street gangs and drug users or dealers;

3 (r-5) undergo a medical or other procedure to have a
4 tattoo symbolizing allegiance to a street gang removed
5 from his or her body;

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

13 (t) comply with any other conditions as may be ordered
14 by the court.

15 (6) A minor whose case is continued under supervision
16 under subsection (5) shall be given a certificate setting
17 forth the conditions imposed by the court. Those conditions
18 may be reduced, enlarged, or modified by the court on motion of
19 the probation officer or on its own motion, or that of the
20 State's Attorney, or, at the request of the minor after notice
21 and hearing.

22 (7) If a petition is filed charging a violation of a
23 condition of the continuance under supervision, the court
24 shall conduct a hearing. If the court finds that a condition of
25 supervision has not been fulfilled, the court may proceed to
26 findings, adjudication, and disposition or adjudication and

1 disposition. The filing of a petition for violation of a
2 condition of the continuance under supervision shall toll the
3 period of continuance under supervision until the final
4 determination of the charge, and the term of the continuance
5 under supervision shall not run until the hearing and
6 disposition of the petition for violation; provided where the
7 petition alleges conduct that does not constitute a criminal
8 offense, the hearing must be held within 30 days of the filing
9 of the petition unless a delay shall continue the tolling of
10 the period of continuance under supervision for the period of
11 the delay.

12 (8) When a hearing in which a minor is alleged to be a
13 delinquent for reasons that include a violation of Section
14 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
15 2012 is continued under this Section, the court shall, as a
16 condition of the continuance under supervision, require the
17 minor to perform community service for not less than 30 and not
18 more than 120 hours, if community service is available in the
19 jurisdiction. The community service shall include, but need
20 not be limited to, the cleanup and repair of the damage that
21 was caused by the alleged violation or similar damage to
22 property located in the municipality or county in which the
23 alleged violation occurred. The condition may be in addition
24 to any other condition. Community service shall not interfere
25 with the school hours, school-related activities, or work
26 commitments of the minor or the minor's parent, guardian, or

1 legal custodian.

2 (8.5) When a hearing in which a minor is alleged to be a
3 delinquent for reasons that include a violation of Section
4 3.02 or Section 3.03 of the Humane Care for Animals Act or
5 paragraph (d) of subsection (1) of Section 21-1 of the
6 Criminal Code of 1961 or paragraph (4) of subsection (a) of
7 Section 21-1 or the Criminal Code of 2012 is continued under
8 this Section, the court shall, as a condition of the
9 continuance under supervision, require the minor to undergo
10 medical or psychiatric treatment rendered by a psychiatrist or
11 psychological treatment rendered by a clinical psychologist.
12 The condition may be in addition to any other condition.

13 (9) When a hearing in which a minor is alleged to be a
14 delinquent is continued under this Section, the court, before
15 continuing the case, shall make a finding whether the offense
16 alleged to have been committed either: (i) was related to or in
17 furtherance of the activities of an organized gang or was
18 motivated by the minor's membership in or allegiance to an
19 organized gang, or (ii) is a violation of paragraph (13) of
20 subsection (a) of Section 12-2 or paragraph (2) of subsection
21 (c) of Section 12-2 of the Criminal Code of 1961 or the
22 Criminal Code of 2012, a violation of any Section of Article 24
23 of the Criminal Code of 1961 or the Criminal Code of 2012, or a
24 violation of any statute that involved the unlawful use of a
25 firearm. If the court determines the question in the
26 affirmative the court shall, as a condition of the continuance

1 under supervision and as part of or in addition to any other
2 condition of the supervision, require the minor to perform
3 community service for not less than 30 hours, provided that
4 community service is available in the jurisdiction and is
5 funded and approved by the county board of the county where the
6 offense was committed. The community service shall include,
7 but need not be limited to, the cleanup and repair of any
8 damage caused by an alleged violation of Section 21-1.3 of the
9 Criminal Code of 1961 or the Criminal Code of 2012 and similar
10 damage to property located in the municipality or county in
11 which the alleged violation occurred. When possible and
12 reasonable, the community service shall be performed in the
13 minor's neighborhood. For the purposes of this Section,
14 "organized gang" has the meaning ascribed to it in Section 10
15 of the Illinois Streetgang Terrorism Omnibus Prevention Act.
16 Community service shall not interfere with the school hours,
17 school-related activities, or work commitments of the minor or
18 the minor's parent, guardian, or legal custodian.

19 (10) (Blank). ~~The court shall impose upon a minor placed~~
20 ~~on supervision, as a condition of the supervision, a fee of \$50~~
21 ~~for each month of supervision ordered by the court, unless~~
22 ~~after determining the inability of the minor placed on~~
23 ~~supervision to pay the fee, the court assesses a lesser~~
24 ~~amount. The court may not impose the fee on a minor who is~~
25 ~~placed in the guardianship or custody of the Department of~~
26 ~~Children and Family Services under this Act while the minor is~~

1 ~~in placement. The fee shall be imposed only upon a minor who is~~
2 ~~actively supervised by the probation and court services~~
3 ~~department. A court may order the parent, guardian, or legal~~
4 ~~eustodian of the minor to pay some or all of the fee on the~~
5 ~~minor's behalf.~~

6 (11) (Blank).

7 (12) The court shall not, as a condition of continuance
8 under supervision, order the minor or the minor's parent,
9 guardian, or legal custodian to pay fees, fines, or costs,
10 including any fee, fine, or administrative cost authorized
11 under Section 5-4.5-105, 5-5-10, 5-6-3, 5-6-3.1, 5-7-6,
12 5-9-1.4, or 5-9-1.9 of the Unified Code of Corrections. If the
13 minor or the minor's parent, guardian, or legal custodian is
14 unable to cover the cost of a condition under this subsection,
15 the court shall not preclude the minor from receiving
16 continuance under supervision based on the inability to pay.
17 Inability to pay shall not be grounds to object to the minor's
18 placement on a continuance under supervision.

19 (Source: P.A. 100-159, eff. 8-18-17; 100-759, eff. 1-1-19;
20 101-2, eff. 7-1-19.)

21 (705 ILCS 405/5-710)

22 Sec. 5-710. Kinds of sentencing orders.

23 (1) The following kinds of sentencing orders may be made
24 in respect of wards of the court:

25 (a) Except as provided in Sections 5-805, 5-810, and

1 5-815, a minor who is found guilty under Section 5-620 may
2 be:

3 (i) put on probation or conditional discharge and
4 released to his or her parents, guardian or legal
5 custodian, provided, however, that any such minor who
6 is not committed to the Department of Juvenile Justice
7 under this subsection and who is found to be a
8 delinquent for an offense which is first degree
9 murder, a Class X felony, or a forcible felony shall be
10 placed on probation;

11 (ii) placed in accordance with Section 5-740, with
12 or without also being put on probation or conditional
13 discharge;

14 (iii) required to undergo a substance abuse
15 assessment conducted by a licensed provider and
16 participate in the indicated clinical level of care;

17 (iv) on and after January 1, 2015 (the effective
18 date of Public Act 98-803) and before January 1, 2017,
19 placed in the guardianship of the Department of
20 Children and Family Services, but only if the
21 delinquent minor is under 16 years of age or, pursuant
22 to Article II of this Act, a minor under the age of 18
23 for whom an independent basis of abuse, neglect, or
24 dependency exists. On and after January 1, 2017,
25 placed in the guardianship of the Department of
26 Children and Family Services, but only if the

1 delinquent minor is under 15 years of age or, pursuant
2 to Article II of this Act, a minor for whom an
3 independent basis of abuse, neglect, or dependency
4 exists. An independent basis exists when the
5 allegations or adjudication of abuse, neglect, or
6 dependency do not arise from the same facts, incident,
7 or circumstances which give rise to a charge or
8 adjudication of delinquency;

9 (v) placed in detention for a period not to exceed
10 30 days, either as the exclusive order of disposition
11 or, where appropriate, in conjunction with any other
12 order of disposition issued under this paragraph,
13 provided that any such detention shall be in a
14 juvenile detention home and the minor so detained
15 shall be 10 years of age or older. However, the 30-day
16 limitation may be extended by further order of the
17 court for a minor under age 15 committed to the
18 Department of Children and Family Services if the
19 court finds that the minor is a danger to himself or
20 others. The minor shall be given credit on the
21 sentencing order of detention for time spent in
22 detention under Sections 5-501, 5-601, 5-710, or 5-720
23 of this Article as a result of the offense for which
24 the sentencing order was imposed. The court may grant
25 credit on a sentencing order of detention entered
26 under a violation of probation or violation of

1 conditional discharge under Section 5-720 of this
2 Article for time spent in detention before the filing
3 of the petition alleging the violation. A minor shall
4 not be deprived of credit for time spent in detention
5 before the filing of a violation of probation or
6 conditional discharge alleging the same or related act
7 or acts. The limitation that the minor shall only be
8 placed in a juvenile detention home does not apply as
9 follows:

10 Persons 18 years of age and older who have a
11 petition of delinquency filed against them may be
12 confined in an adult detention facility. In making a
13 determination whether to confine a person 18 years of
14 age or older who has a petition of delinquency filed
15 against the person, these factors, among other
16 matters, shall be considered:

17 (A) the age of the person;

18 (B) any previous delinquent or criminal
19 history of the person;

20 (C) any previous abuse or neglect history of
21 the person;

22 (D) any mental health history of the person;

23 and

24 (E) any educational history of the person;

25 (vi) ordered partially or completely emancipated
26 in accordance with the provisions of the Emancipation

1 of Minors Act;

2 (vii) subject to having his or her driver's
3 license or driving privileges suspended for such time
4 as determined by the court but only until he or she
5 attains 18 years of age;

6 (viii) put on probation or conditional discharge
7 and placed in detention under Section 3-6039 of the
8 Counties Code for a period not to exceed the period of
9 incarceration permitted by law for adults found guilty
10 of the same offense or offenses for which the minor was
11 adjudicated delinquent, and in any event no longer
12 than upon attainment of age 21; this subdivision
13 (viii) notwithstanding any contrary provision of the
14 law;

15 (ix) ordered to undergo a medical or other
16 procedure to have a tattoo symbolizing allegiance to a
17 street gang removed from his or her body; or

18 (x) placed in electronic monitoring or home
19 detention under Part 7A of this Article.

20 (b) A minor found to be guilty may be committed to the
21 Department of Juvenile Justice under Section 5-750 if the
22 minor is at least 13 years and under 20 years of age,
23 provided that the commitment to the Department of Juvenile
24 Justice shall be made only if the minor was found guilty of
25 a felony offense or first degree murder. The court shall
26 include in the sentencing order any pre-custody credits

1 the minor is entitled to under Section 5-4.5-100 of the
2 Unified Code of Corrections. The time during which a minor
3 is in custody before being released upon the request of a
4 parent, guardian or legal custodian shall also be
5 considered as time spent in custody.

6 (c) When a minor is found to be guilty for an offense
7 which is a violation of the Illinois Controlled Substances
8 Act, the Cannabis Control Act, or the Methamphetamine
9 Control and Community Protection Act and made a ward of
10 the court, the court may enter a disposition order
11 requiring the minor to undergo assessment, counseling or
12 treatment in a substance use disorder treatment program
13 approved by the Department of Human Services.

14 (2) Any sentencing order other than commitment to the
15 Department of Juvenile Justice may provide for protective
16 supervision under Section 5-725 and may include an order of
17 protection under Section 5-730.

18 (3) Unless the sentencing order expressly so provides, it
19 does not operate to close proceedings on the pending petition,
20 but is subject to modification until final closing and
21 discharge of the proceedings under Section 5-750.

22 (4) In addition to any other sentence, the court may order
23 any minor found to be delinquent to make restitution, in
24 monetary or non-monetary form, under the terms and conditions
25 of Section 5-5-6 of the Unified Code of Corrections, except
26 that the "presentencing hearing" referred to in that Section

1 shall be the sentencing hearing for purposes of this Section.
2 The parent, guardian or legal custodian of the minor may be
3 ordered by the court to pay some or all of the restitution on
4 the minor's behalf, pursuant to the Parental Responsibility
5 Law. The State's Attorney is authorized to act on behalf of any
6 victim in seeking restitution in proceedings under this
7 Section, up to the maximum amount allowed in Section 5 of the
8 Parental Responsibility Law.

9 (5) Any sentencing order where the minor is committed or
10 placed in accordance with Section 5-740 shall provide for the
11 parents or guardian of the estate of the minor to pay to the
12 legal custodian or guardian of the person of the minor such
13 sums as are determined by the custodian or guardian of the
14 person of the minor as necessary for the minor's needs. The
15 payments may not exceed the maximum amounts provided for by
16 Section 9.1 of the Children and Family Services Act.

17 (6) Whenever the sentencing order requires the minor to
18 attend school or participate in a program of training, the
19 truant officer or designated school official shall regularly
20 report to the court if the minor is a chronic or habitual
21 truant under Section 26-2a of the School Code. Notwithstanding
22 any other provision of this Act, in instances in which
23 educational services are to be provided to a minor in a
24 residential facility where the minor has been placed by the
25 court, costs incurred in the provision of those educational
26 services must be allocated based on the requirements of the

1 School Code.

2 (7) In no event shall a guilty minor be committed to the
3 Department of Juvenile Justice for a period of time in excess
4 of that period for which an adult could be committed for the
5 same act. The court shall include in the sentencing order a
6 limitation on the period of confinement not to exceed the
7 maximum period of imprisonment the court could impose under
8 Chapter V of the Unified Code of Corrections.

9 (7.5) In no event shall a guilty minor be committed to the
10 Department of Juvenile Justice or placed in detention when the
11 act for which the minor was adjudicated delinquent would not
12 be illegal if committed by an adult.

13 (7.6) In no event shall a guilty minor be committed to the
14 Department of Juvenile Justice for an offense which is a Class
15 4 felony under Section 19-4 (criminal trespass to a
16 residence), 21-1 (criminal damage to property), 21-1.01
17 (criminal damage to government supported property), 21-1.3
18 (criminal defacement of property), 26-1 (disorderly conduct),
19 or 31-4 (obstructing justice) of the Criminal Code of 2012.

20 (7.75) In no event shall a guilty minor be committed to the
21 Department of Juvenile Justice for an offense that is a Class 3
22 or Class 4 felony violation of the Illinois Controlled
23 Substances Act unless the commitment occurs upon a third or
24 subsequent judicial finding of a violation of probation for
25 substantial noncompliance with court-ordered treatment or
26 programming.

1 (8) A minor found to be guilty for reasons that include a
2 violation of Section 21-1.3 of the Criminal Code of 1961 or the
3 Criminal Code of 2012 shall be ordered to perform community
4 service for not less than 30 and not more than 120 hours, if
5 community service is available in the jurisdiction. The
6 community service shall include, but need not be limited to,
7 the cleanup and repair of the damage that was caused by the
8 violation or similar damage to property located in the
9 municipality or county in which the violation occurred. The
10 order may be in addition to any other order authorized by this
11 Section. Community service shall not interfere with the school
12 hours, school-related activities, or work commitments of the
13 minor or the minor's parent, guardian, or legal custodian.

14 (8.5) A minor found to be guilty for reasons that include a
15 violation of Section 3.02 or Section 3.03 of the Humane Care
16 for Animals Act or paragraph (d) of subsection (1) of Section
17 21-1 of the Criminal Code of 1961 or paragraph (4) of
18 subsection (a) of Section 21-1 of the Criminal Code of 2012
19 shall be ordered to undergo medical or psychiatric treatment
20 rendered by a psychiatrist or psychological treatment rendered
21 by a clinical psychologist. The order may be in addition to any
22 other order authorized by this Section.

23 (9) In addition to any other sentencing order, the court
24 shall order any minor found to be guilty for an act which would
25 constitute, predatory criminal sexual assault of a child,
26 aggravated criminal sexual assault, criminal sexual assault,

1 aggravated criminal sexual abuse, or criminal sexual abuse if
2 committed by an adult to undergo medical testing to determine
3 whether the defendant has any sexually transmissible disease
4 including a test for infection with human immunodeficiency
5 virus (HIV) or any other identified causative agency of
6 acquired immunodeficiency syndrome (AIDS). Any medical test
7 shall be performed only by appropriately licensed medical
8 practitioners and may include an analysis of any bodily fluids
9 as well as an examination of the minor's person. Except as
10 otherwise provided by law, the results of the test shall be
11 kept strictly confidential by all medical personnel involved
12 in the testing and must be personally delivered in a sealed
13 envelope to the judge of the court in which the sentencing
14 order was entered for the judge's inspection in camera. Acting
15 in accordance with the best interests of the victim and the
16 public, the judge shall have the discretion to determine to
17 whom the results of the testing may be revealed. The court
18 shall notify the minor of the results of the test for infection
19 with the human immunodeficiency virus (HIV). The court shall
20 also notify the victim if requested by the victim, and if the
21 victim is under the age of 15 and if requested by the victim's
22 parents or legal guardian, the court shall notify the victim's
23 parents or the legal guardian, of the results of the test for
24 infection with the human immunodeficiency virus (HIV). The
25 court shall provide information on the availability of HIV
26 testing and counseling at the Department of Public Health

1 facilities to all parties to whom the results of the testing
2 are revealed. The court shall order that the cost of any test
3 shall be paid by the county ~~and may be taxed as costs against~~
4 ~~the minor.~~

5 (10) When a court finds a minor to be guilty the court
6 shall, before entering a sentencing order under this Section,
7 make a finding whether the offense committed either: (a) was
8 related to or in furtherance of the criminal activities of an
9 organized gang or was motivated by the minor's membership in
10 or allegiance to an organized gang, or (b) involved a
11 violation of subsection (a) of Section 12-7.1 of the Criminal
12 Code of 1961 or the Criminal Code of 2012, a violation of any
13 Section of Article 24 of the Criminal Code of 1961 or the
14 Criminal Code of 2012, or a violation of any statute that
15 involved the wrongful use of a firearm. If the court
16 determines the question in the affirmative, and the court does
17 not commit the minor to the Department of Juvenile Justice,
18 the court shall order the minor to perform community service
19 for not less than 30 hours nor more than 120 hours, provided
20 that community service is available in the jurisdiction and is
21 funded and approved by the county board of the county where the
22 offense was committed. The community service shall include,
23 but need not be limited to, the cleanup and repair of any
24 damage caused by a violation of Section 21-1.3 of the Criminal
25 Code of 1961 or the Criminal Code of 2012 and similar damage to
26 property located in the municipality or county in which the

1 violation occurred. When possible and reasonable, the
2 community service shall be performed in the minor's
3 neighborhood. This order shall be in addition to any other
4 order authorized by this Section except for an order to place
5 the minor in the custody of the Department of Juvenile
6 Justice. Community service shall not interfere with the school
7 hours, school-related activities, or work commitments of the
8 minor or the minor's parent, guardian, or legal custodian. For
9 the purposes of this Section, "organized gang" has the meaning
10 ascribed to it in Section 10 of the Illinois Streetgang
11 Terrorism Omnibus Prevention Act.

12 (11) If the court determines that the offense was
13 committed in furtherance of the criminal activities of an
14 organized gang, as provided in subsection (10), and that the
15 offense involved the operation or use of a motor vehicle or the
16 use of a driver's license or permit, the court shall notify the
17 Secretary of State of that determination and of the period for
18 which the minor shall be denied driving privileges. If, at the
19 time of the determination, the minor does not hold a driver's
20 license or permit, the court shall provide that the minor
21 shall not be issued a driver's license or permit until his or
22 her 18th birthday. If the minor holds a driver's license or
23 permit at the time of the determination, the court shall
24 provide that the minor's driver's license or permit shall be
25 revoked until his or her 21st birthday, or until a later date
26 or occurrence determined by the court. If the minor holds a

1 driver's license at the time of the determination, the court
2 may direct the Secretary of State to issue the minor a judicial
3 driving permit, also known as a JDP. The JDP shall be subject
4 to the same terms as a JDP issued under Section 6-206.1 of the
5 Illinois Vehicle Code, except that the court may direct that
6 the JDP be effective immediately.

7 (12) (Blank).

8 (13) The court shall not order a minor or the minor's
9 parent, guardian, or legal custodian to pay costs relating to
10 any sentencing order, including any fee, fine, or
11 administrative cost authorized under Section 5-4.5-105,
12 5-5-10, 5-6-3, 5-6-3.1, 5-7-6, 5-9-1.4, or 5-9-1.9 of the
13 Unified Code of Corrections. The inability of a minor, or
14 minor's parent, guardian, or legal custodian, to cover the
15 costs associated with an appropriate sentencing order shall
16 not be the basis for the court to enter a sentencing order
17 incongruent with the court's findings regarding the offense on
18 which the minor was adjudicated or the mitigating factors.

19 (Source: P.A. 101-2, eff. 7-1-19; 101-79, eff. 7-12-19;
20 101-159, eff. 1-1-20; 102-558, eff. 8-20-21.)

21 (705 ILCS 405/5-715)

22 Sec. 5-715. Probation.

23 (1) The period of probation or conditional discharge shall
24 not exceed 5 years or until the minor has attained the age of
25 21 years, whichever is less, except as provided in this

1 Section for a minor who is found to be guilty for an offense
2 which is first degree murder. The juvenile court may terminate
3 probation or conditional discharge and discharge the minor at
4 any time if warranted by the conduct of the minor and the ends
5 of justice; provided, however, that the period of probation
6 for a minor who is found to be guilty for an offense which is
7 first degree murder shall be at least 5 years.

8 (1.5) The period of probation for a minor who is found
9 guilty of aggravated criminal sexual assault, criminal sexual
10 assault, or aggravated battery with a firearm shall be at
11 least 36 months. The period of probation for a minor who is
12 found to be guilty of any other Class X felony shall be at
13 least 24 months. The period of probation for a Class 1 or Class
14 2 forcible felony shall be at least 18 months. Regardless of
15 the length of probation ordered by the court, for all offenses
16 under this paragraph (1.5), the court shall schedule hearings
17 to determine whether it is in the best interest of the minor
18 and public safety to terminate probation after the minimum
19 period of probation has been served. In such a hearing, there
20 shall be a rebuttable presumption that it is in the best
21 interest of the minor and public safety to terminate
22 probation.

23 (2) The court may as a condition of probation or of
24 conditional discharge require that the minor:

25 (a) not violate any criminal statute of any
26 jurisdiction;

1 (b) make a report to and appear in person before any
2 person or agency as directed by the court;

3 (c) work or pursue a course of study or vocational
4 training;

5 (d) undergo medical or psychiatric treatment, rendered
6 by a psychiatrist or psychological treatment rendered by a
7 clinical psychologist or social work services rendered by
8 a clinical social worker, or treatment for drug addiction
9 or alcoholism;

10 (e) attend or reside in a facility established for the
11 instruction or residence of persons on probation;

12 (f) support his or her dependents, if any;

13 (g) refrain from possessing a firearm or other
14 dangerous weapon, or an automobile;

15 (h) permit the probation officer to visit him or her
16 at his or her home or elsewhere;

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

18 (j) attend school;

19 (j-5) with the consent of the superintendent of the
20 facility, attend an educational program at a facility
21 other than the school in which the offense was committed
22 if he or she committed a crime of violence as defined in
23 Section 2 of the Crime Victims Compensation Act in a
24 school, on the real property comprising a school, or
25 within 1,000 feet of the real property comprising a
26 school;

- 1 (k) attend a non-residential program for youth;
- 2 (l) make restitution under the terms of subsection (4)
- 3 of Section 5-710;
- 4 (m) provide nonfinancial contributions ~~contribute~~ to
- 5 his or her own support at home or in a foster home;
- 6 (n) perform some reasonable public or community
- 7 service that does not interfere with school hours,
- 8 school-related activities, or work commitments of the
- 9 minor or the minor's parent, guardian, or legal custodian;
- 10 (o) participate with community corrections programs
- 11 including unified delinquency intervention services
- 12 administered by the Department of Human Services subject
- 13 to Section 5 of the Children and Family Services Act;
- 14 (p) (blank) ~~pay costs;~~
- 15 (q) 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 minor:
- 19 (i) remain within the interior premises of the
- 20 place designated for his or her confinement during the
- 21 hours designated by the court;
- 22 (ii) admit any person or agent designated by the
- 23 court into the minor's place of confinement at any
- 24 time for purposes of verifying the minor's compliance
- 25 with the conditions of his or her confinement; and
- 26 (iii) use an approved electronic monitoring device

1 if ordered by the court subject to Article 8A of
2 Chapter V of the Unified Code of Corrections;

3 (r) refrain from entering into a designated geographic
4 area except upon terms as the court finds appropriate. The
5 terms may include consideration of the purpose of the
6 entry, the time of day, other persons accompanying the
7 minor, and advance approval by a probation officer, if the
8 minor has been placed on probation, or advance approval by
9 the court, if the minor has been placed on conditional
10 discharge;

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

15 (s-5) undergo a medical or other procedure to have a
16 tattoo symbolizing allegiance to a street gang removed
17 from his or her body;

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

25 (u) comply with other conditions as may be ordered by
26 the court.

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

11 (3.5) The court shall, as a condition of probation or of
12 conditional discharge, require that a minor found to be guilty
13 and placed on probation for reasons that include a violation
14 of Section 3.02 or Section 3.03 of the Humane Care for Animals
15 Act or paragraph (4) of subsection (a) of Section 21-1 of the
16 Criminal Code of 2012 undergo medical or psychiatric treatment
17 rendered by a psychiatrist or psychological treatment rendered
18 by a clinical psychologist. The condition may be in addition
19 to any other condition.

20 (3.10) The court shall order that a minor placed on
21 probation or conditional discharge for a sex offense as
22 defined in the Sex Offender Management Board Act undergo and
23 successfully complete sex offender treatment. The treatment
24 shall be in conformance with the standards developed under the
25 Sex Offender Management Board Act and conducted by a treatment
26 provider approved by the Board. ~~The treatment shall be at the~~

1 ~~expense of the person evaluated based upon that person's~~
2 ~~ability to pay for the treatment.~~

3 (4) A minor on probation or conditional discharge shall be
4 given a certificate setting forth the conditions upon which he
5 or she is being released.

6 (5) (Blank). ~~The court shall impose upon a minor placed on~~
7 ~~probation or conditional discharge, as a condition of the~~
8 ~~probation or conditional discharge, a fee of \$50 for each~~
9 ~~month of probation or conditional discharge supervision~~
10 ~~ordered by the court, unless after determining the inability~~
11 ~~of the minor placed on probation or conditional discharge to~~
12 ~~pay the fee, the court assesses a lesser amount. The court may~~
13 ~~not impose the fee on a minor who is placed in the guardianship~~
14 ~~or custody of the Department of Children and Family Services~~
15 ~~under this Act while the minor is in placement. The fee shall~~
16 ~~be imposed only upon a minor who is actively supervised by the~~
17 ~~probation and court services department. The court may order~~
18 ~~the parent, guardian, or legal custodian of the minor to pay~~
19 ~~some or all of the fee on the minor's behalf.~~

20 (5.5) Jurisdiction over an offender may be transferred
21 from the sentencing court to the court of another circuit with
22 the concurrence of both courts. Further transfers or
23 retransfers of jurisdiction are also authorized in the same
24 manner. The court to which jurisdiction has been transferred
25 shall have the same powers as the sentencing court. ~~The~~
26 ~~probation department within the circuit to which jurisdiction~~

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

11 If the transfer case originated in another state and has
12 been transferred under the Interstate Compact for Juveniles to
13 the jurisdiction of an Illinois circuit court for supervision
14 by an Illinois probation department, probation fees may be
15 imposed only if permitted by the Interstate Commission for
16 Juveniles.

17 (6) The General Assembly finds that in order to protect
18 the public, the juvenile justice system must compel compliance
19 with the conditions of probation by responding to violations
20 with swift, certain, and fair punishments and intermediate
21 sanctions. The Chief Judge of each circuit shall adopt a
22 system of structured, intermediate sanctions for violations of
23 the terms and conditions of a sentence of supervision,
24 probation or conditional discharge, under this Act.

25 The court shall provide as a condition of a disposition of
26 probation, conditional discharge, or supervision, that the

1 probation agency may invoke any sanction from the list of
2 intermediate sanctions adopted by the chief judge of the
3 circuit court for violations of the terms and conditions of
4 the sentence of probation, conditional discharge, or
5 supervision, subject to the provisions of Section 5-720 of
6 this Act.

7 (7) The court shall not, as a condition of probation,
8 conditional discharge, or supervision, order the minor or the
9 minor's parent, guardian, or legal custodian to pay fees,
10 finer, or costs, including any fee, fine, or administrative
11 cost authorized under Section 5-4.5-105, 5-5-10, 5-6-3,
12 5-6-3.1, 5-7-6, 5-9-1.4, or 5-9-1.9 of the Unified Code of
13 Corrections. If the minor or the minor's parent, guardian, or
14 legal custodian is unable to cover the cost of a condition
15 under this subsection, the court shall not preclude the minor
16 from receiving probation, conditional discharge, or
17 supervision based on the inability to pay. Inability to pay
18 shall not be grounds to object to the minor's placement on
19 probation, conditional discharge, or supervision.

20 (Source: P.A. 99-879, eff. 1-1-17; 100-159, eff. 8-18-17.)

21 (705 ILCS 405/5-915)

22 Sec. 5-915. Expungement of juvenile law enforcement and
23 juvenile court records.

24 (0.05) (Blank).

25 (0.1) (a) The Illinois State Police and all law

1 enforcement agencies within the State shall automatically
2 expunge, on or before January 1 of each year, except as
3 described in paragraph (c) of subsection (0.1), all juvenile
4 law enforcement records relating to events occurring before an
5 individual's 18th birthday if:

6 (1) one year or more has elapsed since the date of the
7 arrest or law enforcement interaction documented in the
8 records;

9 (2) no petition for delinquency or criminal charges
10 were filed with the clerk of the circuit court relating to
11 the arrest or law enforcement interaction documented in
12 the records; and

13 (3) 6 months have elapsed since the date of the arrest
14 without an additional subsequent arrest or filing of a
15 petition for delinquency or criminal charges whether
16 related or not to the arrest or law enforcement
17 interaction documented in the records.

18 (b) If the law enforcement agency is unable to verify
19 satisfaction of conditions (2) and (3) of this subsection
20 (0.1), records that satisfy condition (1) of this subsection
21 (0.1) shall be automatically expunged if the records relate to
22 an offense that if committed by an adult would not be an
23 offense classified as a Class 2 felony or higher, an offense
24 under Article 11 of the Criminal Code of 1961 or Criminal Code
25 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,
26 12-15, or 12-16 of the Criminal Code of 1961.

1 (c) If the juvenile law enforcement record was received
2 through a public submission to a statewide student
3 confidential reporting system administered by the Illinois
4 State Police, the record will be maintained for a period of 5
5 years according to all other provisions in subsection (0.1).

6 (0.15) If a juvenile law enforcement record meets
7 paragraph (a) of subsection (0.1) of this Section, a juvenile
8 law enforcement record created:

9 (1) prior to January 1, 2018, but on or after January
10 1, 2013 shall be automatically expunged prior to January
11 1, 2020;

12 (2) prior to January 1, 2013, but on or after January
13 1, 2000, shall be automatically expunged prior to January
14 1, 2023; and

15 (3) prior to January 1, 2000 shall not be subject to
16 the automatic expungement provisions of this Act.

17 Nothing in this subsection (0.15) shall be construed to
18 restrict or modify an individual's right to have his or her
19 juvenile law enforcement records expunged except as otherwise
20 may be provided in this Act.

21 (0.2) (a) Upon dismissal of a petition alleging
22 delinquency or upon a finding of not delinquent, the
23 successful termination of an order of supervision, or the
24 successful termination of an adjudication for an offense which
25 would be a Class B misdemeanor, Class C misdemeanor, or a petty
26 or business offense if committed by an adult, the court shall

1 automatically order the expungement of the juvenile court
2 records and juvenile law enforcement records. The clerk shall
3 deliver a certified copy of the expungement order to the
4 Illinois State Police and the arresting agency. Upon request,
5 the State's Attorney shall furnish the name of the arresting
6 agency. The expungement shall be completed within 60 business
7 days after the receipt of the expungement order.

8 (b) If the chief law enforcement officer of the agency, or
9 his or her designee, certifies in writing that certain
10 information is needed for a pending investigation involving
11 the commission of a felony, that information, and information
12 identifying the juvenile, may be retained until the statute of
13 limitations for the felony has run. If the chief law
14 enforcement officer of the agency, or his or her designee,
15 certifies in writing that certain information is needed with
16 respect to an internal investigation of any law enforcement
17 office, that information and information identifying the
18 juvenile may be retained within an intelligence file until the
19 investigation is terminated or the disciplinary action,
20 including appeals, has been completed, whichever is later.
21 Retention of a portion of a juvenile's law enforcement record
22 does not disqualify the remainder of his or her record from
23 immediate automatic expungement.

24 (0.3) (a) Upon an adjudication of delinquency based on any
25 offense except a disqualified offense, the juvenile court
26 shall automatically order the expungement of the juvenile

1 court and law enforcement records 2 years after the juvenile's
2 case was closed if no delinquency or criminal proceeding is
3 pending and the person has had no subsequent delinquency
4 adjudication or criminal conviction. The clerk shall deliver a
5 certified copy of the expungement order to the Illinois State
6 Police and the arresting agency. Upon request, the State's
7 Attorney shall furnish the name of the arresting agency. The
8 expungement shall be completed within 60 business days after
9 the receipt of the expungement order. In this subsection
10 (0.3), "disqualified offense" means any of the following
11 offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2,
12 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9, 11-1.20, 11-1.30,
13 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 12-2, 12-3.05,
14 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5, 12-7.1, 12-7.5,
15 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1, 18-2, 18-3, 18-4,
16 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2, 24-1.2-5, 24-1.5,
17 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9, 29D-14.9, 29D-20, 30-1,
18 31-1a, 32-4a, or 33A-2 of the Criminal Code of 2012, or
19 subsection (b) of Section 8-1, paragraph (4) of subsection (a)
20 of Section 11-14.4, subsection (a-5) of Section 12-3.1,
21 paragraph (1), (2), or (3) of subsection (a) of Section 12-6,
22 subsection (a-3) or (a-5) of Section 12-7.3, paragraph (1) or
23 (2) of subsection (a) of Section 12-7.4, subparagraph (i) of
24 paragraph (1) of subsection (a) of Section 12-9, subparagraph
25 (H) of paragraph (3) of subsection (a) of Section 24-1.6,
26 paragraph (1) of subsection (a) of Section 25-1, or subsection

1 (a-7) of Section 31-1 of the Criminal Code of 2012.

2 (b) If the chief law enforcement officer of the agency, or
3 his or her designee, certifies in writing that certain
4 information is needed for a pending investigation involving
5 the commission of a felony, that information, and information
6 identifying the juvenile, may be retained in an intelligence
7 file until the investigation is terminated or for one
8 additional year, whichever is sooner. Retention of a portion
9 of a juvenile's juvenile law enforcement record does not
10 disqualify the remainder of his or her record from immediate
11 automatic expungement.

12 (0.4) Automatic expungement for the purposes of this
13 Section shall not require law enforcement agencies to
14 obliterate or otherwise destroy juvenile law enforcement
15 records that would otherwise need to be automatically expunged
16 under this Act, except after 2 years following the subject
17 arrest for purposes of use in civil litigation against a
18 governmental entity or its law enforcement agency or personnel
19 which created, maintained, or used the records. However, these
20 juvenile law enforcement records shall be considered expunged
21 for all other purposes during this period and the offense,
22 which the records or files concern, shall be treated as if it
23 never occurred as required under Section 5-923.

24 (0.5) Subsection (0.1) or (0.2) of this Section does not
25 apply to violations of traffic, boating, fish and game laws,
26 or county or municipal ordinances.

1 (0.6) Juvenile law enforcement records of a plaintiff who
2 has filed civil litigation against the governmental entity or
3 its law enforcement agency or personnel that created,
4 maintained, or used the records, or juvenile law enforcement
5 records that contain information related to the allegations
6 set forth in the civil litigation may not be expunged until
7 after 2 years have elapsed after the conclusion of the
8 lawsuit, including any appeal.

9 (0.7) Officer-worn body camera recordings shall not be
10 automatically expunged except as otherwise authorized by the
11 Law Enforcement Officer-Worn Body Camera Act.

12 (1) Whenever a person has been arrested, charged, or
13 adjudicated delinquent for an incident occurring before his or
14 her 18th birthday that if committed by an adult would be an
15 offense, and that person's juvenile law enforcement and
16 juvenile court records are not eligible for automatic
17 expungement under subsection (0.1), (0.2), or (0.3), the
18 person may petition the court at any time at no cost to the
19 person for expungement of juvenile law enforcement records and
20 juvenile court records relating to the incident and, upon
21 termination of all juvenile court proceedings relating to that
22 incident, the court shall order the expungement of all records
23 in the possession of the Illinois State Police, the clerk of
24 the circuit court, and law enforcement agencies relating to
25 the incident, but only in any of the following circumstances:

26 (a) the minor was arrested and no petition for

1 delinquency was filed with the clerk of the circuit court;

2 (a-5) the minor was charged with an offense and the
3 petition or petitions were dismissed without a finding of
4 delinquency;

5 (b) the minor was charged with an offense and was
6 found not delinquent of that offense;

7 (c) the minor was placed under supervision under
8 Section 5-615, and the order of supervision has since been
9 successfully terminated; or

10 (d) the minor was adjudicated for an offense which
11 would be a Class B misdemeanor, Class C misdemeanor, or a
12 petty or business offense if committed by an adult.

13 (1.5) At no cost to the person, the ~~The~~ Illinois State
14 Police shall allow a person to use the Access and Review
15 process, established in the Illinois State Police, for
16 verifying that his or her juvenile law enforcement records
17 relating to incidents occurring before his or her 18th
18 birthday eligible under this Act have been expunged.

19 (1.6) (Blank).

20 (1.7) (Blank).

21 (1.8) (Blank).

22 (2) Any person whose delinquency adjudications are not
23 eligible for automatic expungement under subsection (0.3) of
24 this Section may petition the court at no cost to the person to
25 expunge all juvenile law enforcement records relating to any
26 incidents occurring before his or her 18th birthday which did

1 not result in proceedings in criminal court and all juvenile
2 court records with respect to any adjudications except those
3 based upon first degree murder or an offense under Article 11
4 of the Criminal Code of 2012 if the person is required to
5 register under the Sex Offender Registration Act at the time
6 he or she petitions the court for expungement; provided that 2
7 years have elapsed since all juvenile court proceedings
8 relating to him or her have been terminated and his or her
9 commitment to the Department of Juvenile Justice under this
10 Act has been terminated.

11 (2.5) If a minor is arrested and no petition for
12 delinquency is filed with the clerk of the circuit court at the
13 time the minor is released from custody, the youth officer, if
14 applicable, or other designated person from the arresting
15 agency, shall notify verbally and in writing to the minor or
16 the minor's parents or guardians that the minor shall have an
17 arrest record and shall provide the minor and the minor's
18 parents or guardians with an expungement information packet,
19 information regarding this State's expungement laws including
20 a petition to expunge juvenile law enforcement and juvenile
21 court records obtained from the clerk of the circuit court.

22 (2.6) If a minor is referred to court, then, at the time of
23 sentencing, dismissal of the case, or successful completion of
24 supervision, the judge shall inform the delinquent minor of
25 his or her rights regarding expungement and the clerk of the
26 circuit court shall provide an expungement information packet

1 to the minor, written in plain language, including information
2 regarding this State's expungement laws and a petition for
3 expungement, a sample of a completed petition, expungement
4 instructions that shall include information informing the
5 minor that (i) once the case is expunged, it shall be treated
6 as if it never occurred, (ii) he or she shall not be charged a
7 fee to petition for expungement ~~may apply to have petition~~
8 ~~fees waived~~, (iii) once he or she obtains an expungement, he or
9 she may not be required to disclose that he or she had a
10 juvenile law enforcement or juvenile court record, and (iv) if
11 petitioning he or she may file the petition on his or her own
12 or with the assistance of an attorney. The failure of the judge
13 to inform the delinquent minor of his or her right to petition
14 for expungement as provided by law does not create a
15 substantive right, nor is that failure grounds for: (i) a
16 reversal of an adjudication of delinquency; (ii) a new trial;
17 or (iii) an appeal.

18 (2.7) (Blank).

19 (2.8) (Blank).

20 (3) (Blank).

21 (3.1) (Blank).

22 (3.2) (Blank).

23 (3.3) (Blank).

24 (4) (Blank).

25 (5) (Blank).

26 (5.5) Whether or not expunged, records eligible for

1 automatic expungement under subdivision (0.1)(a), (0.2)(a), or
2 (0.3)(a) may be treated as expunged by the individual subject
3 to the records.

4 (6) (Blank).

5 (6.5) The Illinois State Police or any employee of the
6 Illinois State Police shall be immune from civil or criminal
7 liability for failure to expunge any records of arrest that
8 are subject to expungement under this Section because of
9 inability to verify a record. Nothing in this Section shall
10 create Illinois State Police liability or responsibility for
11 the expungement of juvenile law enforcement records it does
12 not possess.

13 (7) (Blank).

14 (7.5) (Blank).

15 (8) The expungement of juvenile law enforcement or
16 juvenile court records under subsection (0.1), (0.2), or (0.3)
17 of this Section shall be funded by appropriation by the
18 General Assembly for that purpose.

19 (9) (Blank).

20 (10) (Blank).

21 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
22 102-752, eff. 1-1-23; revised 8-23-22.)

23 (705 ILCS 405/6-7) (from Ch. 37, par. 806-7)

24 Sec. 6-7. Financial responsibility of counties.

25 (1) Each county board shall provide in its annual

1 appropriation ordinance or annual budget, as the case may be,
2 a reasonable sum for payments for the care and support of
3 minors, and for payments for court appointed counsel in
4 accordance with orders entered under this Act in an amount
5 which in the judgment of the county board may be needed for
6 that purpose. Such appropriation or budget item constitutes a
7 separate fund into which shall be paid ~~not only~~ the moneys
8 appropriated by the county board, and ~~but also~~ all
9 reimbursements by ~~parents and~~ other persons and by the State.
10 For cases involving minors subject to Article III, IV, or V of
11 this Act or minors under the age of 18 transferred to adult
12 court or excluded from juvenile court jurisdiction under
13 Article V of this Act, the county board shall not seek
14 reimbursement from a minor or the minor's parent, guardian, or
15 legal custodian.

16 (2) No county may be charged with the care and support of
17 any minor who is not a resident of the county unless his
18 parents or guardian are unknown or the minor's place of
19 residence cannot be determined.

20 (3) No order upon the county for care and support of a
21 minor may be entered until the president or chairman of the
22 county board has had due notice that such a proceeding is
23 pending.

24 (Source: P.A. 85-1235; 85-1443; 86-820.)

25 (705 ILCS 405/6-9) (from Ch. 37, par. 806-9)

1 Sec. 6-9. Enforcement of liability of parents and others.

2 (1) If parentage is at issue in any proceeding under this
3 Act, other than cases involving those exceptions to the
4 definition of parent set out in item (11) in Section 1-3, then
5 the Illinois Parentage Act of 2015 shall apply and the court
6 shall enter orders consistent with that Act. If it appears at
7 any hearing that a parent or any other person named in the
8 petition, liable under the law for the support of the minor, is
9 able to contribute to his or her support, the court shall enter
10 an order requiring that parent or other person to pay the clerk
11 of the court, or to the guardian or custodian appointed under
12 Section 2-27 ~~Sections 2-27, 3-28, 4-25 or 5-740~~, a reasonable
13 sum from time to time for the care, support, and necessary
14 special care or treatment, of the minor. If the court
15 determines at any hearing that a parent or any other person
16 named in the petition, liable under the law for the support of
17 the minor, is able to contribute to help defray the costs
18 associated with the minor's detention in a county or regional
19 detention center, the court shall enter an order requiring
20 that parent or other person to pay the clerk of the court a
21 reasonable sum for the care and support of the minor. The court
22 may require reasonable security for the payments. Upon failure
23 to pay, the court may enforce obedience to the order by a
24 proceeding as for contempt of court.

25 The court shall not order a parent, guardian, or legal
26 custodian liable under the law for the support of a minor to

1 pay for costs associated with detention, legal representation,
2 or other matters under Article III, IV, or V of this Act.

3 ~~If it appears that the person liable for the support of the~~
4 ~~minor is able to contribute to legal fees for representation~~
5 ~~of the minor, the court shall enter an order requiring that~~
6 ~~person to pay a reasonable sum for the representation, to the~~
7 ~~attorney providing the representation or to the clerk of the~~
8 ~~court for deposit in the appropriate account or fund. The sum~~
9 ~~may be paid as the court directs, and the payment thereof~~
10 ~~secured and enforced as provided in this Section for support.~~

11 ~~If it appears at the detention or shelter care hearing of a~~
12 ~~minor before the court under Section 5-501 that a parent or any~~
13 ~~other person liable for support of the minor is able to~~
14 ~~contribute to his or her support, that parent or other person~~
15 ~~shall be required to pay a fee for room and board at a rate not~~
16 ~~to exceed \$10 per day established, with the concurrence of the~~
17 ~~chief judge of the judicial circuit, by the county board of the~~
18 ~~county in which the minor is detained unless the court~~
19 ~~determines that it is in the best interest and welfare of the~~
20 ~~minor to waive the fee. The concurrence of the chief judge~~
21 ~~shall be in the form of an administrative order. Each week, on~~
22 ~~a day designated by the clerk of the circuit court, that parent~~
23 ~~or other person shall pay the clerk for the minor's room and~~
24 ~~board. All fees for room and board collected by the circuit~~
25 ~~court clerk shall be disbursed into the separate county fund~~
26 ~~under Section 6-7.~~

1 ~~Upon application, the court shall waive liability for~~
2 ~~support or legal fees under this Section if the parent or other~~
3 ~~person establishes that he or she is indigent and unable to pay~~
4 ~~the incurred liability, and the court may reduce or waive~~
5 ~~liability if the parent or other person establishes~~
6 ~~circumstances showing that full payment of support or legal~~
7 ~~fees would result in financial hardship to the person or his or~~
8 ~~her family.~~

9 (2) (Blank). ~~When a person so ordered to pay for the care~~
10 ~~and support of a minor is employed for wages, salary or~~
11 ~~commission, the court may order him to make the support~~
12 ~~payments for which he is liable under this Act out of his~~
13 ~~wages, salary or commission and to assign so much thereof as~~
14 ~~will pay the support. The court may also order him to make~~
15 ~~discovery to the court as to his place of employment and the~~
16 ~~amounts earned by him. Upon his failure to obey the orders of~~
17 ~~court he may be punished as for contempt of court.~~

18 (3) If the minor is a recipient of public aid under the
19 Illinois Public Aid Code, the court shall order that payments
20 made by a parent or through assignment of his wages, salary or
21 commission be made directly to (a) the Department of
22 Healthcare and Family Services if the minor is a recipient of
23 aid under Article V of the Code, (b) the Department of Human
24 Services if the minor is a recipient of aid under Article IV of
25 the Code, or (c) the local governmental unit responsible for
26 the support of the minor if he is a recipient under Articles VI

1 or VII of the Code. The order shall permit the Department of
2 Healthcare and Family Services, the Department of Human
3 Services, or the local governmental unit, as the case may be,
4 to direct that subsequent payments be made directly to the
5 guardian or custodian of the minor, or to some other person or
6 agency in the minor's behalf, upon removal of the minor from
7 the public aid rolls; and upon such direction and removal of
8 the minor from the public aid rolls, the Department of
9 Healthcare and Family Services, Department of Human Services,
10 or local governmental unit, as the case requires, shall give
11 written notice of such action to the court. Payments received
12 by the Department of Healthcare and Family Services,
13 Department of Human Services, or local governmental unit are
14 to be covered, respectively, into the General Revenue Fund of
15 the State Treasury or General Assistance Fund of the
16 governmental unit, as provided in Section 10-19 of the
17 Illinois Public Aid Code.

18 (Source: P.A. 99-85, eff. 1-1-16.)

19 Section 25. The Juvenile Drug Court Treatment Act is
20 amended by changing Section 25 as follows:

21 (705 ILCS 410/25)

22 Sec. 25. Procedure.

23 (a) The court shall order an eligibility screening and an
24 assessment of the minor by an agent designated by the State of

1 Illinois to provide assessment services for the Illinois
2 Courts. An assessment need not be ordered if the court finds a
3 valid assessment related to the present charge pending against
4 the minor has been completed within the previous 60 days.

5 (b) The judge shall inform the minor that if the minor
6 fails to meet the conditions of the drug court program,
7 eligibility to participate in the program may be revoked and
8 the minor may be sentenced or the prosecution continued as
9 provided in the Juvenile Court Act of 1987 for the crime
10 charged.

11 (c) The minor shall execute a written agreement as to his
12 or her participation in the program and shall agree to all of
13 the terms and conditions of the program, including but not
14 limited to the possibility of sanctions or incarceration for
15 failing to abide or comply with the terms of the program.

16 (d) In addition to any conditions authorized under
17 Sections 5-505, 5-710, and 5-715 of the Juvenile Court Act of
18 1987, the court may order the minor to complete substance
19 abuse treatment in an outpatient, inpatient, residential, or
20 detention-based custodial treatment program. Any period of
21 time a minor shall serve in a detention-based treatment
22 program may not be reduced by the accumulation of good time or
23 other credits and may be for a period of up to 120 days.

24 (e) The drug court program shall include a regimen of
25 graduated requirements and rewards and sanctions, including,
26 but not limited to: ~~finances, costs,~~ restitution, reasonable

1 public service ~~employment~~, incarceration of up to 120 days,
2 individual and group therapy, drug analysis testing, close
3 monitoring by the court at a minimum of once every 30 days and
4 supervision of progress, educational or vocational counseling
5 as appropriate, and other requirements necessary to fulfill
6 the drug court program. Reasonable public service shall not
7 interfere with school hours, school-related activities, or
8 work commitments of the minor or the minor's parent, guardian,
9 or legal custodian.

10 (f) The court shall not order any fees, fines, or
11 administrative costs under this Section against minors or
12 their parents, guardians, or legal custodians.

13 (Source: P.A. 92-559, eff. 1-1-03.)

14 Section 30. The Criminal Code of 2012 is amended by
15 changing Section 12C-60 as follows:

16 (720 ILCS 5/12C-60)

17 (Text of Section before amendment by P.A. 102-982)

18 Sec. 12C-60. Curfew.

19 (a) Curfew offenses.

20 (1) A minor commits a curfew offense when he or she
21 remains in any public place or on the premises of any
22 establishment during curfew hours.

23 (2) A parent or guardian of a minor or other person in
24 custody or control of a minor commits a curfew offense

1 when he or she knowingly permits the minor to remain in any
2 public place or on the premises of any establishment
3 during curfew hours.

4 (b) Curfew defenses. It is a defense to prosecution under
5 subsection (a) that the minor was:

6 (1) accompanied by the minor's parent or guardian or
7 other person in custody or control of the minor;

8 (2) on an errand at the direction of the minor's
9 parent or guardian, without any detour or stop;

10 (3) in a motor vehicle involved in interstate travel;

11 (4) engaged in an employment activity or going to or
12 returning home from an employment activity, without any
13 detour or stop;

14 (5) involved in an emergency;

15 (6) on the sidewalk abutting the minor's residence or
16 abutting the residence of a next-door neighbor if the
17 neighbor did not complain to the police department about
18 the minor's presence;

19 (7) attending an official school, religious, or other
20 recreational activity supervised by adults and sponsored
21 by a government or governmental agency, a civic
22 organization, or another similar entity that takes
23 responsibility for the minor, or going to or returning
24 home from, without any detour or stop, an official school,
25 religious, or other recreational activity supervised by
26 adults and sponsored by a government or governmental

1 agency, a civic organization, or another similar entity
2 that takes responsibility for the minor;

3 (8) exercising First Amendment rights protected by the
4 United States Constitution, such as the free exercise of
5 religion, freedom of speech, and the right of assembly; or

6 (9) married or had been married or is an emancipated
7 minor under the Emancipation of Minors Act.

8 (c) Enforcement. Before taking any enforcement action
9 under this Section, a law enforcement officer shall ask the
10 apparent offender's age and reason for being in the public
11 place. The officer shall not issue a citation or make an arrest
12 under this Section unless the officer reasonably believes that
13 an offense has occurred and that, based on any response and
14 other circumstances, no defense in subsection (b) is present.

15 (d) Definitions. In this Section:

16 (1) "Curfew hours" means:

17 (A) Between 12:01 a.m. and 6:00 a.m. on Saturday;

18 (B) Between 12:01 a.m. and 6:00 a.m. on Sunday;

19 and

20 (C) Between 11:00 p.m. on Sunday to Thursday,
21 inclusive, and 6:00 a.m. on the following day.

22 (2) "Emergency" means an unforeseen combination of
23 circumstances or the resulting state that calls for
24 immediate action. The term includes, but is not limited
25 to, a fire, a natural disaster, an automobile accident, or
26 any situation requiring immediate action to prevent

1 serious bodily injury or loss of life.

2 (3) "Establishment" means any privately-owned place of
3 business operated for a profit to which the public is
4 invited, including, but not limited to, any place of
5 amusement or entertainment.

6 (4) "Guardian" means:

7 (A) a person who, under court order, is the
8 guardian of the person of a minor; or

9 (B) a public or private agency with whom a minor
10 has been placed by a court.

11 (5) "Minor" means any person under 17 years of age.

12 (6) "Parent" means a person who is:

13 (A) a natural parent, adoptive parent, or
14 step-parent of another person; or

15 (B) at least 18 years of age and authorized by a
16 parent or guardian to have the care and custody of a
17 minor.

18 (7) "Public place" means any place to which the public
19 or a substantial group of the public has access and
20 includes, but is not limited to, streets, highways, and
21 the common areas of schools, hospitals, apartment houses,
22 office buildings, transport facilities, and shops.

23 (8) "Remain" means to:

24 (A) linger or stay; or

25 (B) fail to leave premises when requested to do so
26 by a police officer or the owner, operator, or other

1 person in control of the premises.

2 (9) "Serious bodily injury" means bodily injury that
3 creates a substantial risk of death or that causes death,
4 serious permanent disfigurement, or protracted loss or
5 impairment of the function of any bodily member or organ.

6 (e) Sentence. A violation of this Section is a petty
7 offense with a fine of not less than \$10 nor more than \$500,
8 except that neither a person who has been made a ward of the
9 court under the Juvenile Court Act of 1987, nor that person's
10 legal guardian, shall be subject to any fine. In addition to or
11 instead of the fine imposed by this Section, the court may
12 order a parent, legal guardian, or other person convicted of a
13 violation of subsection (a) of this Section to perform
14 community service as determined by the court, except that the
15 legal guardian of a person subject to delinquency proceedings
16 or who has been made a ward of the court under the Juvenile
17 Court Act of 1987 may not be ordered to perform community
18 service. The dates and times established for the performance
19 of community service by the parent, legal guardian, or other
20 person convicted of a violation of subsection (a) of this
21 Section shall not conflict with the dates and times that the
22 person is employed in his or her regular occupation. The court
23 shall not order fees, fines, or administrative costs against a
24 minor under the age of 18 transferred to adult court or
25 excluded from juvenile court jurisdiction under Article V of
26 the Juvenile Court Act of 1987, or the minor's parent,

1 guardian, or legal custodian.

2 (f) County, municipal and other local boards and bodies
3 authorized to adopt local police laws and regulations under
4 the constitution and laws of this State may exercise
5 legislative or regulatory authority over this subject matter
6 by ordinance or resolution incorporating the substance of this
7 Section or increasing the requirements thereof or otherwise
8 not in conflict with this Section.

9 (Source: P.A. 97-1109, eff. 1-1-13.)

10 (Text of Section after amendment by P.A. 102-982)

11 Sec. 12C-60. Curfew.

12 (a) Curfew offenses.

13 (1) A minor commits a curfew offense when he or she
14 remains in any public place or on the premises of any
15 establishment during curfew hours.

16 (2) A parent or guardian of a minor or other person in
17 custody or control of a minor commits a curfew offense
18 when he or she knowingly permits the minor to remain in any
19 public place or on the premises of any establishment
20 during curfew hours.

21 (b) Curfew defenses. It is a defense to prosecution under
22 subsection (a) that the minor was:

23 (1) accompanied by the minor's parent or guardian or
24 other person in custody or control of the minor;

25 (2) on an errand at the direction of the minor's

1 parent or guardian, without any detour or stop;

2 (3) in a motor vehicle involved in interstate travel;

3 (4) engaged in an employment activity or going to or
4 returning home from an employment activity, without any
5 detour or stop;

6 (5) involved in an emergency;

7 (6) on the sidewalk abutting the minor's residence or
8 abutting the residence of a next-door neighbor if the
9 neighbor did not complain to the police department about
10 the minor's presence;

11 (7) attending an official school, religious, or other
12 recreational activity supervised by adults and sponsored
13 by a government or governmental agency, a civic
14 organization, or another similar entity that takes
15 responsibility for the minor, or going to or returning
16 home from, without any detour or stop, an official school,
17 religious, or other recreational activity supervised by
18 adults and sponsored by a government or governmental
19 agency, a civic organization, or another similar entity
20 that takes responsibility for the minor;

21 (8) exercising First Amendment rights protected by the
22 United States Constitution, such as the free exercise of
23 religion, freedom of speech, and the right of assembly; or

24 (9) married or had been married or is an emancipated
25 minor under the Emancipation of Minors Act.

26 (c) Enforcement. Before taking any enforcement action

1 under this Section, a law enforcement officer shall ask the
2 apparent offender's age and reason for being in the public
3 place. The officer shall not issue a citation or make an arrest
4 under this Section unless the officer reasonably believes that
5 an offense has occurred and that, based on any response and
6 other circumstances, no defense in subsection (b) is present.

7 (d) Definitions. In this Section:

8 (1) "Curfew hours" means:

9 (A) Between 12:01 a.m. and 6:00 a.m. on Saturday;

10 (B) Between 12:01 a.m. and 6:00 a.m. on Sunday;

11 and

12 (C) Between 11:00 p.m. on Sunday to Thursday,
13 inclusive, and 6:00 a.m. on the following day.

14 (2) "Emergency" means an unforeseen combination of
15 circumstances or the resulting state that calls for
16 immediate action. The term includes, but is not limited
17 to, a fire, a natural disaster, an automobile crash, or
18 any situation requiring immediate action to prevent
19 serious bodily injury or loss of life.

20 (3) "Establishment" means any privately-owned place of
21 business operated for a profit to which the public is
22 invited, including, but not limited to, any place of
23 amusement or entertainment.

24 (4) "Guardian" means:

25 (A) a person who, under court order, is the
26 guardian of the person of a minor; or

1 (B) a public or private agency with whom a minor
2 has been placed by a court.

3 (5) "Minor" means any person under 17 years of age.

4 (6) "Parent" means a person who is:

5 (A) a natural parent, adoptive parent, or
6 step-parent of another person; or

7 (B) at least 18 years of age and authorized by a
8 parent or guardian to have the care and custody of a
9 minor.

10 (7) "Public place" means any place to which the public
11 or a substantial group of the public has access and
12 includes, but is not limited to, streets, highways, and
13 the common areas of schools, hospitals, apartment houses,
14 office buildings, transport facilities, and shops.

15 (8) "Remain" means to:

16 (A) linger or stay; or

17 (B) fail to leave premises when requested to do so
18 by a police officer or the owner, operator, or other
19 person in control of the premises.

20 (9) "Serious bodily injury" means bodily injury that
21 creates a substantial risk of death or that causes death,
22 serious permanent disfigurement, or protracted loss or
23 impairment of the function of any bodily member or organ.

24 (e) Sentence. A violation of this Section is a petty
25 offense with a fine of not less than \$10 nor more than \$500,
26 except that neither a person who has been made a ward of the

1 court under the Juvenile Court Act of 1987, nor that person's
2 legal guardian, shall be subject to any fine. In addition to or
3 instead of the fine imposed by this Section, the court may
4 order a parent, legal guardian, or other person convicted of a
5 violation of subsection (a) of this Section to perform
6 community service as determined by the court, except that the
7 legal guardian of a person subject to delinquency proceedings
8 or who has been made a ward of the court under the Juvenile
9 Court Act of 1987 may not be ordered to perform community
10 service. The dates and times established for the performance
11 of community service by the parent, legal guardian, or other
12 person convicted of a violation of subsection (a) of this
13 Section shall not conflict with the dates and times that the
14 person is employed in his or her regular occupation. The court
15 shall not order fees, fines, or administrative costs against a
16 minor under the age of 18 transferred to adult court or
17 excluded from juvenile court jurisdiction under Article V of
18 the Juvenile Court Act of 1987, or the minor's parent,
19 guardian, or legal custodian.

20 (f) County, municipal and other local boards and bodies
21 authorized to adopt local police laws and regulations under
22 the constitution and laws of this State may exercise
23 legislative or regulatory authority over this subject matter
24 by ordinance or resolution incorporating the substance of this
25 Section or increasing the requirements thereof or otherwise
26 not in conflict with this Section.

1 (Source: P.A. 102-982, eff. 7-1-23.)

2 Section 35. The Cannabis Control Act is amended by
3 changing Sections 4 and 10 as follows:

4 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

5 Sec. 4. Except as otherwise provided in the Cannabis
6 Regulation and Tax Act and the Industrial Hemp Act, it is
7 unlawful for any person knowingly to possess cannabis.

8 Any person who violates this Section with respect to:

9 (a) not more than 10 grams of any substance containing
10 cannabis is guilty of a civil law violation punishable by
11 a minimum fine of \$100 and a maximum fine of \$200. The
12 proceeds of the fine shall be payable to the clerk of the
13 circuit court. Within 30 days after the deposit of the
14 fine, the clerk shall distribute the proceeds of the fine
15 as follows:

16 (1) \$10 of the fine to the circuit clerk and \$10 of
17 the fine to the law enforcement agency that issued the
18 citation; the proceeds of each \$10 fine distributed to
19 the circuit clerk and each \$10 fine distributed to the
20 law enforcement agency that issued the citation for
21 the violation shall be used to defer the cost of
22 automatic expungements under paragraph (2.5) of
23 subsection (a) of Section 5.2 of the Criminal
24 Identification Act;

1 (2) \$15 to the county to fund drug addiction
2 services;

3 (3) \$10 to the Office of the State's Attorneys
4 Appellate Prosecutor for use in training programs;

5 (4) \$10 to the State's Attorney; and

6 (5) any remainder of the fine to the law
7 enforcement agency that issued the citation for the
8 violation.

9 With respect to funds designated for the Illinois
10 State Police, the moneys shall be remitted by the circuit
11 court clerk to the Illinois State Police within one month
12 after receipt for deposit into the State Police Operations
13 Assistance Fund. With respect to funds designated for the
14 Department of Natural Resources, the Department of Natural
15 Resources shall deposit the moneys into the Conservation
16 Police Operations Assistance Fund;

17 (b) more than 10 grams but not more than 30 grams of
18 any substance containing cannabis is guilty of a Class B
19 misdemeanor;

20 (c) more than 30 grams but not more than 100 grams of
21 any substance containing cannabis is guilty of a Class A
22 misdemeanor; provided, that if any offense under this
23 subsection (c) is a subsequent offense, the offender shall
24 be guilty of a Class 4 felony;

25 (d) more than 100 grams but not more than 500 grams of
26 any substance containing cannabis is guilty of a Class 4

1 felony; provided that if any offense under this subsection
2 (d) is a subsequent offense, the offender shall be guilty
3 of a Class 3 felony;

4 (e) more than 500 grams but not more than 2,000 grams
5 of any substance containing cannabis is guilty of a Class
6 3 felony;

7 (f) more than 2,000 grams but not more than 5,000
8 grams of any substance containing cannabis is guilty of a
9 Class 2 felony;

10 (g) more than 5,000 grams of any substance containing
11 cannabis is guilty of a Class 1 felony.

12 The court shall not order fines or any other applicable
13 assessments authorized under this Section against a minor
14 subject to Article III, IV, or V of the Juvenile Court Act of
15 1987, or a minor under the age of 18 transferred to adult court
16 or excluded from juvenile court jurisdiction under Article V
17 of the Juvenile Court Act of 1987, or the minor's parent,
18 guardian, or legal custodian.

19 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
20 102-538, eff. 8-20-21.)

21 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

22 Sec. 10. (a) Whenever any person who has not previously
23 been convicted of any felony offense under this Act or any law
24 of the United States or of any State relating to cannabis, or
25 controlled substances as defined in the Illinois Controlled

1 Substances Act, pleads guilty to or is found guilty of
2 violating Sections 4(a), 4(b), 4(c), 5(a), 5(b), 5(c) or 8 of
3 this Act, the court may, without entering a judgment and with
4 the consent of such person, sentence him to probation.

5 (b) When a person is placed on probation, the court shall
6 enter an order specifying a period of probation of 24 months,
7 and shall defer further proceedings in the case until the
8 conclusion of the period or until the filing of a petition
9 alleging violation of a term or condition of probation.

10 (c) The conditions of probation shall be that the person:
11 (1) not violate any criminal statute of any jurisdiction; (2)
12 refrain from possession of a firearm or other dangerous
13 weapon; (3) submit to periodic drug testing at a time and in a
14 manner as ordered by the court, but no less than 3 times during
15 the period of the probation, with the cost of the testing to be
16 paid by the probationer; and (4) perform no less than 30 hours
17 of community service, provided community service is available
18 in the jurisdiction and is funded and approved by the county
19 board. The court may give credit toward the fulfillment of
20 community service hours for participation in activities and
21 treatment as determined by court services.

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

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

1 order of probation;

2 (2) pay a fine and costs;

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

5 (4) undergo medical or psychiatric treatment; or
6 treatment for drug addiction or alcoholism;

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

9 (6) support his dependents;

10 (7) refrain from possessing a firearm or other
11 dangerous weapon;

12 (7-5) refrain from having in his or her body the
13 presence of any illicit drug prohibited by the Cannabis
14 Control Act, the Illinois Controlled Substances Act, or
15 the Methamphetamine Control and Community Protection Act,
16 unless prescribed by a physician, and submit samples of
17 his or her blood or urine or both for tests to determine
18 the presence of any illicit drug;

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

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

21 (ii) attend school;

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

23 (iv) provide nonfinancial contributions ~~contribute~~
24 to his own support at home or in a foster home.

25 (e) Upon violation of a term or condition of probation,
26 the court may enter a judgment on its original finding of guilt

1 and proceed as otherwise provided.

2 (f) Upon fulfillment of the terms and conditions of
3 probation, the court shall discharge such person and dismiss
4 the proceedings against him.

5 (g) A disposition of probation is considered to be a
6 conviction for the purposes of imposing the conditions of
7 probation and for appeal, however, discharge and dismissal
8 under this Section is not a conviction for purposes of
9 disqualification or disabilities imposed by law upon
10 conviction of a crime (including the additional penalty
11 imposed for subsequent offenses under Section 4(c), 4(d), 5(c)
12 or 5(d) of this Act).

13 (h) A person may not have more than one discharge and
14 dismissal under this Section within a 4-year period.

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

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

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

10 (k) The court shall not order fees, fines, costs or any
11 other assessments authorized under this Section against a
12 minor subject to Article III, IV, or V of the Juvenile Court
13 Act of 1987, or a minor under the age of 18 transferred to
14 adult court or excluded from juvenile court jurisdiction under
15 Article V of the Juvenile Court Act of 1987, or the minor's
16 parent, guardian, or legal custodian.

17 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18;
18 100-575, eff. 1-8-18.)

19 Section 40. The Unified Code of Corrections is amended by
20 changing Sections 5-4.5-105, 5-5-10, 5-6-3, 5-6-3.1, 5-7-6,
21 5-8A-6, 5-9-1.4, and 5-9-1.9 as follows:

22 (730 ILCS 5/5-4.5-105)

23 Sec. 5-4.5-105. SENTENCING OF INDIVIDUALS UNDER THE AGE OF
24 18 AT THE TIME OF THE COMMISSION OF AN OFFENSE.

1 (a) On or after the effective date of this amendatory Act
2 of the 99th General Assembly, when a person commits an offense
3 and the person is under 18 years of age at the time of the
4 commission of the offense, the court, at the sentencing
5 hearing conducted under Section 5-4-1, shall consider the
6 following additional factors in mitigation in determining the
7 appropriate sentence:

8 (1) the person's age, impetuosity, and level of
9 maturity at the time of the offense, including the ability
10 to consider risks and consequences of behavior, and the
11 presence of cognitive or developmental disability, or
12 both, if any;

13 (2) whether the person was subjected to outside
14 pressure, including peer pressure, familial pressure, or
15 negative influences;

16 (3) the person's family, home environment, educational
17 and social background, including any history of parental
18 neglect, physical abuse, or other childhood trauma;

19 (4) the person's potential for rehabilitation or
20 evidence of rehabilitation, or both;

21 (5) the circumstances of the offense;

22 (6) the person's degree of participation and specific
23 role in the offense, including the level of planning by
24 the defendant before the offense;

25 (7) whether the person was able to meaningfully
26 participate in his or her defense;

1 (8) the person's prior juvenile or criminal history;

2 and

3 (9) any other information the court finds relevant and
4 reliable, including an expression of remorse, if
5 appropriate. However, if the person, on advice of counsel
6 chooses not to make a statement, the court shall not
7 consider a lack of an expression of remorse as an
8 aggravating factor.

9 (b) Except as provided in subsections ~~subsection~~ (c) and
10 (d), the court may sentence the defendant to any disposition
11 authorized for the class of the offense of which he or she was
12 found guilty as described in Article 4.5 of this Code, and may,
13 in its discretion, decline to impose any otherwise applicable
14 sentencing enhancement based upon firearm possession,
15 possession with personal discharge, or possession with
16 personal discharge that proximately causes great bodily harm,
17 permanent disability, permanent disfigurement, or death to
18 another person.

19 (c) Notwithstanding any other provision of law, if the
20 defendant is convicted of first degree murder and would
21 otherwise be subject to sentencing under clause (iii), (iv),
22 (v), or (vii) of subparagraph (c) of paragraph (1) of
23 subsection (a) of Section 5-8-1 of this Code based on the
24 category of persons identified therein, the court shall impose
25 a sentence of not less than 40 years of imprisonment. In
26 addition, the court may, in its discretion, decline to impose

1 the sentencing enhancements based upon the possession or use
2 of a firearm during the commission of the offense included in
3 subsection (d) of Section 5-8-1.

4 (d) The court shall not order any fees, fines, or
5 administrative costs against a minor subject to this Code or
6 against the minor's parent, guardian, or legal custodian. For
7 purposes of this amendatory Act of the 103rd General Assembly,
8 "minor" has the meaning provided in Section 1-3 of the
9 Juvenile Court Act of 1987 and includes any minor under the age
10 of 18 transferred to adult court or excluded from juvenile
11 court jurisdiction under Article V of the Juvenile Court Act
12 of 1987.

13 (Source: P.A. 99-69, eff. 1-1-16; 99-258, eff. 1-1-16; 99-875,
14 eff. 1-1-17.)

15 (730 ILCS 5/5-5-10)

16 Sec. 5-5-10. Community service fee. When an offender or
17 defendant is ordered by the court to perform community service
18 and the offender is not otherwise assessed a fee for probation
19 services, the court shall impose a fee of \$50 for each month
20 the community service ordered by the court is supervised by a
21 probation and court services department, unless after
22 determining the inability of the person sentenced to community
23 service to pay the fee, the court assesses a lesser fee. The
24 court shall ~~may~~ not impose a fee on a minor who is placed in
25 the guardianship or custody of the Department of Children and

1 Family Services under the Juvenile Court Act of 1987 ~~while the~~
2 ~~minor is in placement.~~ The court shall not impose a fee on a
3 minor subject to Article V of the Juvenile Court Act of 1987 or
4 the minor's parent, guardian, or legal custodian. Except for
5 minors under the age of 18 transferred to adult court or
6 excluded from juvenile court jurisdiction under Article V of
7 the Juvenile Court Act of 1987, the ~~The~~ fee shall be imposed
8 only on an offender who is actively supervised by the
9 probation and court services department. The fee shall be
10 collected by the clerk of the circuit court. The clerk of the
11 circuit court shall pay all monies collected from this fee to
12 the county treasurer for deposit in the probation and court
13 services fund under Section 15.1 of the Probation and
14 Probation Officers Act.

15 A circuit court shall ~~may~~ not impose a probation fee on a
16 minor subject to the Juvenile Court Act of 1987, or on a minor
17 under the age of 18 transferred to adult court or excluded from
18 juvenile court jurisdiction under Article V of the Juvenile
19 Court Act of 1987, or the minor's parent, guardian, or legal
20 custodian. In all other instances, a circuit court may not
21 impose a probation fee in excess of \$25 per month unless: (1)
22 the circuit court has adopted, by administrative order issued
23 by the chief judge, a standard probation fee guide determining
24 an offender's ability to pay, under guidelines developed by
25 the Administrative Office of the Illinois Courts; and (2) the
26 circuit court has authorized, by administrative order issued

1 by the chief judge, the creation of a Crime Victim's Services
2 Fund, to be administered by the Chief Judge or his or her
3 designee, for services to crime victims and their families. Of
4 the amount collected as a probation fee, not to exceed \$5 of
5 that fee collected per month may be used to provide services to
6 crime victims and their families.

7 (Source: P.A. 100-159, eff. 8-18-17.)

8 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

9 Sec. 5-6-3. Conditions of probation and of conditional
10 discharge.

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

13 (1) not violate any criminal statute of any
14 jurisdiction;

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

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

22 (4) not leave the State without the consent of the
23 court or, in circumstances in which the reason for the
24 absence is of such an emergency nature that prior consent
25 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. Community service shall not interfere with
4 the school hours, school-related activities, or work
5 commitments of the minor or the minor's parent, guardian,
6 or legal custodian;

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

1 conditional discharge has been revoked as provided in
2 Section 5-6-4. This paragraph (7) does not apply to a
3 person who has a high school diploma or has successfully
4 passed high school equivalency testing. This paragraph (7)
5 does not apply to a person who is determined by the court
6 to be a person with a developmental disability or
7 otherwise mentally incapable of completing the educational
8 or vocational program;

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

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

1 under the Sex Offender Management Board Act;

2 (8.6) if convicted of a sex offense as defined in the
3 Sex Offender Management Board Act, refrain from residing
4 at the same address or in the same condominium unit or
5 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
8 been placed on supervision for a sex offense; the
9 provisions of this paragraph do not apply to a person
10 convicted of a sex offense who is placed in a Department of
11 Corrections licensed transitional housing facility for sex
12 offenders;

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

1 of the accused; or (iv) a step-child or adopted child of
2 the accused;

3 (8.8) if convicted for an offense under Section 11-6,
4 11-9.1, 11-14.4 that involves soliciting for a juvenile
5 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
6 of the Criminal Code of 1961 or the Criminal Code of 2012,
7 or any attempt to commit any of these offenses, committed
8 on or after June 1, 2009 (the effective date of Public Act
9 95-983):

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 offender's expense, of one or more hardware or
3 software 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;

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

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

26 (10) if convicted of a sex offense as defined in

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

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

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

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

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

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

18 (2) pay a fine and costs;

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

21 (4) undergo medical, psychological or psychiatric
22 treatment; or treatment for drug addiction or alcoholism;

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

25 (6) support his dependents;

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

- 1 (i) reside with his parents or in a foster home;
- 2 (ii) attend school;
- 3 (iii) attend a non-residential program for youth;
- 4 (iv) provide nonfinancial contributions ~~contribute~~
- 5 to his own support at home or in a foster home;
- 6 (v) with the consent of the superintendent of the
- 7 facility, attend an educational program at a facility
- 8 other than the school in which the offense was
- 9 committed if he or she is convicted of a crime of
- 10 violence as defined in Section 2 of the Crime Victims
- 11 Compensation Act committed in a school, on the real
- 12 property comprising a school, or within 1,000 feet of
- 13 the real property comprising a school;
- 14 (8) make restitution as provided in Section 5-5-6 of
- 15 this Code;
- 16 (9) perform some reasonable public or community
- 17 service;
- 18 (10) serve a term of home confinement. In addition to
- 19 any other applicable condition of probation or conditional
- 20 discharge, the conditions of home confinement shall be
- 21 that the offender:
- 22 (i) remain within the interior premises of the
- 23 place designated for his confinement during the hours
- 24 designated by the court;
- 25 (ii) admit any person or agent designated by the
- 26 court into the offender's place of confinement at any

1 time for purposes of verifying the offender's
2 compliance with the conditions of his confinement; and

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

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

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

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

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

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

16 The Chief Judge of the circuit court may suspend
17 any additional charges or fees for late payment,
18 interest, or damage to any device.

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

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

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

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

26 (15) refrain from having any contact, directly or

1 indirectly, with certain specified persons or particular
2 types of persons, including but not limited to members of
3 street gangs and drug users or dealers;

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

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

26 (18) if convicted for an offense committed on or after

1 June 1, 2009 (the effective date of Public Act 95-983)
2 that would qualify as a sex offense as defined in the Sex
3 Offender Registration Act:

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

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 probation
13 officer, a law enforcement officer, or assigned
14 computer or information technology specialist,
15 including the retrieval and copying of all data from
16 the computer or device and any internal or external
17 peripherals and removal of such information,
18 equipment, or device to conduct a more thorough
19 inspection;

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

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

1 imposed by the offender's probation officer; and

2 (19) refrain from possessing a firearm or other
3 dangerous weapon where the offense is a misdemeanor that
4 did not involve the intentional or knowing infliction of
5 bodily harm or threat of bodily harm.

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

16 (d) An offender sentenced to probation or to conditional
17 discharge shall be given a certificate setting forth the
18 conditions thereof.

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

1 Persons committed to imprisonment as a condition of
2 probation or conditional discharge shall not be committed to
3 the Department of Corrections.

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

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

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

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

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

1 defined in Section 9b of the Probation and Probation Officers
2 Act, the probation department from the original sentencing
3 court shall retain all probation fees collected prior to the
4 transfer. After the transfer, all probation fees shall be paid
5 to the probation department within the circuit to which
6 jurisdiction has been transferred.

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

1 under Section 15.1 of the Probation and Probation Officers
2 Act.

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

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

22 Public Act 93-970 deletes the \$10 increase in the fee
23 under this subsection that was imposed by Public Act 93-616.
24 This deletion is intended to control over any other Act of the
25 93rd General Assembly that retains or incorporates that fee
26 increase.

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

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

19 (k) Any offender who is sentenced to probation or
20 conditional discharge for a felony sex offense as defined in
21 the Sex Offender Management Board Act or any offense that the
22 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 (1) The court may order an offender who is sentenced to
3 probation or conditional discharge for a violation of an order
4 of protection be placed under electronic surveillance as
5 provided in Section 5-8A-7 of this Code.

6 (m) Except for restitution, the court shall not order any
7 fees, fines, costs, or other applicable assessments authorized
8 under this Section against a minor subject to Article III, IV,
9 or V of the Juvenile Court Act of 1987, or a minor under the
10 age of 18 transferred to adult court or excluded from juvenile
11 court jurisdiction under Article V of the Juvenile Court Act
12 of 1987, or the minor's parent, guardian, or legal custodian.
13 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21.)

14 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)
15 Sec. 5-6-3.1. Incidents and conditions of supervision.

16 (a) When a defendant is placed on supervision, the court
17 shall enter an order for supervision specifying the period of
18 such supervision, and shall defer further proceedings in the
19 case until the conclusion of the period.

20 (b) The period of supervision shall be reasonable under
21 all of the circumstances of the case, but may not be longer
22 than 2 years, unless the defendant has failed to pay the
23 assessment required by Section 10.3 of the Cannabis Control
24 Act, Section 411.2 of the Illinois Controlled Substances Act,
25 or Section 80 of the Methamphetamine Control and Community

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

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

24 (c) The court may in addition to other reasonable
25 conditions relating to the nature of the offense or the
26 rehabilitation of the defendant as determined for each

1 defendant in the proper discretion of the court require that
2 the person:

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

7 (2) pay a fine and costs;

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

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

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

14 (6) support his dependents;

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

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

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

19 (ii) attend school;

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

21 (iv) provide nonfinancial contributions ~~contribute~~
22 to his own support at home or in a foster home; or

23 (v) with the consent of the superintendent of the
24 facility, attend an educational program at a facility
25 other than the school in which the offense was
26 committed if he or she is placed on supervision for a

1 crime of violence as defined in Section 2 of the Crime
2 Victims Compensation Act committed in a school, on the
3 real property comprising a school, or within 1,000
4 feet of the real property comprising a school;

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

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

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

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

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

1 his or her blood or urine or both for tests to determine
2 the 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
8 defendant's employer that is not equipped with an ignition
9 interlock device in the course and scope of the
10 defendant's 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
24 sentencing court, any other person to whom restitution is
25 owed, and the State's Attorney of the status of the ordered
26 restitution payments unpaid at least 90 days before the

1 supervision expiration date. If payment as ordered has not
2 been made, the court shall hold a review hearing prior to the
3 expiration date, unless the hearing is voluntarily waived by
4 the defendant with the knowledge that waiver may result in an
5 extension of the supervision period or in a revocation of
6 supervision. If the court does not extend supervision, it
7 shall issue a judgment for the unpaid restitution and direct
8 the clerk of the circuit court to file and enter the judgment
9 in the judgment and lien docket, without fee, unless it finds
10 that the victim has recovered a judgment against the defendant
11 for the amount covered by the restitution order. If the court
12 issues a judgment for the unpaid restitution, the court shall
13 send to 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
24 of 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,
11 may 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
14 sexual 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
23 costs incidental to such mandatory drug or alcohol testing, or
24 both, and costs incidental to such approved electronic
25 monitoring in accordance with the defendant's ability to pay
26 those costs. The county board with the concurrence of the

1 Chief Judge of the judicial circuit in which the county is
2 located shall establish reasonable fees for the cost of
3 maintenance, testing, and incidental expenses related to the
4 mandatory drug or alcohol testing, or both, and all costs
5 incidental to approved electronic monitoring, of all
6 defendants placed on supervision. The concurrence of the Chief
7 Judge shall be in the form of an administrative order. The fees
8 shall be collected by the clerk of the circuit court, except as
9 provided in an administrative order of the Chief Judge of the
10 circuit court. The clerk of the circuit court shall pay all
11 moneys collected from these fees to the county treasurer who
12 shall use the moneys collected to defray the costs of drug
13 testing, alcohol testing, and electronic monitoring. The
14 county treasurer shall deposit the fees collected in the
15 county working cash fund under Section 6-27001 or Section
16 6-29002 of the Counties Code, 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,
21 and collects the fees on behalf of the county. The program
22 shall include provisions for indigent offenders and the
23 collection of unpaid fees. The program shall not unduly burden
24 the offender 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
6 under the supervision of a probation or court services
7 department after January 1, 2004, as a condition of
8 supervision or supervised community service, a fee of \$50 for
9 each month of supervision or supervised community service
10 ordered by the court, unless after determining the inability
11 of the person placed on supervision or supervised community
12 service to pay the fee, the court assesses a lesser fee. The
13 court may not impose the fee on a minor who is placed in the
14 guardianship or custody of the Department of Children and
15 Family Services under the Juvenile Court Act of 1987 while the
16 minor is in placement. The fee shall be imposed only upon a
17 defendant who is actively supervised by the probation and
18 court services department. The fee shall be collected by the
19 clerk of the circuit court. The clerk of the circuit court
20 shall pay all monies collected from this fee to the county
21 treasurer for deposit in the probation and court services fund
22 pursuant to Section 15.1 of the Probation and Probation
23 Officers Act.

24 A circuit court may not impose a probation fee in excess of
25 \$25 per month unless the circuit court has adopted, by
26 administrative order issued by the chief judge, a standard

1 probation fee guide determining an offender's ability to pay.
2 Of the amount collected as a probation fee, not to exceed \$5 of
3 that fee collected per month may be used to provide services to
4 crime victims and their families.

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

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

24 (k) A defendant at least 17 years of age who is placed on
25 supervision for a misdemeanor in a county of 3,000,000 or more
26 inhabitants and who has not been previously convicted of a

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

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

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

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

25 (n) Any offender placed on supervision for any offense
26 that the court or probation department has determined to be

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

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

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

1 person is not: (i) the spouse, brother, or sister of the
2 accused; (ii) a descendant of the accused; (iii) a first or
3 second cousin of the accused; or (iv) a step-child or adopted
4 child of the accused.

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

20 (r) An offender placed on supervision for an offense under
21 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a
22 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or
23 11-21 of the Criminal Code of 1961 or the Criminal Code of
24 2012, or any attempt to commit any of these offenses,
25 committed on or after June 1, 2009 (the effective date of
26 Public Act 95-983) shall:

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

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

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

19 (iv) submit to any other appropriate restrictions
20 concerning the offender's use of or access to a computer
21 or any other device with Internet capability imposed by
22 the court.

23 (s) An offender placed on supervision for an offense that
24 is a sex offense as defined in Section 2 of the Sex Offender
25 Registration Act that is committed on or after January 1, 2010
26 (the effective date of Public Act 96-362) that requires the

1 person to register as a sex offender under that Act, may not
2 knowingly use any computer scrub software on any computer that
3 the sex offender uses.

4 (t) An offender placed on supervision for a sex offense as
5 defined in the Sex Offender Registration Act committed on or
6 after January 1, 2010 (the effective date of Public Act
7 96-262) shall refrain from accessing or using a social
8 networking website as defined in Section 17-0.5 of the
9 Criminal Code of 2012.

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

21 (v) Except for restitution, the court shall not order any
22 fees, fines, costs, or other applicable assessments authorized
23 under this Section against a minor subject to Article III, IV,
24 or V of the Juvenile Court Act of 1987, or a minor under the
25 age of 18 transferred to adult court or excluded from juvenile
26 court jurisdiction under Article V of the Juvenile Court Act

1 of 1987, or the minor's parent, guardian, or legal custodian.

2 (Source: P.A. 102-299, eff. 8-6-21.)

3 (730 ILCS 5/5-7-6) (from Ch. 38, par. 1005-7-6)

4 Sec. 5-7-6. Duty of Clerk of Court or the Department of
5 Corrections; collection and disposition of compensation.

6 (a) Every gainfully employed offender shall be responsible
7 for managing his or her earnings. The clerk of the circuit
8 court shall have only those responsibilities regarding an
9 offender's earnings as are set forth in this Section.

10 Every offender, including offenders who are sentenced to
11 periodic imprisonment for weekends only, gainfully employed
12 shall pay a fee for room and board at a rate established, with
13 the concurrence of the chief judge of the judicial circuit, by
14 the county board of the county in which the offender is
15 incarcerated. The concurrence of the chief judge shall be in
16 the form of an administrative order. In establishing the fee
17 for room and board consideration may be given to all costs
18 incidental to the incarceration of offenders. If an offender
19 is necessarily absent from the institution at mealtime he or
20 she shall, without additional charge, be furnished with a meal
21 to carry to work. Each week, on a day designated by the clerk
22 of the circuit court, every offender shall pay the clerk the
23 fees for the offender's room and board. Failure to pay the
24 clerk on the day designated shall result in the termination of
25 the offender's release. All fees for room and board collected

1 by the circuit court clerk shall be disbursed into the
2 county's General Corporate Fund.

3 By order of the court, all or a portion of the earnings of
4 employed offenders shall be turned over to the clerk to be
5 distributed for the following purposes, in the order stated:

6 (1) the room and board of the offender;

7 (2) necessary travel expenses to and from work and
8 other incidental expenses of the offender, when those
9 expenses are incurred by the administrator of the
10 offender's imprisonment;

11 (3) support of the offender's dependents, if any.

12 (b) If the offender has one or more dependents who are
13 recipients of financial assistance pursuant to the Illinois
14 Public Aid Code, or who are residents of a State hospital,
15 State school or foster care facility provided by the State,
16 the court shall order the offender to turn over all or a
17 portion of his earnings to the clerk who shall, after making
18 the deductions provided for under paragraph (a), distribute
19 those earnings to the appropriate agency as reimbursement for
20 the cost of care of such dependents. The order shall permit the
21 Department of Human Services (acting as successor to the
22 Illinois Department of Public Aid under the Department of
23 Human Services Act) or the local governmental unit, as the
24 case may be, to request the clerk that subsequent payments be
25 made directly to the dependents, or to some agency or person in
26 their behalf, upon removal of the dependents from the public

1 aid rolls; and upon such direction and removal of the
2 recipients from the public aid rolls, the Department of Human
3 Services or the local governmental unit, as the case requires,
4 shall give written notice of such action to the court.
5 Payments received by the Department of Human Services or by
6 governmental units in behalf of recipients of public aid shall
7 be deposited into the General Revenue Fund of the State
8 Treasury or General Assistance Fund of the governmental unit,
9 under Section 10-19 of the Illinois Public Aid Code.

10 (c) The clerk of the circuit court shall keep individual
11 accounts of all money collected by him as required by this
12 Article. He shall deposit all moneys as trustee in a
13 depository designated by the county board and shall make
14 payments required by the court's order from such trustee
15 account. Such accounts shall be subject to audit in the same
16 manner as accounts of the county are audited.

17 (d) If an institution or the Department of Corrections
18 certifies to the court that it can administer this Section
19 with respect to persons committed to it under this Article,
20 the clerk of the court shall be relieved of its duties under
21 this Section and they shall be assumed by such institution or
22 the Department.

23 (e) The court shall not order any fees, fines, costs, or
24 other applicable assessments authorized under this Section
25 against a minor subject to Article III, IV, or V of the
26 Juvenile Court Act of 1987, or a minor under the age of 18

1 transferred to adult court or excluded from juvenile court
2 jurisdiction under Article V of the Juvenile Court Act of
3 1987, or the minor's parent, guardian, or legal custodian.

4 (Source: P.A. 90-14, eff. 7-1-97; 91-357, eff. 7-29-99.)

5 (730 ILCS 5/5-8A-6)

6 Sec. 5-8A-6. Electronic monitoring of certain sex
7 offenders. For a sexual predator subject to electronic
8 monitoring under paragraph (7.7) of subsection (a) of Section
9 3-3-7, the Department of Corrections must use a system that
10 actively monitors and identifies the offender's current
11 location and timely reports or records the offender's presence
12 and that alerts the Department of the offender's presence
13 within a prohibited area described in Section 11-9.3 of the
14 Criminal Code of 2012, in a court order, or as a condition of
15 the offender's parole, mandatory supervised release, or
16 extended mandatory supervised release and the offender's
17 departure from specified geographic limitations. To the extent
18 that he or she is able to do so, which the Department of
19 Corrections by rule shall determine, the offender must pay for
20 the cost of the electronic monitoring. The court shall not
21 order any costs authorized under this Section against a minor
22 subject to Article III, IV, or V of the Juvenile Court Act of
23 1987, or a minor under the age of 18 transferred to adult court
24 or excluded from juvenile court jurisdiction under Article V
25 of the Juvenile Court Act of 1987, or the minor's parent,

1 guardian, or legal custodian.

2 (Source: P.A. 99-797, eff. 8-12-16; 100-431, eff. 8-25-17.)

3 (730 ILCS 5/5-9-1.4) (from Ch. 38, par. 1005-9-1.4)

4 Sec. 5-9-1.4. (a) "Crime laboratory" means any
5 not-for-profit laboratory registered with the Drug Enforcement
6 Administration of the United States Department of Justice,
7 substantially funded by a unit or combination of units of
8 local government or the State of Illinois, which regularly
9 employs at least one person engaged in the analysis of
10 controlled substances, cannabis, methamphetamine, or steroids
11 for criminal justice agencies in criminal matters and provides
12 testimony with respect to such examinations.

13 (b) (Blank).

14 (c) (Blank). ~~In addition to any other disposition made~~
15 ~~pursuant to the provisions of the Juvenile Court Act of 1987,~~
16 ~~any minor adjudicated delinquent for an offense which if~~
17 ~~committed by an adult would constitute a violation of the~~
18 ~~Cannabis Control Act, the Illinois Controlled Substances Act,~~
19 ~~the Methamphetamine Control and Community Protection Act, or~~
20 ~~the Steroid Control Act shall be required to pay a criminal~~
21 ~~laboratory analysis assessment of \$100 for each adjudication.~~
22 ~~Upon verified petition of the minor, the court may suspend~~
23 ~~payment of all or part of the assessment if it finds that the~~
24 ~~minor does not have the ability to pay the assessment. The~~
25 ~~parent, guardian, or legal custodian of the minor may pay some~~

1 ~~or all of such assessment on the minor's behalf.~~

2 (c-1) The court shall not order the payment of a criminal
3 laboratory analysis assessment, or equivalent fine, fee, or
4 administrative cost, by a minor subject to Article III, IV, or
5 V of the Juvenile Court Act of 1987, or a minor under the age
6 of 18 transferred to adult court or excluded from juvenile
7 court jurisdiction under Article V of the Juvenile Court Act
8 of 1987, or the minor's parent, guardian, or legal custodian.

9 (d) Notwithstanding subsection (c-1) of this Section, all
10 funds ~~All criminal laboratory analysis fees~~ provided for by
11 this Section shall be collected by the clerk of the court and
12 forwarded to the appropriate crime laboratory fund as provided
13 in subsection (f).

14 (e) Crime laboratory funds shall be established as
15 follows:

16 (1) Any unit of local government which maintains a
17 crime laboratory may establish a crime laboratory fund
18 within the office of the county or municipal treasurer.

19 (2) Any combination of units of local government which
20 maintains a crime laboratory may establish a crime
21 laboratory fund within the office of the treasurer of the
22 county where the crime laboratory is situated.

23 (3) The State Crime Laboratory Fund is hereby created
24 as a special fund in the State Treasury. Notwithstanding
25 any other provision of law to the contrary, and in
26 addition to any other transfers that may be provided by

1 law, on August 20, 2021 (the effective date of Public Act
2 102-505), or as soon thereafter as practical, the State
3 Comptroller shall direct and the State Treasurer shall
4 transfer the remaining balance from the State Offender DNA
5 Identification System Fund into the State Crime Laboratory
6 Fund. Upon completion of the transfer, the State Offender
7 DNA Identification System Fund is dissolved, and any
8 future deposits due to that Fund and any outstanding
9 obligations or liabilities of that Fund shall pass to the
10 State Crime Laboratory Fund.

11 (f) Funds ~~The analysis assessment provided for in~~
12 ~~subsection (c) of this Section~~ shall be forwarded to the
13 office of the treasurer of the unit of local government that
14 performed the analysis if that unit of local government has
15 established a crime laboratory fund, or to the State Crime
16 Laboratory Fund if the analysis was performed by a laboratory
17 operated by the Illinois State Police. If the analysis was
18 performed by a crime laboratory funded by a combination of
19 units of local government, the funds ~~analysis assessment~~ shall
20 be forwarded to the treasurer of the county where the crime
21 laboratory is situated if a crime laboratory fund has been
22 established in that county. If the unit of local government or
23 combination of units of local government has not established a
24 crime laboratory fund, then the funds ~~analysis assessment~~
25 shall be forwarded to the State Crime Laboratory Fund.

26 (g) Moneys deposited into a crime laboratory fund created

1 pursuant to paragraph (1) or (2) of subsection (e) of this
2 Section shall be in addition to any allocations made pursuant
3 to existing law and shall be designated for the exclusive use
4 of the crime laboratory. These uses may include, but are not
5 limited to, the following:

6 (1) costs incurred in providing analysis for
7 controlled substances in connection with criminal
8 investigations conducted within this State;

9 (2) purchase and maintenance of equipment for use in
10 performing analyses; and

11 (3) continuing education, training, and professional
12 development of forensic scientists regularly employed by
13 these laboratories.

14 (h) Moneys deposited in the State Crime Laboratory Fund
15 created pursuant to paragraph (3) of subsection (d) of this
16 Section shall be used by State crime laboratories as
17 designated by the Director of the Illinois State Police. These
18 funds shall be in addition to any allocations made pursuant to
19 existing law and shall be designated for the exclusive use of
20 State crime laboratories or for the sexual assault evidence
21 tracking system created under Section 50 of the Sexual Assault
22 Evidence Submission Act. These uses may include those
23 enumerated in subsection (g) of this Section.

24 (Source: P.A. 101-377, eff. 8-16-19; 102-505, eff. 8-20-21;
25 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

1 (730 ILCS 5/5-9-1.9)

2 Sec. 5-9-1.9. DUI analysis ~~fee~~.

3 (a) "Crime laboratory" means a not-for-profit laboratory
4 substantially funded by a single unit or combination of units
5 of local government or the State of Illinois that regularly
6 employs at least one person engaged in the DUI analysis of
7 blood, other bodily substance, and urine for criminal justice
8 agencies in criminal matters and provides testimony with
9 respect to such examinations.

10 "DUI analysis" means an analysis of blood, other bodily
11 substance, or urine for purposes of determining whether a
12 violation of Section 11-501 of the Illinois Vehicle Code has
13 occurred.

14 (b) (Blank).

15 (c) (Blank). ~~In addition to any other disposition made~~
16 ~~under the provisions of the Juvenile Court Act of 1987, any~~
17 ~~minor adjudicated delinquent for an offense which if committed~~
18 ~~by an adult would constitute a violation of Section 11 501 of~~
19 ~~the Illinois Vehicle Code shall pay a crime laboratory DUI~~
20 ~~analysis assessment of \$150 for each adjudication. Upon~~
21 ~~verified petition of the minor, the court may suspend payment~~
22 ~~of all or part of the assessment if it finds that the minor~~
23 ~~does not have the ability to pay the assessment. The parent,~~
24 ~~guardian, or legal custodian of the minor may pay some or all~~
25 ~~of the assessment on the minor's behalf.~~

26 (c-1) The court shall not order the payment of a criminal

1 laboratory DUI analysis assessment, or equivalent fine, fee,
2 or administrative cost, by a minor subject to Article III, IV,
3 or V of the Juvenile Court Act of 1987, or a minor under the
4 age of 18 transferred to adult court or excluded from juvenile
5 court jurisdiction under Article V of the Juvenile Court Act
6 of 1987, or the minor's parent, guardian, or legal custodian.

7 (d) Notwithstanding subsection (c-1), all funds ~~All crime~~
8 ~~laboratory DUI analysis assessments~~ provided for by this
9 Section shall be collected by the clerk of the court and
10 forwarded to the appropriate crime laboratory DUI fund as
11 provided in subsection (f).

12 (e) Crime laboratory funds shall be established as
13 follows:

14 (1) A unit of local government that maintains a crime
15 laboratory may establish a crime laboratory DUI fund
16 within the office of the county or municipal treasurer.

17 (2) Any combination of units of local government that
18 maintains a crime laboratory may establish a crime
19 laboratory DUI fund within the office of the treasurer of
20 the county where the crime laboratory is situated.

21 (3) (Blank).

22 (f) Notwithstanding subsection (c-1), all funds ~~The~~
23 ~~analysis assessment provided for in subsection (c) of this~~
24 ~~Section~~ shall be forwarded to the office of the treasurer of
25 the unit of local government that performed the analysis if
26 that unit of local government has established a crime

1 laboratory DUI fund, or remitted to the State Treasurer for
2 deposit into the State Crime Laboratory Fund if the analysis
3 was performed by a laboratory operated by the Illinois State
4 Police. If the analysis was performed by a crime laboratory
5 funded by a combination of units of local government, the
6 funds ~~analysis assessment~~ shall be forwarded to the treasurer
7 of the county where the crime laboratory is situated if a crime
8 laboratory DUI fund has been established in that county. If
9 the unit of local government or combination of units of local
10 government has not established a crime laboratory DUI fund,
11 then the funds ~~analysis assessment~~ shall be remitted to the
12 State Treasurer for deposit into the State Crime Laboratory
13 Fund.

14 (g) Moneys deposited into a crime laboratory DUI fund
15 created under paragraphs (1) and (2) of subsection (e) of this
16 Section shall be in addition to any allocations made pursuant
17 to existing law and shall be designated for the exclusive use
18 of the crime laboratory. These uses may include, but are not
19 limited to, the following:

20 (1) Costs incurred in providing analysis for DUI
21 investigations conducted within this State.

22 (2) Purchase and maintenance of equipment for use in
23 performing analyses.

24 (3) Continuing education, training, and professional
25 development of forensic scientists regularly employed by
26 these laboratories.

1 (h) Moneys deposited in the State Crime Laboratory Fund
2 shall be used by State crime laboratories as designated by the
3 Director of the Illinois State Police. These funds shall be in
4 addition to any allocations made according to existing law and
5 shall be designated for the exclusive use of State crime
6 laboratories. These uses may include those enumerated in
7 subsection (g) of this Section.

8 (i) Notwithstanding any other provision of law to the
9 contrary and in addition to any other transfers that may be
10 provided by law, on June 17, 2021 (the effective date of Public
11 Act 102-16), or as soon thereafter as practical, the State
12 Comptroller shall direct and the State Treasurer shall
13 transfer the remaining balance from the State Police DUI Fund
14 into the State Police Operations Assistance Fund. Upon
15 completion of the transfer, the State Police DUI Fund is
16 dissolved, and any future deposits due to that Fund and any
17 outstanding obligations or liabilities of that Fund shall pass
18 to the State Police Operations Assistance Fund.

19 (Source: P.A. 102-16, eff. 6-17-21; 102-145, eff. 7-23-21;
20 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

21 Section 45. The Code of Civil Procedure is amended by
22 changing Section 2-202 as follows:

23 (735 ILCS 5/2-202) (from Ch. 110, par. 2-202)

24 Sec. 2-202. Persons authorized to serve process; place of

1 service; failure to make return.

2 (a) Process shall be served by a sheriff, or if the sheriff
3 is disqualified, by a coroner of some county of the State. In
4 matters where the county or State is an interested party,
5 process may be served by a special investigator appointed by
6 the State's Attorney of the county, as defined in Section
7 3-9005 of the Counties Code. A sheriff of a county with a
8 population of less than 2,000,000 may employ civilian
9 personnel to serve process. In counties with a population of
10 less than 2,000,000, process may be served, without special
11 appointment, by a person who is licensed or registered as a
12 private detective under the Private Detective, Private Alarm,
13 Private Security, Fingerprint Vendor, and Locksmith Act of
14 2004 or by a registered employee of a private detective agency
15 certified under that Act as defined in Section (a-5). A
16 private detective or licensed employee must supply the sheriff
17 of any county in which he serves process with a copy of his
18 license or certificate; however, the failure of a person to
19 supply the copy shall not in any way impair the validity of
20 process served by the person. The court may, in its discretion
21 upon motion, order service to be made by a private person over
22 18 years of age and not a party to the action. It is not
23 necessary that service be made by a sheriff or coroner of the
24 county in which service is made. If served or sought to be
25 served by a sheriff or coroner, he or she shall endorse his or
26 her return thereon, and if by a private person the return shall

1 be by affidavit.

2 (a-5) Upon motion and in its discretion, the court may
3 appoint as a special process server a private detective agency
4 certified under the Private Detective, Private Alarm, Private
5 Security, Fingerprint Vendor, and Locksmith Act of 2004. Under
6 the appointment, any employee of the private detective agency
7 who is registered under that Act may serve the process. The
8 motion and the order of appointment must contain the number of
9 the certificate issued to the private detective agency by the
10 Department of Professional Regulation under the Private
11 Detective, Private Alarm, Private Security, Fingerprint
12 Vendor, and Locksmith Act of 2004. A private detective or
13 private detective agency shall send, one time only, a copy of
14 his, her, or its individual private detective license or
15 private detective agency certificate to the county sheriff in
16 each county in which the detective or detective agency or his,
17 her, or its employees serve process, regardless of the size of
18 the population of the county. As long as the license or
19 certificate is valid and meets the requirements of the
20 Department of Financial and Professional Regulation, a new
21 copy of the current license or certificate need not be sent to
22 the sheriff. A private detective agency shall maintain a list
23 of its registered employees. Registered employees shall
24 consist of:

25 (1) an employee who works for the agency holding a
26 valid Permanent Employee Registration Card;

1 (2) a person who has applied for a Permanent Employee
2 Registration Card, has had his or her fingerprints
3 processed and cleared by the Illinois State Police and the
4 FBI, and as to whom the Department of Financial and
5 Professional Regulation website shows that the person's
6 application for a Permanent Employee Registration Card is
7 pending;

8 (3) a person employed by a private detective agency
9 who is exempt from a Permanent Employee Registration Card
10 requirement because the person is a current peace officer;
11 and

12 (4) a private detective who works for a private
13 detective agency as an employee.

14 A detective agency shall maintain this list and forward it to
15 any sheriff's department that requests this list within 5
16 business days after the receipt of the request.

17 (b) Summons may be served upon the defendants wherever
18 they may be found in the State, by any person authorized to
19 serve process. An officer may serve summons in his or her
20 official capacity outside his or her county, but fees for
21 mileage outside the county of the officer cannot be taxed as
22 costs. The person serving the process in a foreign county may
23 make return by mail.

24 (c) If any sheriff, coroner, or other person to whom any
25 process is delivered, neglects or refuses to make return of
26 the same, the plaintiff may petition the court to enter a rule

1 requiring the sheriff, coroner, or other person, to make
2 return of the process on a day to be fixed by the court, or to
3 show cause on that day why that person should not be attached
4 for contempt of the court. The plaintiff shall then cause a
5 written notice of the rule to be served on the sheriff,
6 coroner, or other person. If good and sufficient cause be not
7 shown to excuse the officer or other person, the court shall
8 adjudge him or her guilty of a contempt, and shall impose
9 punishment as in other cases of contempt.

10 (d) Except as provided in Sections 1-19, 3-17, 4-14, and
11 5-252 of the Juvenile Court Act of 1987, if ~~if~~ process is
12 served by a sheriff, coroner, or special investigator
13 appointed by the State's Attorney, the court may tax the fee of
14 the sheriff, coroner, or State's Attorney's special
15 investigator as costs in the proceeding. If process is served
16 by a private person or entity, the court may establish a fee
17 therefor and tax such fee as costs in the proceedings.

18 (e) In addition to the powers stated in Section 8.1a of the
19 Housing Authorities Act, in counties with a population of
20 3,000,000 or more inhabitants, members of a housing authority
21 police force may serve process for eviction actions commenced
22 by that housing authority and may execute eviction orders for
23 that housing authority.

24 (f) In counties with a population of 3,000,000 or more,
25 process may be served, with special appointment by the court,
26 by a private process server or a law enforcement agency other

1 than the county sheriff in proceedings instituted under
2 Article IX of this Code as a result of a lessor or lessor's
3 assignee declaring a lease void pursuant to Section 11 of the
4 Controlled Substance and Cannabis Nuisance Act.

5 (Source: P.A. 102-538, eff. 8-20-21.)

6 Section 95. No acceleration or delay. Where this Act makes
7 changes in a statute that is represented in this Act by text
8 that is not yet or no longer in effect (for example, a Section
9 represented by multiple versions), the use of that text does
10 not accelerate or delay the taking effect of (i) the changes
11 made by this Act or (ii) provisions derived from any other
12 Public Act.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.

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