

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-3-7, 3-3-8, 3-14-2, and 5-6-3 as follows:

6 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

7 Sec. 3-3-7. Conditions of parole or mandatory supervised
8 release.

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

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

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

18 (3) report to an agent of the Department of
19 Corrections;

20 (4) permit the agent to visit him or her at his or her
21 home, employment, or elsewhere to the extent necessary for
22 the agent to discharge his or her duties;

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

1 instruction or residence of persons on parole or mandatory
2 supervised release;

3 (6) secure permission before visiting or writing a
4 committed person in an Illinois Department of Corrections
5 facility;

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

13 (7.5) if convicted of a sex offense as defined in the
14 Sex Offender Management Board Act, the individual shall
15 undergo and successfully complete sex offender treatment
16 conducted in conformance with the standards developed by
17 the Sex Offender Management Board Act by a treatment
18 provider approved by the Board;

19 (7.6) if convicted of a sex offense as defined in the
20 Sex Offender Management Board Act, refrain from residing
21 at the same address or in the same condominium unit or
22 apartment unit or in the same condominium complex or
23 apartment complex with another person he or she knows or
24 reasonably should know is a convicted sex offender or has
25 been placed on supervision for a sex offense; the
26 provisions of this paragraph do not apply to a person

1 convicted of a sex offense who is placed in a Department of
2 Corrections licensed transitional housing facility for sex
3 offenders, or is in any facility operated or licensed by
4 the Department of Children and Family Services or by the
5 Department of Human Services, or is in any licensed
6 medical facility;

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

1 supervised release term;

2 (7.8) if convicted for an offense committed on or
3 after June 1, 2008 (the effective date of Public Act
4 95-464) that would qualify the accused as a child sex
5 offender as defined in Section 11-9.3 or 11-9.4 of the
6 Criminal Code of 1961 or the Criminal Code of 2012,
7 refrain from communicating with or contacting, by means of
8 the Internet, a person who is not related to the accused
9 and whom the accused reasonably believes to be under 18
10 years of age; for purposes of this paragraph (7.8),
11 "Internet" has the meaning ascribed to it in Section
12 16-0.1 of the Criminal Code of 2012; and a person is not
13 related to the accused if the person is not: (i) the
14 spouse, brother, or sister of the accused; (ii) a
15 descendant of the accused; (iii) a first or second cousin
16 of the accused; or (iv) a step-child or adopted child of
17 the accused;

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

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

6 (7.11) if convicted for an offense under Section 11-6,
7 11-9.1, 11-14.4 that involves soliciting for a juvenile
8 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
9 of the Criminal Code of 1961 or the Criminal Code of 2012,
10 or any attempt to commit any of these offenses, committed
11 on or after June 1, 2009 (the effective date of Public Act
12 95-983):

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

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 supervising
19 agent, a law enforcement officer, or assigned computer
20 or information technology specialist, including the
21 retrieval and copying of all data from the computer or
22 device and any internal or external peripherals and
23 removal of such information, equipment, or device to
24 conduct a more thorough inspection;

25 (iii) submit to the installation on the offender's
26 computer or device with Internet capability, at the

1 offender's expense, of one or more hardware or
2 software systems to monitor the Internet use; and

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

8 (7.12) 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 (7.13) if convicted of a sex offense as defined in
15 Section 2 of the Sex Offender Registration Act committed
16 on or after January 1, 2010 (the effective date of Public
17 Act 96-362) that requires the person to register as a sex
18 offender under that Act, may not knowingly use any
19 computer scrub software on any computer that the sex
20 offender uses;

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

23 (9) obtain permission of an agent of the Department of
24 Corrections before changing his or her residence or
25 employment;

26 (10) consent to a search of his or her person,

1 property, or residence under his or her control;

2 (11) refrain from the use or possession of narcotics
3 or other controlled substances in any form, or both, or
4 any paraphernalia related to those substances and submit
5 to a urinalysis test as instructed by a parole agent of the
6 Department of Corrections if there is reasonable suspicion
7 of illicit drug use and the source of the reasonable
8 suspicion is documented in the Department's case
9 management system;

10 (12) not knowingly frequent places where controlled
11 substances are illegally sold, used, distributed, or
12 administered;

13 (13) except when the association described in either
14 subparagraph (A) or (B) of this paragraph (13) involves
15 activities related to community programs, worship
16 services, volunteering, engaging families, or some other
17 pro-social activity in which there is no evidence of
18 criminal intent:

19 (A) not knowingly associate with other persons on
20 parole or mandatory supervised release without prior
21 written permission of his or her parole agent; or

22 (B) not knowingly associate with persons who are
23 members of an organized gang as that term is defined in
24 the Illinois Streetgang Terrorism Omnibus Prevention
25 Act;

26 (14) provide true and accurate information, as it

1 relates to his or her adjustment in the community while on
2 parole or mandatory supervised release or to his or her
3 conduct while incarcerated, in response to inquiries by
4 his or her parole agent or of the Department of
5 Corrections;

6 (15) follow any specific instructions provided by the
7 parole agent that are consistent with furthering
8 conditions set and approved by the Prisoner Review Board
9 or by law, exclusive of placement on electronic detention,
10 to achieve the goals and objectives of his or her parole or
11 mandatory supervised release or to protect the public.
12 These instructions by the parole agent may be modified at
13 any time, as the agent deems appropriate;

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

25 (17) if convicted of a violation of an order of
26 protection under Section 12-3.4 or Section 12-30 of the

1 Criminal Code of 1961 or the Criminal Code of 2012, be
2 placed under electronic surveillance as provided in
3 Section 5-8A-7 of this Code;

4 (18) comply with the terms and conditions of an order
5 of protection issued pursuant to the Illinois Domestic
6 Violence Act of 1986; an order of protection issued by the
7 court of another state, tribe, or United States territory;
8 a no contact order issued pursuant to the Civil No Contact
9 Order Act; or a no contact order issued pursuant to the
10 Stalking No Contact Order Act;

11 (19) if convicted of a violation of the
12 Methamphetamine Control and Community Protection Act, the
13 Methamphetamine Precursor Control Act, or a
14 methamphetamine related offense, be:

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

18 (B) prohibited from purchasing, possessing, or
19 having under his or her control any product containing
20 ammonium nitrate;

21 (20) if convicted of a hate crime under Section 12-7.1
22 of the Criminal Code of 2012, perform public or community
23 service of no less than 200 hours and enroll in an
24 educational program discouraging hate crimes involving the
25 protected class identified in subsection (a) of Section
26 12-7.1 of the Criminal Code of 2012 that gave rise to the

1 offense the offender committed ordered by the court; and

2 (21) be evaluated by the Department of Corrections
3 prior to release using a validated risk assessment and be
4 subject to a corresponding level of supervision. In
5 accordance with the findings of that evaluation:

6 (A) All subjects found to be at a moderate or high
7 risk to recidivate, or on parole or mandatory
8 supervised release for first degree murder, a forcible
9 felony as defined in Section 2-8 of the Criminal Code
10 of 2012, any felony that requires registration as a
11 sex offender under the Sex Offender Registration Act,
12 or a Class X felony or Class 1 felony that is not a
13 violation of the Cannabis Control Act, the Illinois
14 Controlled Substances Act, or the Methamphetamine
15 Control and Community Protection Act, shall be subject
16 to high level supervision. The Department shall define
17 high level supervision based upon evidence-based and
18 research-based practices. Notwithstanding this
19 placement on high level supervision, placement of the
20 subject on electronic monitoring or detention shall
21 not occur unless it is required by law or expressly
22 ordered or approved by the Prisoner Review Board.

23 (B) All subjects found to be at a low risk to
24 recidivate shall be subject to low-level supervision,
25 except for those subjects on parole or mandatory
26 supervised release for first degree murder, a forcible

1 felony as defined in Section 2-8 of the Criminal Code
2 of 2012, any felony that requires registration as a
3 sex offender under the Sex Offender Registration Act,
4 or a Class X felony or Class 1 felony that is not a
5 violation of the Cannabis Control Act, the Illinois
6 Controlled Substances Act, or the Methamphetamine
7 Control and Community Protection Act. Low level
8 supervision shall require the subject to check in with
9 the supervising officer via phone or other electronic
10 means. Notwithstanding this placement on low level
11 supervision, placement of the subject on electronic
12 monitoring or detention shall not occur unless it is
13 required by law or expressly ordered or approved by
14 the Prisoner Review Board.

15 (b) The Board may after making an individualized
16 assessment pursuant to subsection (a) of Section 3-14-2 in
17 addition to other conditions require that the subject:

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

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

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

25 (4) support his or her dependents;

26 (5) (blank);

1 (6) (blank);

2 (7) (blank);

3 (7.5) if convicted for an offense committed on or
4 after the effective date of this amendatory Act of the
5 95th General Assembly that would qualify the accused as a
6 child sex offender as defined in Section 11-9.3 or 11-9.4
7 of the Criminal Code of 1961 or the Criminal Code of 2012,
8 refrain from communicating with or contacting, by means of
9 the Internet, a person who is related to the accused and
10 whom the accused reasonably believes to be under 18 years
11 of age; for purposes of this paragraph (7.5), "Internet"
12 has the meaning ascribed to it in Section 16-0.1 of the
13 Criminal Code of 2012; and a person is related to the
14 accused if the person is: (i) the spouse, brother, or
15 sister of the accused; (ii) a descendant of the accused;
16 (iii) a first or second cousin of the accused; or (iv) a
17 step-child or adopted child of the accused;

18 (7.6) if convicted for an offense committed on or
19 after June 1, 2009 (the effective date of Public Act
20 95-983) that would qualify as a sex offense as defined in
21 the Sex Offender Registration Act:

22 (i) not access or use a computer or any other
23 device with Internet capability without the prior
24 written approval of the Department;

25 (ii) submit to periodic unannounced examinations
26 of the offender's computer or any other device with

1 Internet capability by the offender's supervising
2 agent, a law enforcement officer, or assigned computer
3 or information technology specialist, including the
4 retrieval and copying of all data from the computer or
5 device and any internal or external peripherals and
6 removal of such information, equipment, or device to
7 conduct a more thorough inspection;

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

12 (iv) submit to any other appropriate restrictions
13 concerning the offender's use of or access to a
14 computer or any other device with Internet capability
15 imposed by the Board, the Department or the offender's
16 supervising agent; and

17 (8) (blank). ~~in addition, if a minor:~~

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

20 ~~(ii) attend school;~~

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

22 ~~or~~

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

25 (b-1) In addition to the conditions set forth in
26 subsections (a) and (b), persons required to register as sex

1 offenders pursuant to the Sex Offender Registration Act, upon
2 release from the custody of the Illinois Department of
3 Corrections, may be required by the Board to comply with the
4 following specific conditions of release following an
5 individualized assessment pursuant to subsection (a) of
6 Section 3-14-2:

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

8 (2) comply with all requirements of the Sex Offender
9 Registration Act;

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

12 (4) obtain the approval of an agent of the Department
13 of Corrections prior to accepting employment or pursuing a
14 course of study or vocational training and notify the
15 Department prior to any change in employment, study, or
16 training;

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

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

24 (7) refrain from entering into a designated geographic
25 area except upon terms approved in advance by an agent of
26 the Department of Corrections. The terms may include

1 consideration of the purpose of the entry, the time of
2 day, and others accompanying the person;

3 (8) refrain from having any contact, including written
4 or oral communications, directly or indirectly, personally
5 or by telephone, letter, or through a third party with
6 certain specified persons including, but not limited to,
7 the victim or the victim's family without the prior
8 written approval of an agent of the Department of
9 Corrections;

10 (9) refrain from all contact, directly or indirectly,
11 personally, by telephone, letter, or through a third
12 party, with minor children without prior identification
13 and approval of an agent of the Department of Corrections;

14 (10) neither possess or have under his or her control
15 any material that is sexually oriented, sexually
16 stimulating, or that shows male or female sex organs or
17 any pictures depicting children under 18 years of age nude
18 or any written or audio material describing sexual
19 intercourse or that depicts or alludes to sexual activity,
20 including but not limited to visual, auditory, telephonic,
21 or electronic media, or any matter obtained through access
22 to any computer or material linked to computer access use;

23 (11) not patronize any business providing sexually
24 stimulating or sexually oriented entertainment nor utilize
25 "900" or adult telephone numbers;

26 (12) not reside near, visit, or be in or about parks,

1 schools, day care centers, swimming pools, beaches,
2 theaters, or any other places where minor children
3 congregate without advance approval of an agent of the
4 Department of Corrections and immediately report any
5 incidental contact with minor children to the Department;

6 (13) not possess or have under his or her control
7 certain specified items of contraband related to the
8 incidence of sexually offending as determined by an agent
9 of the Department of Corrections;

10 (14) may be required to provide a written daily log of
11 activities if directed by an agent of the Department of
12 Corrections;

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

17 (16) take an annual polygraph exam;

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

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

21 (c) The conditions under which the parole or mandatory
22 supervised release is to be served shall be communicated to
23 the person in writing prior to his or her release, and he or
24 she shall sign the same before release. A signed copy of these
25 conditions, including a copy of an order of protection where
26 one had been issued by the criminal court, shall be retained by

1 the person and another copy forwarded to the officer in charge
2 of his or her supervision.

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

6 (e) The Department shall inform all offenders committed to
7 the Department of the optional services available to them upon
8 release and shall assist inmates in availing themselves of
9 such optional services upon their release on a voluntary
10 basis.

11 (f) (Blank).

12 (Source: P.A. 100-201, eff. 8-18-17; 100-260, eff. 1-1-18;
13 100-575, eff. 1-8-18; 101-382, eff. 8-16-19.)

14 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

15 Sec. 3-3-8. Length of parole and mandatory supervised
16 release; discharge.

17 (a) The length of parole for a person sentenced under the
18 law in effect prior to the effective date of this amendatory
19 Act of 1977 and the length of mandatory supervised release for
20 those sentenced under the law in effect on and after such
21 effective date shall be as set out in Section 5-8-1 unless
22 sooner terminated under paragraph (b) of this Section.

23 (b) The Prisoner Review Board may enter an order releasing
24 and discharging one from parole or mandatory supervised
25 release, and his or her commitment to the Department, when it

1 determines that he or she is likely to remain at liberty
2 without committing another offense.

3 (b-1) Provided that the subject is in compliance with the
4 terms and conditions of his or her parole or mandatory
5 supervised release, the Prisoner Review Board shall ~~may~~ reduce
6 the period of a parolee or releasee's parole or mandatory
7 supervised release by 90 days upon the parolee or releasee
8 receiving a high school diploma, associate's degree,
9 bachelor's degree, career certificate, or vocational technical
10 certification or upon passage of high school equivalency
11 testing during the period of his or her parole or mandatory
12 supervised release. A parolee or releasee shall provide
13 documentation from the educational institution or the source
14 of the qualifying educational or vocational credential to
15 their supervising officer for verification. Each ~~This~~
16 reduction in the period of a subject's term of parole or
17 mandatory supervised release shall be available only to
18 subjects who have not previously earned the relevant
19 credential for which they are receiving the reduction ~~a high~~
20 ~~school diploma or who have not previously passed high school~~
21 ~~equivalency testing.~~ As used in this Section, "career
22 certificate" means a certificate awarded by an institution for
23 satisfactory completion of a prescribed curriculum that is
24 intended to prepare an individual for employment in a specific
25 field.

26 (b-2) The Prisoner Review Board may release a low-risk and

1 need subject person from mandatory supervised release as
2 determined by an appropriate evidence-based risk and need
3 assessment.

4 (c) The order of discharge shall become effective upon
5 entry of the order of the Board. The Board shall notify the
6 clerk of the committing court of the order. Upon receipt of
7 such copy, the clerk shall make an entry on the record judgment
8 that the sentence or commitment has been satisfied pursuant to
9 the order.

10 (d) Rights of the person discharged under this Section
11 shall be restored under Section 5-5-5.

12 (e) Upon a denial of early discharge under this Section,
13 the Prisoner Review Board shall provide the person on parole
14 or mandatory supervised release a list of steps or
15 requirements that the person must complete or meet to be
16 granted an early discharge at a subsequent review and share
17 the process for seeking a subsequent early discharge review
18 under this subsection. Upon the completion of such steps or
19 requirements, the person on parole or mandatory supervised
20 release may petition the Prisoner Review Board to grant them
21 an early discharge review. Within no more than 30 days of a
22 petition under this subsection, the Prisoner Review Board
23 shall review the petition and make a determination.

24 (Source: P.A. 99-268, eff. 1-1-16; 99-628, eff. 1-1-17; 100-3,
25 eff. 1-1-18.)

1 (730 ILCS 5/3-14-2) (from Ch. 38, par. 1003-14-2)

2 Sec. 3-14-2. Supervision on Parole, Mandatory Supervised
3 Release and Release by Statute.

4 (a) The Department shall retain custody of all persons
5 placed on parole or mandatory supervised release or released
6 pursuant to Section 3-3-10 of this Code and shall supervise
7 such persons during their parole or release period in accord
8 with the conditions set by the Prisoner Review Board. When
9 setting conditions, the Prisoner Review Board shall make an
10 individualized assessment as to what conditions are
11 appropriate based on the risk and needs assessment, program
12 participation and completion, assignment history while
13 incarcerated, and behavior history during the period of the
14 incarceration and involve only such deprivations of liberty or
15 property as are reasonably necessary to protect the public
16 from the person's conduct in the underlying conviction or
17 violation. In determining conditions, the Prisoner Review
18 Board shall also consider the reasonableness of imposing
19 additional conditions on the person and the extent to which
20 the conditions impact the person's work, education, community
21 service, financial, and family caregiving obligations. Such
22 conditions shall include referral to an alcohol or drug abuse
23 treatment program, as appropriate, if such person has
24 previously been identified as having an alcohol or drug abuse
25 problem. Such conditions may include that the person use an
26 approved electronic monitoring device subject to Article 8A of

1 Chapter V.

2 (b) The Department shall assign personnel to assist
3 persons eligible for parole in preparing a parole plan. Such
4 Department personnel shall make a report of their efforts and
5 findings to the Prisoner Review Board prior to its
6 consideration of the case of such eligible person.

7 (c) A copy of the conditions of his parole or release shall
8 be signed by the parolee or releasee and given to him and to
9 his supervising officer who shall report on his progress under
10 the rules and regulations of the Prisoner Review Board. The
11 supervising officer shall report violations to the Prisoner
12 Review Board and shall have the full power of peace officers in
13 the arrest and retaking of any parolees or releasees or the
14 officer may request the Department to issue a warrant for the
15 arrest of any parolee or releasee who has allegedly violated
16 his parole or release conditions.

17 (c-1) The supervising officer shall request the Department
18 to issue a parole violation warrant, and the Department shall
19 issue a parole violation warrant, under the following
20 circumstances:

21 (1) if the parolee or releasee commits an act that
22 constitutes a felony using a firearm or knife,

23 (2) if applicable, fails to comply with the
24 requirements of the Sex Offender Registration Act,

25 (3) if the parolee or releasee is charged with:

26 (A) a felony offense of domestic battery under

1 Section 12-3.2 of the Criminal Code of 1961 or the
2 Criminal Code of 2012,

3 (B) aggravated domestic battery under Section
4 12-3.3 of the Criminal Code of 1961 or the Criminal
5 Code of 2012,

6 (C) stalking under Section 12-7.3 of the Criminal
7 Code of 1961 or the Criminal Code of 2012,

8 (D) aggravated stalking under Section 12-7.4 of
9 the Criminal Code of 1961 or the Criminal Code of 2012,

10 (E) violation of an order of protection under
11 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
12 the Criminal Code of 2012, or

13 (F) any offense that would require registration as
14 a sex offender under the Sex Offender Registration
15 Act, or

16 (4) if the parolee or releasee is on parole or
17 mandatory supervised release for a murder, a Class X
18 felony or a Class 1 felony violation of the Criminal Code
19 of 1961 or the Criminal Code of 2012, or any felony that
20 requires registration as a sex offender under the Sex
21 Offender Registration Act and commits an act that
22 constitutes first degree murder, a Class X felony, a Class
23 1 felony, a Class 2 felony, or a Class 3 felony.

24 A sheriff or other peace officer may detain an alleged
25 parole or release violator until a warrant for his return to
26 the Department can be issued. The parolee or releasee may be

1 delivered to any secure place until he can be transported to
2 the Department. The officer or the Department shall file a
3 violation report with notice of charges with the Prisoner
4 Review Board.

5 (d) The supervising officer shall regularly advise and
6 consult with the parolee or releasee, assist him in adjusting
7 to community life, inform him of the restoration of his rights
8 on successful completion of sentence under Section 5-5-5, and
9 provide the parolee or releasee with an electronic copy of the
10 Department of Corrections system of graduated responses as set
11 forth under subparagraph (D) of paragraph (1) of subsection
12 (b) of Section 10 of the Illinois Crime Reduction Act of 2009
13 and any sanctions matrix based on that system. If the parolee
14 or releasee has been convicted of a sex offense as defined in
15 the Sex Offender Management Board Act, the supervising officer
16 shall periodically, but not less than once a month, verify
17 that the parolee or releasee is in compliance with paragraph
18 (7.6) of subsection (a) of Section 3-3-7.

19 (d-1) At least once every 3 months, the supervising
20 officer of a parolee or releasee shall review the case of the
21 parolee or releasee to assess the parolee's or releasee's
22 progress and suitability for early discharge under subsection
23 (b) of Section 3-3-8 and provide a recommendation for either
24 early discharge or the continuation of parole or mandatory
25 supervised release as previously ordered. The recommendation
26 and the rationale for the recommendation shall be noted in the

1 Department's case management system. Within 15 days of
2 receiving the supervising officer's recommendation, the
3 Department shall provide a copy of the final recommendation,
4 in writing or electronically, to the Prisoner Review Board and
5 to the parolee or releasee. If an early discharge
6 recommendation was not provided, the supervising officer shall
7 share the list of steps or requirements that the person must
8 complete or meet to be granted an early discharge
9 recommendation at a subsequent review under agency guidelines.
10 The Department shall develop guidelines and policies to
11 support the regular review of parolees and releasees for early
12 discharge consideration and the timely notification of the
13 Prisoner Review Board when early discharge is recommended.

14 (d-2) Supervising officers shall schedule meetings, which
15 are required under paragraph (3) of subsection (a) of Section
16 3-3-7 as a condition of parole or mandatory supervised
17 release, at such times and locations that take into
18 consideration the medical needs, caregiving obligations, and
19 work schedule of a parolee or releasee.

20 (d-3) To comply with the provisions of subsection (d-2),
21 in lieu of requiring the parolee or releasee to appear in
22 person for the required reporting or meetings, supervising
23 officers may utilize technology, including cellular and other
24 electronic communication devices or platforms, that allows for
25 communication between the supervised individual and the
26 supervising officer.

1 (e) Supervising officers shall receive specialized
2 training in the special needs of female releasees or parolees
3 including the family reunification process.

4 (f) The supervising officer shall keep such records as the
5 Prisoner Review Board or Department may require. All records
6 shall be entered in the master file of the individual.

7 (Source: P.A. 96-282, eff. 1-1-10; 96-1447, eff. 8-20-10;
8 97-389, eff. 8-15-11; 97-1150, eff. 1-25-13.)

9 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

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

16 (2) report to or appear in person before such person
17 or agency as directed by the court. To comply with the
18 provisions of this paragraph (2), in lieu of requiring the
19 person on probation or conditional discharge to appear in
20 person for the required reporting or meetings, the officer
21 may utilize technology, including cellular and other
22 electronic communication devices or platforms, that allow
23 for communication between the supervised person and the
24 officer in accordance with standards and guidelines
25 established by the Administrative Office of the Illinois

1 Courts;

2 (3) refrain from possessing a firearm or other
3 dangerous weapon where the offense is a felony or, if a
4 misdemeanor, the offense involved the intentional or
5 knowing infliction of bodily harm or threat of bodily
6 harm;

7 (4) not leave the State without the consent of the
8 court or, in circumstances in which the reason for the
9 absence is of such an emergency nature that prior consent
10 by the court is not possible, without the prior
11 notification and approval of the person's probation
12 officer. Transfer of a person's probation or conditional
13 discharge supervision to another state is subject to
14 acceptance by the other state pursuant to the Interstate
15 Compact for Adult Offender Supervision;

16 (5) permit the probation officer to visit him at his
17 home or elsewhere to the extent necessary to discharge his
18 duties;

19 (6) perform no less than 30 hours of community service
20 and not more than 120 hours of community service, if
21 community service is available in the jurisdiction and is
22 funded and approved by the county board where the offense
23 was committed, where the offense was related to or in
24 furtherance of the criminal activities of an organized
25 gang and was motivated by the offender's membership in or
26 allegiance to an organized gang. The community service

1 shall include, but not be limited to, the cleanup and
2 repair of any damage caused by a violation of Section
3 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
4 2012 and similar damage to property located within the
5 municipality or county in which the violation occurred.
6 When possible and reasonable, the community service should
7 be performed in the offender's neighborhood. For purposes
8 of this Section, "organized gang" has the meaning ascribed
9 to it in Section 10 of the Illinois Streetgang Terrorism
10 Omnibus Prevention Act. The court may give credit toward
11 the fulfillment of community service hours for
12 participation in activities and treatment as determined by
13 court services;

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

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

16 (8) if convicted of possession of a substance
17 prohibited by the Cannabis Control Act, the Illinois
18 Controlled Substances Act, or the Methamphetamine Control
19 and Community Protection Act after a previous conviction
20 or disposition of supervision for possession of a
21 substance prohibited by the Cannabis Control Act or
22 Illinois Controlled Substances Act or after a sentence of
23 probation under Section 10 of the Cannabis Control Act,
24 Section 410 of the Illinois Controlled Substances Act, or
25 Section 70 of the Methamphetamine Control and Community
26 Protection Act and upon a finding by the court that the

1 person is addicted, undergo treatment at a substance abuse
2 program approved by the court;

3 (8.5) if convicted of a felony sex offense as defined
4 in the Sex Offender Management Board Act, the person shall
5 undergo and successfully complete sex offender treatment
6 by a treatment provider approved by the Board and
7 conducted in conformance with the standards developed
8 under the Sex Offender Management Board Act;

9 (8.6) if convicted of a sex offense as defined in the
10 Sex Offender Management Board Act, refrain from residing
11 at the same address or in the same condominium unit or
12 apartment unit or in the same condominium complex or
13 apartment complex with another person he or she knows or
14 reasonably should know is a convicted sex offender or has
15 been placed on supervision for a sex offense; the
16 provisions of this paragraph do not apply to a person
17 convicted of a sex offense who is placed in a Department of
18 Corrections licensed transitional housing facility for sex
19 offenders;

20 (8.7) if convicted for an offense committed on or
21 after June 1, 2008 (the effective date of Public Act
22 95-464) that would qualify the accused as a child sex
23 offender as defined in Section 11-9.3 or 11-9.4 of the
24 Criminal Code of 1961 or the Criminal Code of 2012,
25 refrain from communicating with or contacting, by means of
26 the Internet, a person who is not related to the accused

1 and whom the accused reasonably believes to be under 18
2 years of age; for purposes of this paragraph (8.7),
3 "Internet" has the meaning ascribed to it in Section
4 16-0.1 of the Criminal Code of 2012; and a person is not
5 related to the accused if the person is not: (i) the
6 spouse, brother, or sister of the accused; (ii) a
7 descendant of the accused; (iii) a first or second cousin
8 of the accused; or (iv) a step-child or adopted child of
9 the accused;

10 (8.8) if convicted for an offense under Section 11-6,
11 11-9.1, 11-14.4 that involves soliciting for a juvenile
12 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
13 of the Criminal Code of 1961 or the Criminal Code of 2012,
14 or any attempt to commit any of these offenses, committed
15 on or after June 1, 2009 (the effective date of Public Act
16 95-983):

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

23 (ii) submit to periodic unannounced examinations
24 of the offender's computer or any other device with
25 Internet capability by the offender's probation
26 officer, a law enforcement officer, or assigned

1 computer or information technology specialist,
2 including the retrieval and copying of all data from
3 the computer or device and any internal or external
4 peripherals and removal of such information,
5 equipment, or device to conduct a more thorough
6 inspection;

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

11 (iv) submit to any other appropriate restrictions
12 concerning the offender's use of or access to a
13 computer or any other device with Internet capability
14 imposed by the offender's probation officer;

15 (8.9) if convicted of a sex offense as defined in the
16 Sex Offender Registration Act committed on or after
17 January 1, 2010 (the effective date of Public Act 96-262),
18 refrain from accessing or using a social networking
19 website as defined in Section 17-0.5 of the Criminal Code
20 of 2012;

21 (9) if convicted of a felony or of any misdemeanor
22 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
23 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
24 2012 that was determined, pursuant to Section 112A-11.1 of
25 the Code of Criminal Procedure of 1963, to trigger the
26 prohibitions of 18 U.S.C. 922(g)(9), physically surrender

1 at a time and place designated by the court, his or her
2 Firearm Owner's Identification Card and any and all
3 firearms in his or her possession. The Court shall return
4 to the Illinois State Police Firearm Owner's
5 Identification Card Office the person's Firearm Owner's
6 Identification Card;

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

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

25 (12) if convicted of a violation of the
26 Methamphetamine Control and Community Protection Act, the

1 Methamphetamine Precursor Control Act, or a
2 methamphetamine related offense:

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

6 (B) prohibited from purchasing, possessing, or
7 having under his or her control any product containing
8 ammonium nitrate; and

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

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

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

25 (2) pay a fine and costs;

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

1 training;

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

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

6 (6) support his dependents;

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

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

9 (ii) attend school;

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

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

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

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

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

25 (10) serve a term of home confinement. In addition to
26 any other applicable condition of probation or conditional

1 discharge, the conditions of home confinement shall be
2 that the offender:

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

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

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

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

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

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

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

20 (v) for persons convicted of offenses other than
21 those referenced in clause (iv) above and who are
22 placed on an approved monitoring device as a condition
23 of probation or conditional discharge, the court shall
24 impose a reasonable fee for each day of the use of the
25 device, as established by the county board in
26 subsection (g) of this Section, unless after

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

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

26 (11) comply with the terms and conditions of an order

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

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

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

25 (14) refrain from entering into a designated
26 geographic area except upon such terms as the court finds

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

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

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

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

1 the meaning ascribed to it in Section 16-0.1 of the
2 Criminal Code of 2012; and a person is related to the
3 accused if the person is: (i) the spouse, brother, or
4 sister of the accused; (ii) a descendant of the accused;
5 (iii) a first or second cousin of the accused; or (iv) a
6 step-child or adopted child of the accused;

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

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

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

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

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

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

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

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

26 (e) Except where the offender has committed a fourth or

1 subsequent violation of subsection (c) of Section 6-303 of the
2 Illinois Vehicle Code, the court shall not require as a
3 condition of the sentence of probation or conditional
4 discharge that the offender be committed to a period of
5 imprisonment in excess of 6 months. This 6-month limit shall
6 not include periods of confinement given pursuant to a
7 sentence of county impact incarceration under Section 5-8-1.2.

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

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

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

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

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

24 (h) Jurisdiction over an offender may be transferred from
25 the sentencing court to the court of another circuit with the
26 concurrence of both courts. Further transfers or retransfers

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

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

1 and Family Services under the Juvenile Court Act of 1987 while
2 the minor is in placement. The fee shall be imposed only upon
3 an offender who is actively supervised by the probation and
4 court services department. The fee shall be collected by the
5 clerk of the circuit court. The clerk of the circuit court
6 shall pay all monies collected from this fee to the county
7 treasurer for deposit in the probation and court services fund
8 under Section 15.1 of the Probation and Probation Officers
9 Act.

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

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

1 department supervising the offender, based on the offender's
2 ability to pay.

3 Public Act 93-970 deletes the \$10 increase in the fee
4 under this subsection that was imposed by Public Act 93-616.
5 This deletion is intended to control over any other Act of the
6 93rd General Assembly that retains or incorporates that fee
7 increase.

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

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

26 (k) Any offender who is sentenced to probation or

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

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

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

14 Section 10. The Illinois Crime Reduction Act of 2009 is
15 amended by changing Section 10 as follows:

16 (730 ILCS 190/10)

17 Sec. 10. Evidence-based programming.

18 (a) Purpose. Research and practice have identified new
19 strategies and policies that can result in a significant
20 reduction in recidivism rates and the successful local
21 reintegration of offenders. The purpose of this Section is to
22 ensure that State and local agencies direct their resources to
23 services and programming that have been demonstrated to be
24 effective in reducing recidivism and reintegrating offenders

1 into the locality.

2 (b) Evidence-based programming in local supervision.

3 (1) The Parole Division of the Department of
4 Corrections and the Prisoner Review Board shall adopt
5 policies, rules, and regulations that, within the first
6 year of the adoption, validation, and utilization of the
7 statewide, standardized risk assessment tool described in
8 this Act, result in at least 25% of supervised individuals
9 being supervised in accordance with evidence-based
10 practices; within 3 years of the adoption, validation, and
11 utilization of the statewide, standardized risk assessment
12 tool result in at least 50% of supervised individuals
13 being supervised in accordance with evidence-based
14 practices; and within 5 years of the adoption, validation,
15 and utilization of the statewide, standardized risk
16 assessment tool result in at least 75% of supervised
17 individuals being supervised in accordance with
18 evidence-based practices. The policies, rules, and
19 regulations shall:

20 (A) Provide for a standardized individual case
21 plan that follows the offender through the criminal
22 justice system (including in-prison if the supervised
23 individual is in prison) that is:

24 (i) Based on the assets of the individual as
25 well as his or her risks and needs identified
26 through the assessment tool as described in this

1 Act.

2 (ii) Comprised of treatment and supervision
3 services appropriate to achieve the purpose of
4 this Act.

5 (iii) Consistently updated, based on program
6 participation by the supervised individual and
7 other behavior modification exhibited by the
8 supervised individual.

9 (B) Concentrate resources and services on
10 high-risk offenders.

11 (C) Provide for the use of evidence-based
12 programming related to education, job training,
13 cognitive behavioral therapy, and other programming
14 designed to reduce criminal behavior.

15 (D) Establish a system of graduated responses.

16 (i) The system shall set forth a menu of
17 presumptive responses for the most common types of
18 supervision violations.

19 (ii) The system shall be guided by the model
20 list of intermediate sanctions created by the
21 Probation Services Division of the State of
22 Illinois pursuant to subsection (1) of Section 15
23 of the Probation and Probation Officers Act and
24 the system of intermediate sanctions created by
25 the Chief Judge of each circuit court pursuant to
26 Section 5-6-1 of the Unified Code of Corrections.

1 (iii) The system of responses shall take into
2 account factors such as the severity of the
3 current violation; the supervised individual's
4 risk level as determined by a validated assessment
5 tool described in this Act; the supervised
6 individual's assets; his or her previous criminal
7 record; and the number and severity of any
8 previous supervision violations.

9 (iv) The system shall also define positive
10 reinforcements that supervised individuals may
11 receive for compliance with conditions of
12 supervision.

13 (v) Response to violations should be swift and
14 certain and should be imposed as soon as
15 practicable but no longer than 3 working days of
16 detection of the violation behavior.

17 (vi) The system of graduated responses shall
18 be published on the Department of Corrections
19 website for public view.

20 (2) Conditions of local supervision (probation and
21 mandatory supervised release). Conditions of local
22 supervision whether imposed by a sentencing judge or the
23 Prisoner Review Board shall be imposed in accordance with
24 the offender's risks, assets, and needs as identified
25 through the assessment tool described in this Act.

26 (3) The Department of Corrections and the Prisoner

1 Review Board shall annually publish an exemplar copy of
2 any evidence-based assessments, questionnaires, or other
3 instruments used to set conditions of release.

4 (c) Evidence-based in-prison programming.

5 (1) The Department of Corrections shall adopt
6 policies, rules, and regulations that, within the first
7 year of the adoption, validation, and utilization of the
8 statewide, standardized risk assessment tool described in
9 this Act, result in at least 25% of incarcerated
10 individuals receiving services and programming in
11 accordance with evidence-based practices; within 3 years
12 of the adoption, validation, and utilization of the
13 statewide, standardized risk assessment tool result in at
14 least 50% of incarcerated individuals receiving services
15 and programming in accordance with evidence-based
16 practices; and within 5 years of the adoption, validation,
17 and utilization of the statewide, standardized risk
18 assessment tool result in at least 75% of incarcerated
19 individuals receiving services and programming in
20 accordance with evidence-based practices. The policies,
21 rules, and regulations shall:

22 (A) Provide for the use and development of a case
23 plan based on the risks, assets, and needs identified
24 through the assessment tool as described in this Act.
25 The case plan should be used to determine in-prison
26 programming; should be continuously updated based on

1 program participation by the prisoner and other
2 behavior modification exhibited by the prisoner; and
3 should be used when creating the case plan described
4 in subsection (b).

5 (B) Provide for the use of evidence-based
6 programming related to education, job training,
7 cognitive behavioral therapy and other evidence-based
8 programming.

9 (C) Establish education programs based on a
10 teacher to student ratio of no more than 1:30.

11 (D) Expand the use of drug prisons, modeled after
12 the Sheridan Correctional Center, to provide
13 sufficient drug treatment and other support services
14 to non-violent inmates with a history of substance
15 abuse.

16 (2) Participation and completion of programming by
17 prisoners can impact earned time credit as determined
18 under Section 3-6-3 of the Unified Code of Corrections.

19 (3) The Department of Corrections shall provide its
20 employees with intensive and ongoing training and
21 professional development services to support the
22 implementation of evidence-based practices. The training
23 and professional development services shall include
24 assessment techniques, case planning, cognitive behavioral
25 training, risk reduction and intervention strategies,
26 effective communication skills, substance abuse treatment

1 education and other topics identified by the Department or
2 its employees.

3 (d) The Parole Division of the Department of Corrections
4 and the Prisoner Review Board shall provide their employees
5 with intensive and ongoing training and professional
6 development services to support the implementation of
7 evidence-based practices. The training and professional
8 development services shall include assessment techniques, case
9 planning, cognitive behavioral training, risk reduction and
10 intervention strategies, effective communication skills,
11 substance abuse treatment education, and other topics
12 identified by the agencies or their employees.

13 (e) The Department of Corrections, the Prisoner Review
14 Board, and other correctional entities referenced in the
15 policies, rules, and regulations of this Act shall design,
16 implement, and make public a system to evaluate the
17 effectiveness of evidence-based practices in increasing public
18 safety and in successful reintegration of those under
19 supervision into the locality. Annually, each agency shall
20 submit to the Sentencing Policy Advisory Council a
21 comprehensive report on the success of implementing
22 evidence-based practices. The data compiled and analyzed by
23 the Council shall be delivered annually to the Governor and
24 the General Assembly.

25 (f) The Department of Corrections and the Prisoner Review
26 Board shall release a report annually published on their

1 websites that reports the following information about the
2 usage of electronic monitoring and GPS monitoring as a
3 condition of parole and mandatory supervised release during
4 the prior calendar year:

5 (1) demographic data of individuals on electronic
6 monitoring and GPS monitoring, separated by the following
7 categories:

8 (A) race or ethnicity;

9 (B) gender; and

10 (C) age;

11 (2) incarceration data of individuals subject to
12 conditions of electronic or GPS monitoring, separated by
13 the following categories:

14 (A) highest class of offense for which the
15 individuals are currently serving a term of release;
16 and

17 (B) length of imprisonment served prior to the
18 current release period;

19 (3) the number of individuals subject to conditions of
20 electronic or GPS monitoring, separated by the following
21 categories:

22 (A) the number of individuals subject to
23 monitoring under Section 5-8A-6 of the Unified Code of
24 Corrections;

25 (B) the number of individuals subject monitoring
26 under Section 5-8A-7 of the Unified Code of

1 Corrections;

2 (C) the number of individuals subject to
3 monitoring under a discretionary order of the Prisoner
4 Review Board at the time of their release; and

5 (D) the number of individuals subject to
6 monitoring as a sanction for violations of parole or
7 mandatory supervised release, separated by the
8 following categories:

9 (i) the number of individuals subject to
10 monitoring as part of a graduated sanctions
11 program; and

12 (ii) the number of individuals subject to
13 monitoring as a new condition of re-release after
14 a revocation hearing before the Prisoner Review
15 Board;

16 (4) the number of discretionary monitoring orders
17 issued by the Prisoner Review Board, separated by the
18 following categories:

19 (A) less than 30 days;

20 (B) 31 to 60 days;

21 (C) 61 to 90 days;

22 (D) 91 to 120 days;

23 (E) 121 to 150 days;

24 (F) 151 to 180 days;

25 (G) 181 to 364 days;

26 (H) 365 days or more; and

1 (I) duration of release term;

2 (5) the number of discretionary monitoring orders by
3 the Board which removed or terminated monitoring prior to
4 the completion of the original period ordered;

5 (6) the number and severity category for sanctions
6 imposed on individuals on electronic or GPS monitoring,
7 separated by the following categories:

8 (A) absconding from electronic monitoring or GPS;

9 (B) tampering or removing the electronic
10 monitoring or GPS device;

11 (C) unauthorized leaving of the residence;

12 (D) presence of the individual in a prohibited
13 area; or

14 (E) other violations of the terms of the
15 electronic monitoring program;

16 (7) the number of individuals for whom a parole
17 revocation case was filed for failure to comply with the
18 terms of electronic or GPS monitoring, separated by the
19 following categories:

20 (A) cases when failure to comply with the terms of
21 monitoring was the sole violation alleged; and

22 (B) cases when failure to comply with the terms of
23 monitoring was alleged in conjunction with other
24 alleged violations;

25 (8) residential data for individuals subject to
26 electronic or GPS monitoring, separated by the following

1 categories:

2 (A) the county of the residence address for
3 individuals subject to electronic or GPS monitoring as
4 a condition of their release; and

5 (B) for counties with a population over 3,000,000,
6 the zip codes of the residence address for individuals
7 subject to electronic or GPS monitoring as a condition
8 of their release;

9 (9) the number of individuals for whom parole
10 revocation cases were filed due to violations of paragraph
11 (1) of subsection (a) of Section 3-3-7 of the Unified Code
12 of Corrections, separated by the following categories:

13 (A) the number of individuals whose violation of
14 paragraph (1) of subsection (a) of Section 3-3-7 of
15 the Unified Code of Corrections allegedly occurred
16 while the individual was subject to conditions of
17 electronic or GPS monitoring;

18 (B) the number of individuals who had violations
19 of paragraph (1) of subsection (a) of Section 3-3-7 of
20 the Unified Code of Corrections alleged against them
21 who were never subject to electronic or GPS monitoring
22 during their current term of release; and

23 (C) the number of individuals who had violations
24 of paragraph (1) of subsection (a) of Section 3-3-7 of
25 the Unified Code of Corrections alleged against them
26 who were subject to electronic or GPS monitoring for

1 any period of time during their current term of their
2 release, but who were not subject to such monitoring
3 at the time of the alleged violation of paragraph (1)
4 of subsection (a) of Section 3-3-7 of the Unified Code
5 of Corrections.

6 (Source: P.A. 101-231, eff. 1-1-20; 102-558, eff. 8-20-21.)