

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 finances, 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.