

1 AN ACT in relation to sex offenders.

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

4 Section 5. The Sex Offender Management Board Act is  
5 amended by changing Section 15 as follows:

6 (20 ILCS 4026/15)

7 Sec. 15. Sex Offender Management Board; creation;  
8 duties.

9 (a) There is created the Sex Offender Management Board,  
10 which shall consist of 20 members. The membership of the  
11 Board shall consist of the following persons:

12 (1) Two members appointed by the Governor  
13 representing the judiciary, one representing juvenile  
14 court matters and one representing adult criminal court  
15 matters;

16 (2) One member appointed by the Governor  
17 representing Probation Services;

18 (3) One member appointed by the Governor  
19 representing the Department of Corrections;

20 (4) One member appointed by the Governor  
21 representing the Department of Human Services;

22 (5) One member appointed by the Governor  
23 representing the Illinois State Police;

24 (6) One member appointed by the Governor  
25 representing the Department of Children and Family  
26 Services;

27 (7) One member appointed by the Attorney General  
28 representing the Office of the Attorney General;

29 (8) Two members appointed by the Attorney General  
30 who are licensed mental health professionals with  
31 documented expertise in the treatment of sex offenders;

1           (9) Two members appointed by the Attorney General  
2 who are State's Attorneys or assistant State's Attorneys,  
3 one representing juvenile court matters and one  
4 representing felony court matters;

5           (10) One member being the Cook County State's  
6 Attorney or his or her designee;

7           (11) One member being the Director of the State's  
8 Attorneys Appellate Prosecutor or his or her designee;

9           (12) One member being the Cook County Public  
10 Defender or his or her designee;

11           (13) Two members appointed by the Governor who are  
12 representatives of law enforcement, one juvenile officer  
13 and one sex crime investigator;

14           (14) Two members appointed by the Attorney General  
15 who are recognized experts in the field of sexual assault  
16 and who can represent sexual assault victims and victims'  
17 rights organizations; and

18           (15) One member being the State Appellate Defender  
19 or his or her designee.

20           (b) The Governor and the Attorney General shall appoint  
21 a presiding officer for the Board from among the board  
22 members appointed under subsection (a) of this Section, which  
23 presiding officer shall serve at the pleasure of the Governor  
24 and the Attorney General.

25           (c) Each member of the Board shall demonstrate  
26 substantial expertise and experience in the field of sexual  
27 assault.

28           (d) (1) Any member of the Board created in subsection  
29 (a) of this Section who is appointed under paragraphs (1)  
30 through (7) of subsection (a) of this Section shall serve at  
31 the pleasure of the official who appointed that member, for a  
32 term of 5 years and may be reappointed. The members shall  
33 serve without additional compensation.

34           (2) Any member of the Board created in subsection (a) of

1 this Section who is appointed under paragraphs (8) through  
2 (14) of subsection (a) of this Section shall serve for a term  
3 of 5 years and may be reappointed. The members shall serve  
4 without compensation.

5 (3) The travel costs associated with membership on the  
6 Board created in subsection (a) of this Section will be  
7 reimbursed subject to availability of funds.

8 (e) The first meeting of this Board shall be held within  
9 45 days of the effective date of this Act.

10 (f) The Board shall carry out the following duties:

11 (1) Not later than December 31, 2001, the Board  
12 shall develop and prescribe separate standardized  
13 procedures for the evaluation and identification of the  
14 offender and recommend behavior management, monitoring,  
15 and counseling based upon the knowledge that sex  
16 offenders are extremely habituated and that there is no  
17 known cure for the propensity to commit sex abuse. The  
18 Board shall develop and implement measures of success  
19 based upon a no-cure policy for intervention. The Board  
20 shall develop and implement methods of intervention for  
21 sex offenders which have as a priority the physical and  
22 psychological safety of victims and potential victims and  
23 which are appropriate to the needs of the particular  
24 offender, so long as there is no reduction of the safety  
25 of victims and potential victims.

26 (2) Not later than December 31, 2001, the Board  
27 shall develop separate guidelines and standards for a  
28 system of programs for the counseling of both juvenile  
29 and adult sex offenders which can be utilized by  
30 offenders who are placed on probation, committed to the  
31 Department of Corrections or Department of Human  
32 Services, or placed on mandatory supervised release or  
33 parole. The programs developed under this paragraph (f)  
34 shall be as flexible as possible so that the programs may

1 be utilized by each offender to prevent the offender from  
2 harming victims and potential victims. The programs  
3 shall be structured in such a manner that the programs  
4 provide a continuing monitoring process as well as a  
5 continuum of counseling programs for each offender as  
6 that offender proceeds through the justice system. Also,  
7 the programs shall be developed in such a manner that, to  
8 the extent possible, the programs may be accessed by all  
9 offenders in the justice system.

10 (3) There is established the Sex Offender  
11 Management Board Fund in the State Treasury into which  
12 funds received from public or private sources shall be  
13 deposited, and from which funds shall be appropriated to  
14 the Sex Offender Management Board for planning and  
15 research.

16 (4) The Board shall develop and prescribe a plan to  
17 research and analyze the effectiveness of the evaluation,  
18 identification, and counseling procedures and programs  
19 developed under this Act. The Board shall also develop  
20 and prescribe a system for implementation of the  
21 guidelines and standards developed under paragraph (2) of  
22 this subsection (f) and for tracking offenders who have  
23 been subjected to evaluation, identification, and  
24 counseling under this Act. In addition, the Board shall  
25 develop a system for monitoring offender behaviors and  
26 offender adherence to prescribed behavioral changes. The  
27 results of the tracking and behavioral monitoring shall  
28 be a part of any analysis made under this paragraph (4).

29 (5) The Board shall require that a sex offender who  
30 is placed on probation or released from a penal  
31 institution or mental health facility: (1) undergo  
32 continuous psychological or psychiatric treatment for his  
33 or her sexual behavior, (2) be prohibited from contacting  
34 the victim of his or her sex offense, and (3) be

1 prohibited from possessing any materials that the Board  
2 deems violent or pornographic. The Board shall also  
3 require that the released sex offender be monitored by a  
4 probation, parole, or other supervising officer approved  
5 by the Board. The Board shall require that the  
6 supervising officer approve the released sex offender's  
7 residence and place of employment. The Board shall  
8 require that the supervising officer make unannounced  
9 visits to the sex offender's residence or place of  
10 business to verify the sex offender's residence and  
11 employment. The supervising officer shall in conjunction  
12 with rules developed jointly by the Attorney General and  
13 the Board develop a community support system intended to  
14 prevent the released sex offender from committing future  
15 crimes.

16 (f-5) If a person convicted of a sex offense fails to  
17 pay any fine imposed by the court as a result of conviction  
18 for the sex offense, the Attorney General shall bring an  
19 action under Part 7 or 8 of Article XII of the Code of Civil  
20 Procedure to seek garnishment of the sex offender's assets or  
21 a wage deduction order against the sex offender for the  
22 payment of the fines imposed for the sex offense under  
23 Article 9 of Chapter V of the Unified Code of Corrections.

24 (g) The Board may promulgate rules as are necessary to  
25 carry out the duties of the Board.

26 (h) The Board and the individual members of the Board  
27 shall be immune from any liability, whether civil or  
28 criminal, for the good faith performance of the duties of the  
29 Board as specified in this Section.

30 (Source: P.A. 90-133, eff. 7-22-97; 90-793, eff. 8-14-98;  
31 91-235, eff. 7-22-99; 91-798, eff. 7-9-00.)

32 Section 10. The Unified Code of Corrections is amended  
33 by changing Sections 3-3-7 and 5-6-3 as follows:

1 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)  
2 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised  
3 Release.

4 (a) The conditions of parole or mandatory supervised  
5 release shall be such as the Prisoner Review Board deems  
6 necessary to assist the subject in leading a law-abiding  
7 life. The conditions of every parole and mandatory supervised  
8 release are that the subject:

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

11 (2) refrain from possessing a firearm or other  
12 dangerous weapon;

13 (3) report to an agent of the Department of  
14 Corrections;

15 (4) permit the agent to visit him or her at his or  
16 her home, employment, or elsewhere to the extent  
17 necessary for the agent to discharge his or her duties;

18 (5) attend or reside in a facility established for  
19 the instruction or residence of persons on parole or  
20 mandatory supervised release;

21 (6) secure permission before visiting or writing a  
22 committed person in an Illinois Department of Corrections  
23 facility;

24 (7) report all arrests to an agent of the  
25 Department of Corrections as soon as permitted by the  
26 arresting authority but in no event later than 24 hours  
27 after release from custody;

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

30 (9) obtain permission of an agent of the Department  
31 of Corrections before changing his or her residence or  
32 employment;

33 (10) consent to a search of his or her person,  
34 property, or residence under his or her control;

1           (11) refrain from the use or possession of  
2 narcotics or other controlled substances in any form, or  
3 both, or any paraphernalia related to those substances  
4 and submit to a urinalysis test as instructed by a parole  
5 agent of the Department of Corrections;

6           (12) not frequent places where controlled  
7 substances are illegally sold, used, distributed, or  
8 administered;

9           (13) not knowingly associate with other persons on  
10 parole or mandatory supervised release without prior  
11 written permission of his or her parole agent and not  
12 associate with persons who are members of an organized  
13 gang as that term is defined in the Illinois Streetgang  
14 Terrorism Omnibus Prevention Act;

15           (14) provide true and accurate information, as it  
16 relates to his or her adjustment in the community while  
17 on parole or mandatory supervised release or to his or  
18 her conduct while incarcerated, in response to inquiries  
19 by his or her parole agent or of the Department of  
20 Corrections; and

21           (15) follow any specific instructions provided by  
22 the parole agent that are consistent with furthering  
23 conditions set and approved by the Prisoner Review Board  
24 or by law, exclusive of placement on electronic  
25 detention, to achieve the goals and objectives of his or  
26 her parole or mandatory supervised release or to protect  
27 the public. These instructions by the parole agent may be  
28 modified at any time, as the agent deems appropriate.

29           (b) The Board may in addition to other conditions  
30 require that the subject:

31           (1) work or pursue a course of study or vocational  
32 training;

33           (2) undergo medical or psychiatric treatment, or  
34 treatment for drug addiction or alcoholism;

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

4           (4) support his dependents;

5           (5) (blank);

6           (6) (blank);

7           (7) comply with the terms and conditions of an  
8 order of protection issued pursuant to the Illinois  
9 Domestic Violence Act of 1986, enacted by the 84th  
10 General Assembly, or an order of protection issued by the  
11 court of another state, tribe, or United States  
12 territory; and

13          (8) in addition, if a minor:

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

16           (ii) attend school;

17           (iii) attend a non-residential program for  
18 youth; or

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

21          (b-5) A sex offender as defined in the Sex Offender  
22 Management Board Act who is placed on parole or mandatory  
23 supervised release shall be subject to the provisions of  
24 paragraph (5) of subsection (f) of Section 15 of that Act.

25          (c) The conditions under which the parole or mandatory  
26 supervised release is to be served shall be communicated to  
27 the person in writing prior to his release, and he shall sign  
28 the same before release. A signed copy of these conditions,  
29 including a copy of an order of protection where one had been  
30 issued by the criminal court, shall be retained by the person  
31 and another copy forwarded to the officer in charge of his  
32 supervision.

33          (d) After a hearing under Section 3-3-9, the Prisoner  
34 Review Board may modify or enlarge the conditions of parole



1 or mandatory supervised release.

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

7 (Source: P.A. 91-903, eff. 1-1-01; 92-460, eff. 1-1-02.)

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  
16 person or agency as directed by the court;

17 (3) refrain from possessing a firearm or other  
18 dangerous weapon;

19 (4) not leave the State without the consent of the  
20 court or, in circumstances in which the reason for the  
21 absence is of such an emergency nature that prior consent  
22 by the court is not possible, without the prior  
23 notification and approval of the person's probation  
24 officer. Transfer of a person's probation or conditional  
25 discharge supervision to another state is subject to  
26 acceptance by the other state pursuant to the Interstate  
27 Compact for Adult Offender Supervision;

28 (5) permit the probation officer to visit him at  
29 his home or elsewhere to the extent necessary to  
30 discharge his duties;

31 (6) perform no less than 30 hours of community  
32 service and not more than 120 hours of community service,  
33 if community service is available in the jurisdiction and

1 is funded and approved by the county board where the  
2 offense was committed, where the offense was related to  
3 or in furtherance of the criminal activities of an  
4 organized gang and was motivated by the offender's  
5 membership in or allegiance to an organized gang. The  
6 community service shall include, but not be limited to,  
7 the cleanup and repair of any damage caused by a  
8 violation of Section 21-1.3 of the Criminal Code of 1961  
9 and similar damage to property located within the  
10 municipality or county in which the violation occurred.  
11 When possible and reasonable, the community service  
12 should be performed in the offender's neighborhood. For  
13 purposes of this Section, "organized gang" has the  
14 meaning ascribed to it in Section 10 of the Illinois  
15 Streetgang Terrorism Omnibus Prevention Act;

16 (7) if he or she is at least 17 years of age and  
17 has been sentenced to probation or conditional discharge  
18 for a misdemeanor or felony in a county of 3,000,000 or  
19 more inhabitants and has not been previously convicted of  
20 a misdemeanor or felony, may be required by the  
21 sentencing court to attend educational courses designed  
22 to prepare the defendant for a high school diploma and to  
23 work toward a high school diploma or to work toward  
24 passing the high school level Test of General Educational  
25 Development (GED) or to work toward completing a  
26 vocational training program approved by the court. The  
27 person on probation or conditional discharge must attend  
28 a public institution of education to obtain the  
29 educational or vocational training required by this  
30 clause (7). The court shall revoke the probation or  
31 conditional discharge of a person who wilfully fails to  
32 comply with this clause (7). The person on probation or  
33 conditional discharge shall be required to pay for the  
34 cost of the educational courses or GED test, if a fee is

1 charged for those courses or test. The court shall  
2 resentence the offender whose probation or conditional  
3 discharge has been revoked as provided in Section 5-6-4.  
4 This clause (7) does not apply to a person who has a  
5 high school diploma or has successfully passed the GED  
6 test. This clause (7) does not apply to a person who is  
7 determined by the court to be developmentally disabled or  
8 otherwise mentally incapable of completing the  
9 educational or vocational program;

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

21 (9) if convicted of a felony, physically surrender  
22 at a time and place designated by the court, his or her  
23 Firearm Owner's Identification Card and any and all  
24 firearms in his or her possession.

25 (b) The Court may in addition to other reasonable  
26 conditions relating to the nature of the offense or the  
27 rehabilitation of the defendant as determined for each  
28 defendant in the proper discretion of the Court require that  
29 the person:

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

33 (2) pay a fine and costs;

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

1 training;

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

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

6 (6) support his dependents;

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

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

10 (ii) attend school;

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

13 (iv) contribute to his own support at home or  
14 in a foster home;

15 (v) with the consent of the superintendent of  
16 the facility, attend an educational program at a  
17 facility other than the school in which the offense  
18 was committed if he or she is convicted of a crime  
19 of violence as defined in Section 2 of the Crime  
20 Victims Compensation Act committed in a school, on  
21 the real property comprising a school, or within  
22 1,000 feet of the real property comprising a school;

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

25 (9) perform some reasonable public or community  
26 service;

27 (10) serve a term of home confinement. In addition  
28 to any other applicable condition of probation or  
29 conditional discharge, the conditions of home confinement  
30 shall be that the offender:

31 (i) remain within the interior premises of the  
32 place designated for his confinement during the  
33 hours designated by the court;

34 (ii) admit any person or agent designated by

1 the court into the offender's place of confinement  
2 at any time for purposes of verifying the offender's  
3 compliance with the conditions of his confinement;  
4 and

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

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

26 (v) for persons convicted of offenses other  
27 than those referenced in clause (iv) above and who  
28 are placed on an approved monitoring device as a  
29 condition of probation or conditional discharge, the  
30 court shall impose a reasonable fee for each day of  
31 the use of the device, as established by the county  
32 board in subsection (g) of this Section, unless  
33 after determining the inability of the defendant to  
34 pay the fee, the court assesses a lesser fee or no

1 fee as the case may be. This fee shall be imposed  
2 in addition to the fees imposed under subsections  
3 (g) and (i) of this Section. The fee shall be  
4 collected by the clerk of the circuit court. The  
5 clerk of the circuit court shall pay all monies  
6 collected from this fee to the county treasurer who  
7 shall use the monies collected to defray the costs  
8 of corrections. The county treasurer shall deposit  
9 the fee collected in the county working cash fund  
10 under Section 6-27001 or Section 6-29002 of the  
11 Counties Code, as the case may be.

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

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

26 (13) contribute a reasonable sum of money, not to  
27 exceed the maximum amount of the fine authorized for the  
28 offense for which the defendant was sentenced, to a  
29 "local anti-crime program", as defined in Section 7 of  
30 the Anti-Crime Advisory Council Act;

31 (14) refrain from entering into a designated  
32 geographic area except upon such terms as the court finds  
33 appropriate. Such terms may include consideration of the  
34 purpose of the entry, the time of day, other persons

1 accompanying the defendant, and advance approval by a  
2 probation officer, if the defendant has been placed on  
3 probation or advance approval by the court, if the  
4 defendant was placed on conditional discharge;

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

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

15 (b-5) A sex offender as defined in the Sex Offender  
16 Management Board Act who is placed on probation or  
17 conditional discharge shall be subject to the provisions of  
18 paragraph (5) of subsection (f) of Section 15 of that Act.

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

29 (d) An offender sentenced to probation or to conditional  
30 discharge shall be given a certificate setting forth the  
31 conditions thereof.

32 (e) Except where the offender has committed a fourth or  
33 subsequent violation of subsection (c) of Section 6-303 of  
34 the Illinois Vehicle Code, the court shall not require as a

1 condition of the sentence of probation or conditional  
2 discharge that the offender be committed to a period of  
3 imprisonment in excess of 6 months. This 6 month limit shall  
4 not include periods of confinement given pursuant to a  
5 sentence of county impact incarceration under Section  
6 5-8-1.2. This 6 month limit does not apply to a person  
7 sentenced to probation as a result of a conviction of a  
8 fourth or subsequent violation of subsection (c-4) of Section  
9 11-501 of the Illinois Vehicle Code or a similar provision of  
10 a local ordinance.

11 Persons committed to imprisonment as a condition of  
12 probation or conditional discharge shall not be committed to  
13 the Department of Corrections.

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

18 (g) An offender sentenced to probation or to conditional  
19 discharge and who during the term of either undergoes  
20 mandatory drug or alcohol testing, or both, or is assigned to  
21 be placed on an approved electronic monitoring device, shall  
22 be ordered to pay all costs incidental to such mandatory drug  
23 or alcohol testing, or both, and all costs incidental to such  
24 approved electronic monitoring in accordance with the  
25 defendant's ability to pay those costs. The county board  
26 with the concurrence of the Chief Judge of the judicial  
27 circuit in which the county is located shall establish  
28 reasonable fees for the cost of maintenance, testing, and  
29 incidental expenses related to the mandatory drug or alcohol  
30 testing, or both, and all costs incidental to approved  
31 electronic monitoring, involved in a successful probation  
32 program for the county. The concurrence of the Chief Judge  
33 shall be in the form of an administrative order. The fees  
34 shall be collected by the clerk of the circuit court. The



1 clerk of the circuit court shall pay all moneys collected  
2 from these fees to the county treasurer who shall use the  
3 moneys collected to defray the costs of drug testing, alcohol  
4 testing, and electronic monitoring. The county treasurer  
5 shall deposit the fees collected in the county working cash  
6 fund under Section 6-27001 or Section 6-29002 of the Counties  
7 Code, as the case may be.

8 (h) Jurisdiction over an offender may be transferred  
9 from the sentencing court to the court of another circuit  
10 with the concurrence of both courts. Further transfers or  
11 retransfers of jurisdiction are also authorized in the same  
12 manner. The court to which jurisdiction has been transferred  
13 shall have the same powers as the sentencing court.

14 (i) The court shall impose upon an offender sentenced to  
15 probation after January 1, 1989 or to conditional discharge  
16 after January 1, 1992, as a condition of such probation or  
17 conditional discharge, a fee of \$25 for each month of  
18 probation or conditional discharge supervision ordered by the  
19 court, unless after determining the inability of the person  
20 sentenced to probation or conditional discharge to pay the  
21 fee, the court assesses a lesser fee. The court may not  
22 impose the fee on a minor who is made a ward of the State  
23 under the Juvenile Court Act of 1987 while the minor is in  
24 placement. The fee shall be imposed only upon an offender who  
25 is actively supervised by the probation and court services  
26 department. The fee shall be collected by the clerk of the  
27 circuit court. The clerk of the circuit court shall pay all  
28 monies collected from this fee to the county treasurer for  
29 deposit in the probation and court services fund under  
30 Section 15.1 of the Probation and Probation Officers Act.

31 (j) All fines and costs imposed under this Section for  
32 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
33 Vehicle Code, or a similar provision of a local ordinance,  
34 and any violation of the Child Passenger Protection Act, or a

1 similar provision of a local ordinance, shall be collected  
2 and disbursed by the circuit clerk as provided under Section  
3 27.5 of the Clerks of Courts Act.

4 (Source: P.A. 91-325, eff. 7-29-99; 91-696, eff. 4-13-00;  
5 91-903, eff. 1-1-01; 92-282, eff. 8-7-01; 92-340, eff.  
6 8-10-01; 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; 92-571,  
7 eff. 6-26-02; 92-651, eff. 7-11-02.)