

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 Sections 10 and 15 and adding Sections
6 16, 17, and 18 as follows:

7 (20 ILCS 4026/10)

8 Sec. 10. Definitions. In this Act, unless the context
9 otherwise requires:

10 (a) "Board" means the Sex Offender Management Board
11 created in Section 15.

12 (b) "Sex offender" means any person who is convicted or
13 found delinquent in the State of Illinois, or under any
14 substantially similar federal law or law of another state, of
15 any sex offense or attempt of a sex offense as defined in
16 subsection (c) of this Section, or any former statute of this
17 State that defined a felony sex offense, or who has been
18 certified as a sexually dangerous person under the Sexually
19 Dangerous Persons Act or declared a sexually violent person
20 under the Sexually Violent Persons Commitment Act, or any
21 substantially similar federal law or law of another state.

22 (c) "Sex offense" means any felony or misdemeanor
23 offense described in this subsection (c) as follows:

24 (1) Indecent solicitation of a child, in violation
25 of Section 11-6 of the Criminal Code of 1961;

26 (2) Indecent solicitation of an adult, in violation
27 of Section 11-6.5 of the Criminal Code of 1961;

28 (3) Public indecency, in violation of Section 11-9
29 of the Criminal Code of 1961;

30 (4) Sexual exploitation of a child, in violation of
31 Section 11-9.1 of the Criminal Code of 1961;

- 1 (5) Sexual relations within families, in violation
- 2 of Section 11-11 of the Criminal Code of 1961;
- 3 (6) Soliciting for a juvenile prostitute, in
- 4 violation of Section 11-15.1 of the Criminal Code of
- 5 1961;
- 6 (7) Keeping a place of juvenile prostitution, in
- 7 violation of Section 11-17.1 of the Criminal Code of
- 8 1961;
- 9 (8) Patronizing a juvenile prostitute, in violation
- 10 of Section 11-18.1 of the Criminal Code of 1961;
- 11 (9) Juvenile pimping, in violation of Section
- 12 11-19.1 of the Criminal Code of 1961;
- 13 (10) Exploitation of a child, in violation of
- 14 Section 11-19.2 of the Criminal Code of 1961;
- 15 (11) Child pornography, in violation of Section
- 16 11-20.1 of the Criminal Code of 1961;
- 17 (12) Harmful material, in violation of Section
- 18 11-21 of the Criminal Code of 1961;
- 19 (13) Criminal sexual assault, in violation of
- 20 Section 12-13 of the Criminal Code of 1961;
- 21 (14) Aggravated criminal sexual assault, in
- 22 violation of Section 12-14 of the Criminal Code of 1961;
- 23 (15) Predatory criminal sexual assault of a child,
- 24 in violation of Section 12-14.1 of the Criminal Code of
- 25 1961;
- 26 (16) Criminal sexual abuse, in violation of Section
- 27 12-15 of the Criminal Code of 1961;
- 28 (17) Aggravated criminal sexual abuse, in violation
- 29 of Section 12-16 of the Criminal Code of 1961;
- 30 (18) Ritualized abuse of a child, in violation of
- 31 Section 12-33 of the Criminal Code of 1961;
- 32 (19) An attempt to commit any of the offenses
- 33 enumerated in this subsection (c); or-
- 34 (20) Any felony offense under Illinois law that is

1 sexually motivated.

2 (d) "Management" means counseling, monitoring, and
3 supervision of any sex offender that conforms to the
4 standards created by the Board under Section 15.

5 (e) "Sexually motivated" means one or more of the facts
6 of the underlying offense indicates conduct that is of a
7 sexual nature or that shows an intent to engage in behavior
8 of a sexual nature.

9 (Source: P.A. 90-133, eff. 7-22-97; 90-793, eff. 8-14-98.)

10 (20 ILCS 4026/15)

11 Sec. 15. Sex Offender Management Board; creation;
12 duties.

13 (a) There is created the Sex Offender Management Board,
14 which shall consist of ~~24~~ 20 members. The membership of the
15 Board shall consist of the following persons:

16 (1) Two members appointed by the Governor
17 representing the judiciary, one representing juvenile
18 court matters and one representing adult criminal court
19 matters;

20 (2) One member appointed by the Governor
21 representing Probation Services;

22 (3) One member appointed by the Governor
23 representing the Department of Corrections;

24 (4) One member appointed by the Governor
25 representing the Department of Human Services;

26 (5) One member appointed by the Governor
27 representing the Illinois State Police;

28 (6) One member appointed by the Governor
29 representing the Department of Children and Family
30 Services;

31 (7) One member appointed by the Attorney General
32 representing the Office of the Attorney General;

33 (8) Two members appointed by the Attorney General

1 who are licensed mental health professionals with
2 documented expertise in the treatment of sex offenders;

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

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

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

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

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

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

20 (15) One member being the State Appellate Defender
21 or his or her designee;

22 (16) One member being the President of the Illinois
23 Polygraph Society or his or her designee;

24 (17) One member being the Executive Director of the
25 Criminal Justice Information Authority or his or her
26 designee;

27 (18) One member being the President of the Illinois
28 Chapter of the Association for the Treatment of Sexual
29 Abusers or his or her designee; and

30 (19) One member representing the Illinois Principal
31 Association.

32 (b) The Governor and the Attorney General shall appoint
33 a presiding officer for the Board from among the board
34 members appointed under subsection (a) of this Section, which

1 presiding officer shall serve at the pleasure of the Governor
2 and the Attorney General.

3 (c) Each member of the Board shall demonstrate
4 substantial expertise and experience in the field of sexual
5 assault.

6 (d) (1) Any member of the Board created in subsection
7 (a) of this Section who is appointed under paragraphs (1)
8 through (7) of subsection (a) of this Section shall serve at
9 the pleasure of the official who appointed that member, for a
10 term of 5 years and may be reappointed. The members shall
11 serve without additional compensation.

12 (2) Any member of the Board created in subsection (a) of
13 this Section who is appointed under paragraphs (8) through
14 (14) of subsection (a) of this Section shall serve for a term
15 of 5 years and may be reappointed. The members shall serve
16 without compensation.

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

20 (e) The first meeting of this Board shall be held within
21 45 days of the effective date of this Act.

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

23 (1) Not later than December 31, 2001, the Board
24 shall develop and prescribe separate standardized
25 procedures for the evaluation and identification of the
26 offender and recommend behavior management, monitoring,
27 and treatment counseling based upon the knowledge that
28 sex offenders are extremely habituated and that there is
29 no known cure for the propensity to commit sex abuse.
30 The Board shall develop and implement measures of success
31 based upon a no-cure policy for intervention. The Board
32 shall develop and implement methods of intervention for
33 sex offenders which have as a priority the physical and
34 psychological safety of victims and potential victims and

1 which are appropriate to the needs of the particular
2 offender, so long as there is no reduction of the safety
3 of victims and potential victims.

4 (2) Not later than December 31, 2001, the Board
5 shall develop separate guidelines and standards for a
6 system of programs for the evaluation and treatment
7 counseling of both juvenile and adult sex offenders which
8 shall can be utilized by offenders who are placed on
9 probation, committed to the Department of Corrections or
10 Department of Human Services, or placed on mandatory
11 supervised release or parole. The programs developed
12 under this paragraph (f) shall be as flexible as possible
13 so that the programs may be utilized by each offender to
14 prevent the offender from harming victims and potential
15 victims. The programs shall be structured in such a
16 manner that the programs provide a continuing monitoring
17 process as well as a continuum of counseling programs for
18 each offender as that offender proceeds through the
19 justice system. Also, the programs shall be developed in
20 such a manner that, to the extent possible, the programs
21 may be accessed by all offenders in the justice system.

22 (3) There is established the Sex Offender
23 Management Board Fund in the State Treasury into which
24 funds received from public or private sources shall be
25 deposited, and from which funds shall be appropriated to
26 the Sex Offender Management Board for planning and
27 research.

28 (4) The Board shall develop and prescribe a plan to
29 research and analyze the effectiveness of the evaluation,
30 identification, and counseling procedures and programs
31 developed under this Act. The Board shall also develop
32 and prescribe a system for implementation of the
33 guidelines and standards developed under paragraph (2) of
34 this subsection (f) and for tracking offenders who have

1 been subjected to evaluation, identification, and
 2 treatment ~~eounseling~~ under this Act. In addition, the
 3 Board shall develop a system for monitoring offender
 4 behaviors and offender adherence to prescribed behavioral
 5 changes. The results of the tracking and behavioral
 6 monitoring shall be a part of any analysis made under
 7 this paragraph (4).

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

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

14 (Source: P.A. 90-133, eff. 7-22-97; 90-793, eff. 8-14-98;
 15 91-235, eff. 7-22-99; 91-798, eff. 7-9-00.)

16 (20 ILCS 4026/16 new)

17 Sec. 16. Sex offender evaluation and identification
 18 required.

19 (a) Beginning on the effective date of this amendatory
 20 Act of the 93rd General Assembly, each sex offender who is to
 21 be considered for probation shall be required as part of the
 22 pre-sentence or social investigation to submit to an
 23 evaluation for treatment, an evaluation for risk, and
 24 procedures for monitoring of behavior to protect victims and
 25 potential victims developed pursuant to item (1) of
 26 subsection (f) of Section 15 of this Act.

27 (b) The evaluation required by subsection (a) of this
 28 Section shall be by an evaluator approved by the Sex Offender
 29 Management Board and shall be at the expense of the person
 30 evaluated, based upon that person's ability to pay for such
 31 treatment.

32 (20 ILCS 4026/17 new)

1 Sec. 17. Sentencing of sex offenders; treatment based
2 upon evaluation and identification required.

3 (a) Each sex offender sentenced by the court for a sex
4 offense shall be required as a part of any sentence to
5 probation, conditional release, or periodic imprisonment to
6 undergo treatment based upon the recommendations of the
7 evaluation made pursuant to Section 16 or based upon any
8 subsequent recommendations by the Administrative Office of
9 the Illinois Courts or the county probation department,
10 whichever is appropriate. Any such treatment and monitoring
11 shall be at a facility or with a person approved by the Board
12 and at such offender's own expense based upon the offender's
13 ability to pay for such treatment.

14 (b) Beginning on the effective date of this amendatory
15 Act of the 93rd General Assembly, each sex offender placed on
16 parole or mandatory supervised release by the Prisoner Review
17 Board shall be required as a condition of parole to undergo
18 treatment based upon any evaluation or subsequent
19 reevaluation regarding such offender during the offender's
20 incarceration or any period of parole. Any such treatment
21 shall be by an individual approved by the Board and at the
22 offender's expense based upon the offender's ability to pay
23 for such treatment.

24 (20 ILCS 4026/18 new)

25 Sec. 18. Sex offender treatment contracts with
26 providers. The county probation department, the Illinois
27 Department of Corrections, or the Department of Human
28 Services shall not employ or contract with and shall not
29 allow a sex offender to employ or contract with any
30 individual or entity to provide sex offender evaluation or
31 treatment services pursuant to this Act unless the sex
32 offender evaluation or treatment services provided are by an
33 individual approved by the Board pursuant to item (2) of

1 subsection (f) of Section 15 of this Act.

2 Section 10. The Juvenile Court Act of 1987 is amended by
3 changing Sections 5-701 and 5-715 as follows:

4 (705 ILCS 405/5-701)

5 Sec. 5-701. Social investigation report. Upon the order
6 of the court, a social investigation report shall be prepared
7 and delivered to the parties at least 3 days prior to the
8 sentencing hearing. The written report of social
9 investigation shall include an investigation and report of
10 the minor's physical and mental history and condition, family
11 situation and background, economic status, education,
12 occupation, personal habits, minor's history of delinquency
13 or criminality or other matters which have been brought to
14 the attention of the juvenile court, information about
15 special resources known to the person preparing the report
16 which might be available to assist in the minor's
17 rehabilitation, and any other matters which may be helpful to
18 the court or which the court directs to be included.

19 Any minor found to be guilty of a sex offense as defined
20 by the Sex Offender Management Board Act shall be required as
21 part of the social investigation to submit to a sex offender
22 evaluation. The evaluation shall be performed in conformance
23 with the standards developed under the Sex Offender
24 Management Board Act and by an evaluator approved by the
25 Board.

26 (Source: P.A. 90-590, eff. 1-1-99.)

27 (705 ILCS 405/5-715)

28 Sec. 5-715. Probation.

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

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

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

12 (a) not violate any criminal statute of any
13 jurisdiction;

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

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

18 (d) undergo medical or psychiatric treatment,
19 rendered by a psychiatrist or psychological treatment
20 rendered by a clinical psychologist or social work
21 services rendered by a clinical social worker, or
22 treatment for drug addiction or alcoholism;

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

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

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

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

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

32 (j) attend school;

33 (j-5) with the consent of the superintendent of the
34 facility, attend an educational program at a facility

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

7 (k) attend a non-residential program for youth;

8 (l) make restitution under the terms of subsection
9 (4) of Section 5-710;

10 (m) contribute to his or her own support at home or
11 in a foster home;

12 (n) perform some reasonable public or community
13 service;

14 (o) participate with community corrections programs
15 including unified delinquency intervention services
16 administered by the Department of Human Services subject
17 to Section 5 of the Children and Family Services Act;

18 (p) pay costs;

19 (q) serve a term of home confinement. In addition
20 to any other applicable condition of probation or
21 conditional discharge, the conditions of home confinement
22 shall be that the minor:

23 (i) remain within the interior premises of the
24 place designated for his or her confinement during
25 the hours designated by the court;

26 (ii) admit any person or agent designated by
27 the court into the minor's place of confinement at
28 any time for purposes of verifying the minor's
29 compliance with the conditions of his or her
30 confinement; and

31 (iii) use an approved electronic monitoring
32 device if ordered by the court subject to Article 8A
33 of Chapter V of the Unified Code of Corrections;

34 (r) refrain from entering into a designated

1 geographic area except upon terms as the court finds
2 appropriate. The terms may include consideration of the
3 purpose of the entry, the time of day, other persons
4 accompanying the minor, and advance approval by a
5 probation officer, if the minor has been placed on
6 probation, or advance approval by the court, if the minor
7 has been placed on conditional discharge;

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

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

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

21 (u) comply with other conditions as may be ordered
22 by the court.

23 (3) The court may as a condition of probation or of
24 conditional discharge require that a minor found guilty on
25 any alcohol, cannabis, or controlled substance violation,
26 refrain from acquiring a driver's license during the period
27 of probation or conditional discharge. If the minor is in
28 possession of a permit or license, the court may require that
29 the minor refrain from driving or operating any motor vehicle
30 during the period of probation or conditional discharge,
31 except as may be necessary in the course of the minor's
32 lawful employment.

33 (3.5) The court shall, as a condition of probation or of
34 conditional discharge, require that a minor found to be

1 guilty and placed on probation for reasons that include a
2 violation of Section 3.02 or Section 3.03 of the Humane Care
3 for Animals Act or paragraph (d) of subsection (1) of Section
4 21-1 of the Criminal Code of 1961 undergo medical or
5 psychiatric treatment rendered by a psychiatrist or
6 psychological treatment rendered by a clinical psychologist.
7 The condition may be in addition to any other condition.

8 (3.10) The court shall order that a minor placed on
9 probation or conditional discharge for a sex offense as
10 defined in the Sex Offender Management Board Act undergo and
11 successfully complete sex offender treatment. The treatment
12 shall be in conformance with the standards developed under
13 the Sex Offender Management Board Act and conducted by a
14 treatment provider approved by the Board. The treatment
15 shall be at the expense of the person evaluated based upon
16 that person's ability to pay for the treatment.

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

20 (5) The court shall impose upon a minor placed on
21 probation or conditional discharge, as a condition of the
22 probation or conditional discharge, a fee of \$25 for each
23 month of probation or conditional discharge supervision
24 ordered by the court, unless after determining the inability
25 of the minor placed on probation or conditional discharge to
26 pay the fee, the court assesses a lesser amount. The court
27 may not impose the fee on a minor who is made a ward of the
28 State under this Act while the minor is in placement. The
29 fee shall be imposed only upon a minor who is actively
30 supervised by the probation and court services department.
31 The court may order the parent, guardian, or legal custodian
32 of the minor to pay some or all of the fee on the minor's
33 behalf.

34 (6) The General Assembly finds that in order to protect

1 the public, the juvenile justice system must compel
2 compliance with the conditions of probation by responding to
3 violations with swift, certain, and fair punishments and
4 intermediate sanctions. The Chief Judge of each circuit
5 shall adopt a system of structured, intermediate sanctions
6 for violations of the terms and conditions of a sentence of
7 supervision, probation or conditional discharge, under this
8 Act.

9 The court shall provide as a condition of a disposition
10 of probation, conditional discharge, or supervision, that the
11 probation agency may invoke any sanction from the list of
12 intermediate sanctions adopted by the chief judge of the
13 circuit court for violations of the terms and conditions of
14 the sentence of probation, conditional discharge, or
15 supervision, subject to the provisions of Section 5-720 of
16 this Act.

17 (Source: P.A. 91-98, eff. 1-1-00; 92-282, eff. 8-7-01;
18 92-454, eff. 1-1-02; 92-651, eff. 7-11-02.)

19 Section 15. The Sexually Dangerous Persons Act is
20 amended by changing Section 8 as follows:

21 (725 ILCS 205/8) (from Ch. 38, par. 105-8)

22 Sec. 8. If the respondent is found to be a sexually
23 dangerous person then the court shall appoint the Director of
24 Corrections guardian of the person found to be sexually
25 dangerous and such person shall stand committed to the
26 custody of such guardian. The Director of Corrections as
27 guardian shall keep safely the person so committed until the
28 person has recovered and is released as hereinafter provided.
29 The Director of Corrections as guardian shall provide care
30 and treatment for the person committed to him designed to
31 effect recovery. Any treatment provided under this Section
32 shall be in conformance with the standards promulgated by the

1 Sex Offender Management Board and conducted by a treatment
 2 provider approved by the Board. The Director may place that
 3 ward in any facility in the Department of Corrections or
 4 portion thereof set aside for the care and treatment of
 5 sexually dangerous persons. The Department of Corrections may
 6 also request another state Department or Agency to examine
 7 such person and upon such request, such Department or Agency
 8 shall make such examination and the Department of Corrections
 9 may, with the consent of the chief executive officer of such
 10 other Department or Agency, thereupon place such person in
 11 the care and treatment of such other Department or Agency.
 12 (Source: P.A. 92-786, eff. 8-6-02.)

13 Section 20. The Sexually Violent Persons Commitment Act
 14 is amended by changing Sections 10, 25, 30, 40, 55, 60, and
 15 65 as follows:

16 (725 ILCS 207/10)

17 Sec. 10. Notice to the Attorney General and State's
 18 Attorney.

19 (a) In this Act, "agency with jurisdiction" means the
 20 agency with the authority or duty to release or discharge the
 21 person.

22 (b) If an agency with jurisdiction has control or
 23 custody over a person who may meet the criteria for
 24 commitment as a sexually violent person, the agency with
 25 jurisdiction shall inform the Attorney General and the
 26 State's Attorney in a position to file a petition under
 27 paragraph (a)(2) of Section 15 of this Act regarding the
 28 person as soon as possible beginning 3 months prior to the
 29 applicable date of the following:

30 (1) The anticipated release from imprisonment or
 31 the anticipated entry into mandatory supervised release
 32 of a person who has been convicted of a sexually violent

1 offense.

2 (2) The anticipated release from a Department of
3 Corrections correctional facility or juvenile
4 correctional facility of a person adjudicated delinquent
5 under Section 5-20 of the Juvenile Court Act of 1987 (now
6 repealed) or found guilty under Section 5-620 of that
7 Act, on the basis of a sexually violent offense.

8 (3) The discharge or conditional release of a
9 person who has been found not guilty of a sexually
10 violent offense by reason of insanity under Section 5-2-4
11 of the Unified Code of Corrections.

12 (c) The agency with jurisdiction shall provide the
13 Attorney General and the State's Attorney with all of the
14 following:

15 (1) The person's name, identifying factors,
16 anticipated future residence and offense history;

17 (2) A comprehensive evaluation of the person's
18 mental condition, the basis upon which a determination
19 has been made that the person is subject to commitment
20 under subsection (b) of Section 15 of this Act and a
21 recommendation for action in furtherance of the purposes
22 of this Act. The evaluation shall be conducted in
23 conformance with the standards developed under the Sex
24 Offender Management Board Act and by an evaluator
25 approved by the Board; and

26 (3) If applicable, documentation of any treatment
27 and the person's adjustment to any institutional
28 placement.

29 (d) Any agency or officer, employee or agent of an
30 agency is immune from criminal or civil liability for any
31 acts or omissions as the result of a good faith effort to
32 comply with this Section.

33 (Source: P.A. 90-40, eff. 1-1-98; 90-793, eff. 8-14-98;
34 91-357, eff. 7-29-99.)

1 (725 ILCS 207/25)

2 Sec. 25. Rights of persons subject to petition.

3 (a) Any person who is the subject of a petition filed
4 under Section 15 of this Act shall be served with a copy of
5 the petition in accordance with the Civil Practice Law.

6 (b) The circuit court in which a petition under Section
7 15 of this Act is filed shall conduct all hearings under this
8 Act. The court shall give the person who is the subject of
9 the petition reasonable notice of the time and place of each
10 such hearing. The court may designate additional persons to
11 receive these notices.

12 (c) Except as provided in paragraph (b)(1) of Section 65
13 and Section 70 of this Act, at any hearing conducted under
14 this Act, the person who is the subject of the petition has
15 the right to:

16 (1) To be present and to be represented by counsel.
17 If the person is indigent, the court shall appoint
18 counsel.

19 (2) Remain silent.

20 (3) Present and cross-examine witnesses.

21 (4) Have the hearing recorded by a court reporter.

22 (d) The person who is the subject of the petition, the
23 person's attorney, the Attorney General or the State's
24 Attorney may request that a trial under Section 35 of this
25 Act be to a jury. A verdict of a jury under this Act is not
26 valid unless it is unanimous.

27 (e) Whenever the person who is the subject of the
28 petition is required to submit to an examination under this
29 Act, he or she may retain experts or professional persons to
30 perform an examination. The respondent's chosen evaluator
31 must be approved by the Sex Offender Management Board and the
32 evaluation must be conducted in conformance with the
33 standards developed under the Sex Offender Management Board
34 Act. If the person retains a qualified expert or

1 professional person of his or her own choice to conduct an
2 examination, the examiner shall have reasonable access to the
3 person for the purpose of the examination, as well as to the
4 person's past and present treatment records and patient
5 health care records. If the person is indigent, the court
6 shall, upon the person's request, appoint a qualified and
7 available expert or professional person to perform an
8 examination. Upon the order of the circuit court, the county
9 shall pay, as part of the costs of the action, the costs of a
10 court-appointed expert or professional person to perform an
11 examination and participate in the trial on behalf of an
12 indigent person.

13 (Source: P.A. 90-40, eff. 1-1-98.)

14 (725 ILCS 207/30)

15 Sec. 30. Detention; probable cause hearing; transfer for
16 examination.

17 (a) Upon the filing of a petition under Section 15 of
18 this Act, the court shall review the petition to determine
19 whether to issue an order for detention of the person who is
20 the subject of the petition. The person shall be detained
21 only if there is cause to believe that the person is eligible
22 for commitment under subsection (f) of Section 35 of this
23 Act. A person detained under this Section shall be held in a
24 facility approved by the Department. If the person is
25 serving a sentence of imprisonment, is in a Department of
26 Corrections correctional facility or juvenile correctional
27 facility or is committed to institutional care, and the court
28 orders detention under this Section, the court shall order
29 that the person be transferred to a detention facility
30 approved by the Department. A detention order under this
31 Section remains in effect until the person is discharged
32 after a trial under Section 35 of this Act or until the
33 effective date of a commitment order under Section 40 of this

1 Act, whichever is applicable.

2 (b) Whenever a petition is filed under Section 15 of
3 this Act, the court shall hold a hearing to determine whether
4 there is probable cause to believe that the person named in
5 the petition is a sexually violent person. If the person
6 named in the petition is in custody, the court shall hold the
7 probable cause hearing within 72 hours after the petition is
8 filed, excluding Saturdays, Sundays and legal holidays. The
9 court may grant a continuance of the probable cause hearing
10 for no more than 7 additional days upon the motion of the
11 respondent, for good cause. If the person named in the
12 petition has been released, is on parole, is on mandatory
13 supervised release, or otherwise is not in custody, the court
14 shall hold the probable cause hearing within a reasonable
15 time after the filing of the petition. At the probable cause
16 hearing, the court shall admit and consider all relevant
17 hearsay evidence.

18 (c) If the court determines after a hearing that there
19 is probable cause to believe that the person named in the
20 petition is a sexually violent person, the court shall order
21 that the person be taken into custody if he or she is not in
22 custody and shall order the person to be transferred within a
23 reasonable time to an appropriate facility for an evaluation
24 as to whether the person is a sexually violent person. If the
25 person who is named in the petition refuses to speak to,
26 communicate with, or otherwise fails to cooperate with the
27 examining evaluator from the Department of Human Services or
28 the Department of Corrections, that person may only introduce
29 evidence and testimony from any expert or professional person
30 who is retained or court-appointed to conduct an examination
31 of the person that results from a review of the records and
32 may not introduce evidence resulting from an examination of
33 the person. Any evaluation conducted under this Section shall
34 be by an evaluator approved by the Sex Offender Management

1 Board and conducted in conformance with the standards
 2 developed under the Sex Offender Management Board Act.
 3 Notwithstanding the provisions of Section 10 of the Mental
 4 Health and Developmental Disabilities Confidentiality Act,
 5 all evaluations conducted pursuant to this Act and all
 6 Illinois Department of Corrections treatment records shall be
 7 admissible at all proceedings held pursuant to this Act,
 8 including the probable cause hearing and the trial.

9 If the court determines that probable cause does not
 10 exist to believe that the person is a sexually violent
 11 person, the court shall dismiss the petition.

12 (d) The Department shall promulgate rules that provide
 13 the qualifications for persons conducting evaluations under
 14 subsection (c) of this Section.

15 (e) If the person named in the petition claims or
 16 appears to be indigent, the court shall, prior to the
 17 probable cause hearing under subsection (b) of this Section,
 18 appoint counsel.

19 (Source: P.A. 92-415, eff. 8-17-01.)

20 (725 ILCS 207/40)
 21 Sec. 40. Commitment.

22 (a) If a court or jury determines that the person who is
 23 the subject of a petition under Section 15 of this Act is a
 24 sexually violent person, the court shall order the person to
 25 be committed to the custody of the Department for control,
 26 care and treatment until such time as the person is no longer
 27 a sexually violent person.

28 (b) (1) The court shall enter an initial commitment
 29 order under this Section pursuant to a hearing held as
 30 soon as practicable after the judgment is entered that
 31 the person who is the subject of a petition under Section
 32 15 is a sexually violent person. If the court lacks
 33 sufficient information to make the determination required

1 by paragraph (b)(2) of this Section immediately after
2 trial, it may adjourn the hearing and order the
3 Department to conduct a predisposition investigation or a
4 supplementary mental examination, or both, to assist the
5 court in framing the commitment order. A supplementary
6 mental examination under this Section shall be conducted
7 in accordance with Section 3-804 of the Mental Health and
8 Developmental Disabilities Code.

9 (2) An order for commitment under this Section
10 shall specify either institutional care in a secure
11 facility, as provided under Section 50 of this Act, or
12 conditional release. In determining whether commitment
13 shall be for institutional care in a secure facility or
14 for conditional release, the court shall consider the
15 nature and circumstances of the behavior that was the
16 basis of the allegation in the petition under paragraph
17 (b)(1) of Section 15, the person's mental history and
18 present mental condition, where the person will live, how
19 the person will support himself or herself, and what
20 arrangements are available to ensure that the person has
21 access to and will participate in necessary treatment.
22 All treatment, whether in institutional care, in a secure
23 facility, or while on conditional release, shall be
24 conducted in conformance with the standards developed
25 under the Sex Offender Management Board Act and conducted
26 by a treatment provider approved by the Board. The
27 Department shall arrange for control, care and treatment
28 of the person in the least restrictive manner consistent
29 with the requirements of the person and in accordance
30 with the court's commitment order.

31 (3) If the court finds that the person is
32 appropriate for conditional release, the court shall
33 notify the Department. The Department shall prepare a
34 plan that identifies the treatment and services, if any,

1 that the person will receive in the community. The plan
2 shall address the person's need, if any, for supervision,
3 counseling, medication, community support services,
4 residential services, vocational services, and alcohol or
5 other drug abuse treatment. The Department may contract
6 with a county health department, with another public
7 agency or with a private agency to provide the treatment
8 and services identified in the plan. The plan shall
9 specify who will be responsible for providing the
10 treatment and services identified in the plan. The plan
11 shall be presented to the court for its approval within
12 60 days after the court finding that the person is
13 appropriate for conditional release, unless the
14 Department and the person to be released request
15 additional time to develop the plan. The conditional
16 release program operated under this Section is not
17 subject to the provisions of the Mental Health and
18 Developmental Disabilities Confidentiality Act.

19 (4) An order for conditional release places the
20 person in the custody and control of the Department. A
21 person on conditional release is subject to the
22 conditions set by the court and to the rules of the
23 Department. Before a person is placed on conditional
24 release by the court under this Section, the court shall
25 so notify the municipal police department and county
26 sheriff for the municipality and county in which the
27 person will be residing. The notification requirement
28 under this Section does not apply if a municipal police
29 department or county sheriff submits to the court a
30 written statement waiving the right to be notified. If
31 the Department alleges that a released person has
32 violated any condition or rule, or that the safety of
33 others requires that conditional release be revoked, he
34 or she may be taken into custody under the rules of the

1 Department.

2 At any time during which the person is on
3 conditional release, if the Department determines that
4 the person has violated any condition or rule, or that
5 the safety of others requires that conditional release be
6 revoked, the Department may request the Attorney General
7 or State's Attorney to request the court to issue an
8 emergency ex parte order directing any law enforcement
9 officer to take the person into custody and transport the
10 person to the county jail. The Department may request, or
11 the Attorney General or State's Attorney may request
12 independently of the Department, that a petition to
13 revoke conditional release be filed. When a petition is
14 filed, the court may order the Department to issue a
15 notice to the person to be present at the Department or
16 other agency designated by the court, order a summons to
17 the person to be present, or order a body attachment for
18 all law enforcement officers to take the person into
19 custody and transport him or her to the county jail,
20 hospital, or treatment facility. The Department shall
21 submit a statement showing probable cause of the
22 detention and a petition to revoke the order for
23 conditional release to the committing court within 48
24 hours after the detention. The court shall hear the
25 petition within 30 days, unless the hearing or time
26 deadline is waived by the detained person. Pending the
27 revocation hearing, the Department may detain the person
28 in a jail, in a hospital or treatment facility. The
29 State has the burden of proving by clear and convincing
30 evidence that any rule or condition of release has been
31 violated, or that the safety of others requires that the
32 conditional release be revoked. If the court determines
33 after hearing that any rule or condition of release has
34 been violated, or that the safety of others requires that

1 conditional release be revoked, it may revoke the order
2 for conditional release and order that the released
3 person be placed in an appropriate institution until the
4 person is discharged from the commitment under Section 65
5 of this Act or until again placed on conditional release
6 under Section 60 of this Act.

7 (5) An order for conditional release places the
8 person in the custody, care, and control of the
9 Department. The court shall order the person be subject
10 to the following rules of conditional release, in
11 addition to any other conditions ordered, and the person
12 shall be given a certificate setting forth the conditions
13 of conditional release. These conditions shall be that
14 the person:

15 (A) not violate any criminal statute of any
16 jurisdiction;

17 (B) report to or appear in person before such
18 person or agency as directed by the court and the
19 Department;

20 (C) refrain from possession of a firearm or
21 other dangerous weapon;

22 (D) not leave the State without the consent of
23 the court or, in circumstances in which the reason
24 for the absence is of such an emergency nature, that
25 prior consent by the court is not possible without
26 the prior notification and approval of the
27 Department;

28 (E) at the direction of the Department, notify
29 third parties of the risks that may be occasioned by
30 his or her criminal record or sexual offending
31 history or characteristics, and permit the
32 supervising officer or agent to make the
33 notification requirement;

34 (F) attend and fully participate in

1 assessment, treatment, and behavior monitoring
2 including, but not limited to, medical,
3 psychological or psychiatric treatment specific to
4 sexual offending, drug addiction, or alcoholism, to
5 the extent appropriate to the person based upon the
6 recommendation and findings made in the Department
7 evaluation or based upon any subsequent
8 recommendations by the Department;

9 (G) waive confidentiality allowing the court
10 and Department access to assessment or treatment
11 results or both;

12 (H) work regularly at a Department approved
13 occupation or pursue a course of study or vocational
14 training and notify the Department within 72 hours
15 of any change in employment, study, or training;

16 (I) not be employed or participate in any
17 volunteer activity that involves contact with
18 children, except under circumstances approved in
19 advance and in writing by the Department officer;

20 (J) submit to the search of his or her person,
21 residence, vehicle, or any personal or real property
22 under his or her control at any time by the
23 Department;

24 (K) financially support his or her dependents
25 and provide the Department access to any requested
26 financial information;

27 (L) serve a term of home confinement, the
28 conditions of which shall be that the person:

29 (i) remain within the interior premises
30 of the place designated for his or her
31 confinement during the hours designated by the
32 Department;

33 (ii) admit any person or agent designated
34 by the Department into the offender's place of

1 confinement at any time for purposes of
2 verifying the person's compliance with the
3 condition of his or her confinement;

4 (iii) if deemed necessary by the
5 Department, be placed on an electronic
6 monitoring device;

7 (M) comply with the terms and conditions of an
8 order of protection issued by the court pursuant to
9 the Illinois Domestic Violence Act of 1986. A copy
10 of the order of protection shall be transmitted to
11 the Department by the clerk of the court;

12 (N) refrain from entering into a designated
13 geographic area except upon terms the Department
14 finds appropriate. The terms may include
15 consideration of the purpose of the entry, the time
16 of day, others accompanying the person, and advance
17 approval by the Department;

18 (O) refrain from having any contact, including
19 written or oral communications, directly or
20 indirectly, with certain specified persons
21 including, but not limited to, the victim or the
22 victim's family, and report any incidental contact
23 with the victim or the victim's family to the
24 Department within 72 hours; refrain from entering
25 onto the premises of, traveling past, or loitering
26 near the victim's residence, place of employment, or
27 other places frequented by the victim;

28 (P) refrain from having any contact, including
29 written or oral communications, directly or
30 indirectly, with particular types of persons,
31 including but not limited to members of street
32 gangs, drug users, drug dealers, or prostitutes;

33 (Q) refrain from all contact, direct or
34 indirect, personally, by telephone, letter, or

1 through another person, with minor children without
2 prior identification and approval of the Department;

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

10 (S) not establish a dating, intimate, or
11 sexual relationship with a person without prior
12 written notification to the Department;

13 (T) neither possess or have under his or her
14 control any material that is pornographic, sexually
15 oriented, or sexually stimulating, or that depicts
16 or alludes to sexual activity or depicts minors
17 under the age of 18, including but not limited to
18 visual, auditory, telephonic, electronic media, or
19 any matter obtained through access to any computer
20 or material linked to computer access use;

21 (U) not patronize any business providing
22 sexually stimulating or sexually oriented
23 entertainment nor utilize "900" or adult telephone
24 numbers or any other sex-related telephone numbers;

25 (V) not reside near, visit, or be in or about
26 parks, schools, day care centers, swimming pools,
27 beaches, theaters, or any other places where minor
28 children congregate without advance approval of the
29 Department and report any incidental contact with
30 minor children to the Department within 72 hours;

31 (W) not establish any living arrangement or
32 residence without prior approval of the Department;

33 (X) not publish any materials or print any
34 advertisements without providing a copy of the

1 proposed publications to the Department officer and
2 obtaining permission prior to publication;

3 (Y) not leave the county except with prior
4 permission of the Department and provide the
5 Department officer or agent with written travel
6 routes to and from work and any other designated
7 destinations;

8 (Z) not possess or have under his or her
9 control certain specified items of contraband
10 related to the incidence of sexually offending items
11 including video or still camera items or children's
12 toys;

13 (AA) provide a written daily log of activities
14 as directed by the Department;

15 (BB) comply with all other special conditions
16 that the Department may impose that restrict the
17 person from high-risk situations and limit access or
18 potential victims.

19 (6) A person placed on conditional release and who
20 during the term undergoes mandatory drug or alcohol
21 testing or is assigned to be placed on an approved
22 electronic monitoring device may be ordered to pay all
23 costs incidental to the mandatory drug or alcohol testing
24 and all costs incidental to the approved electronic
25 monitoring in accordance with the person's ability to pay
26 those costs. The Department may establish reasonable
27 fees for the cost of maintenance, testing, and incidental
28 expenses related to the mandatory drug or alcohol testing
29 and all costs incidental to approved electronic
30 monitoring.

31 (Source: P.A. 91-875, eff. 6-30-00; 92-415, eff. 8-17-01.)

32 (725 ILCS 207/55)

33 Sec. 55. Periodic reexamination; report.

1 (a) If a person has been committed under Section 40 of
2 this Act and has not been discharged under Section 65 of this
3 Act, the Department shall conduct an examination of his or
4 her mental condition within 6 months after an initial
5 commitment under Section 40 and then at least once every 12
6 months from the completion of the last evaluation for the
7 purpose of determining whether the person has made sufficient
8 progress to be conditionally released or discharged. At the
9 time of a reexamination under this Section, the person who
10 has been committed may retain or, if he or she is indigent
11 and so requests, the court may appoint a qualified expert or
12 a professional person to examine him or her.

13 (b) Any examiner conducting an examination under this
14 Section shall prepare a written report of the examination no
15 later than 30 days after the date of the examination. The
16 examiner shall place a copy of the report in the person's
17 health care records and shall provide a copy of the report to
18 the court that committed the person under Section 40. The
19 examination shall be conducted in conformance with the
20 standards developed under the Sex Offender Management Board
21 Act and by an evaluator approved by the Board.

22 (c) Notwithstanding subsection (a) of this Section, the
23 court that committed a person under Section 40 may order a
24 reexamination of the person at any time during the period in
25 which the person is subject to the commitment order.

26 (d) Petitions for discharge after reexamination must
27 follow the procedure outlined in Section 65 of this Act.

28 (Source: P.A. 90-40, eff. 1-1-98; 90-793, eff. 8-14-98;
29 91-227, eff. 1-1-00; 91-875, eff. 6-30-00.)

30 (725 ILCS 207/60)

31 Sec. 60. Petition for conditional release.

32 (a) Any person who is committed for institutional care
33 in a secure facility or other facility under Section 40 of

1 this Act may petition the committing court to modify its
2 order by authorizing conditional release if at least 6 months
3 have elapsed since the initial commitment order was entered,
4 the most recent release petition was denied or the most
5 recent order for conditional release was revoked. The
6 director of the facility at which the person is placed may
7 file a petition under this Section on the person's behalf at
8 any time.

9 (b) If the person files a timely petition without
10 counsel, the court shall serve a copy of the petition on the
11 Attorney General or State's Attorney, whichever is applicable
12 and, subject to paragraph (c)(1) of Section 25 of this Act,
13 appoint counsel. If the person petitions through counsel,
14 his or her attorney shall serve the Attorney General or
15 State's Attorney, whichever is applicable.

16 (c) Within 20 days after receipt of the petition, the
17 court shall appoint one or more examiners having the
18 specialized knowledge determined by the court to be
19 appropriate, who shall examine the mental condition of the
20 person and furnish a written report of the examination to the
21 court within 30 days after appointment. The examiners shall
22 have reasonable access to the person for purposes of
23 examination and to the person's past and present treatment
24 records and patient health care records. If any such
25 examiner believes that the person is appropriate for
26 conditional release, the examiner shall report on the type of
27 treatment and services that the person may need while in the
28 community on conditional release. The State has the right to
29 have the person evaluated by experts chosen by the State. Any
30 examination or evaluation conducted under this Section shall
31 be in conformance with the standards developed under the Sex
32 Offender Management Board Act and conducted by an evaluator
33 approved by the Board. The court shall set a probable cause
34 hearing as soon as practical after the examiner's report is

1 filed. If the court determines at the probable cause hearing
2 that cause exists to believe that it is not substantially
3 probable that the person will engage in acts of sexual
4 violence if on release or conditional release, the court
5 shall set a hearing on the issue.

6 (d) The court, without a jury, shall hear the petition
7 within 30 days after the report of the court-appointed
8 examiner is filed with the court, unless the petitioner
9 waives this time limit. The court shall grant the petition
10 unless the State proves by clear and convincing evidence that
11 the person has not made sufficient progress to be
12 conditionally released. In making a decision under this
13 subsection, the court must consider the nature and
14 circumstances of the behavior that was the basis of the
15 allegation in the petition under paragraph (b)(1) of Section
16 15 of this Act, the person's mental history and present
17 mental condition, where the person will live, how the person
18 will support himself or herself and what arrangements are
19 available to ensure that the person has access to and will
20 participate in necessary treatment.

21 (e) Before the court may enter an order directing
22 conditional release to a less restrictive alternative it must
23 find the following: (1) the person will be treated by a
24 Department approved treatment provider, (2) the treatment
25 provider has presented a specific course of treatment and has
26 agreed to assume responsibility for the treatment and will
27 report progress to the Department on a regular basis, and
28 will report violations immediately to the Department,
29 consistent with treatment and supervision needs of the
30 respondent, (3) housing exists that is sufficiently secure to
31 protect the community, and the person or agency providing
32 housing to the conditionally released person has agreed in
33 writing to accept the person, to provide the level of
34 security required by the court, and immediately to report to

1 the Department if the person leaves the housing to which he
2 or she has been assigned without authorization, (4) the
3 person is willing to or has agreed to comply with the
4 treatment provider, the Department, and the court, and (5)
5 the person has agreed or is willing to agree to comply with
6 the behavioral monitoring requirements imposed by the court
7 and the Department.

8 (f) If the court finds that the person is appropriate
9 for conditional release, the court shall notify the
10 Department. The Department shall prepare a plan that
11 identifies the treatment and services, if any, that the
12 person will receive in the community. The plan shall address
13 the person's need, if any, for supervision, counseling,
14 medication, community support services, residential services,
15 vocational services, and alcohol or other drug abuse
16 treatment. The Department may contract with a county health
17 department, with another public agency or with a private
18 agency to provide the treatment and services identified in
19 the plan. The plan shall specify who will be responsible for
20 providing the treatment and services identified in the plan.
21 The plan shall be presented to the court for its approval
22 within 60 days after the court finding that the person is
23 appropriate for conditional release, unless the Department
24 and the person to be released request additional time to
25 develop the plan.

26 (g) The provisions of paragraph (b)(4) of Section 40 of
27 this Act apply to an order for conditional release issued
28 under this Section.

29 (Source: P.A. 91-875, eff. 6-30-00; 92-415, eff. 8-17-01.)

30 (725 ILCS 207/65)

31 Sec. 65. Petition for discharge; procedure.

32 (a)(1) If the Secretary determines at any time that a
33 person committed under this Act is no longer a sexually

1 violent person, the Secretary shall authorize the person to
2 petition the committing court for discharge. The person
3 shall file the petition with the court and serve a copy upon
4 the Attorney General or the State's Attorney's office that
5 filed the petition under subsection (a) of Section 15 of this
6 Act, whichever is applicable. The court, upon receipt of the
7 petition for discharge, shall order a hearing to be held
8 within 45 days after the date of receipt of the petition.

9 (2) At a hearing under this subsection, the Attorney
10 General or State's Attorney, whichever filed the original
11 petition, shall represent the State and shall have the right
12 to have the petitioner examined by an expert or professional
13 person of his or her choice. The examination shall be
14 conducted in conformance with the standards developed under
15 the Sex Offender Management Board Act and by an evaluator
16 approved by the Board. The committed person or the State may
17 elect to have the hearing before a jury. The State has the
18 burden of proving by clear and convincing evidence that the
19 petitioner is still a sexually violent person.

20 (3) If the court or jury is satisfied that the State has
21 not met its burden of proof under paragraph (a)(2) of this
22 Section, the petitioner shall be discharged from the custody
23 or supervision of the Department. If the court is satisfied
24 that the State has met its burden of proof under paragraph
25 (a)(2), the court may proceed under Section 40 of this Act to
26 determine whether to modify the petitioner's existing
27 commitment order.

28 (b)(1) A person may petition the committing court for
29 discharge from custody or supervision without the Secretary's
30 approval. At the time of an examination under subsection (a)
31 of Section 55 of this Act, the Secretary shall provide the
32 committed person with a written notice of the person's right
33 to petition the court for discharge over the Secretary's
34 objection. The notice shall contain a waiver of rights. The

1 Secretary shall forward the notice and waiver form to the
2 court with the report of the Department's examination under
3 Section 55 of this Act. If the person does not affirmatively
4 waive the right to petition, the court shall set a probable
5 cause hearing to determine whether facts exist that warrant a
6 hearing on whether the person is still a sexually violent
7 person. If a person does not file a petition for discharge,
8 yet fails to waive the right to petition under this Section,
9 then the probable cause hearing consists only of a review of
10 the reexamination reports and arguments on behalf of the
11 parties. The committed person has a right to have an attorney
12 represent him or her at the probable cause hearing, but the
13 person is not entitled to be present at the probable cause
14 hearing. The probable cause hearing under this Section must
15 be held within 45 days of the filing of the reexamination
16 report under Section 55 of this Act.

17 (2) If the court determines at the probable cause
18 hearing under paragraph (b)(1) of this Section that probable
19 cause exists to believe that the committed person is no
20 longer a sexually violent person, then the court shall set a
21 hearing on the issue. At a hearing under this Section, the
22 committed person is entitled to be present and to the benefit
23 of the protections afforded to the person under Section 25 of
24 this Act. The committed person or the State may elect to have
25 a hearing under this Section before a jury. A verdict of a
26 jury under this Section is not valid unless it is unanimous.
27 The Attorney General or State's Attorney, whichever filed the
28 original petition, shall represent the State at a hearing
29 under this Section. The State has the right to have the
30 committed person evaluated by experts chosen by the State.
31 The examination shall be conducted in conformance with the
32 standards developed under the Sex Offender Management Board
33 Act and by an evaluator approved by the Board. At the
34 hearing, the State has the burden of proving by clear and

1 convincing evidence that the committed person is still a
2 sexually violent person.

3 (3) If the court or jury is satisfied that the State has
4 not met its burden of proof under paragraph (b)(2) of this
5 Section, the person shall be discharged from the custody or
6 supervision of the Department. If the court or jury is
7 satisfied that the State has met its burden of proof under
8 paragraph (b)(2) of this Section, the court may proceed under
9 Section 40 of this Act to determine whether to modify the
10 person's existing commitment order.

11 (Source: P.A. 91-227, eff. 1-1-00; 92-415, eff. 8-17-01.)

12 Section 20. The Unified Code of Corrections is amended
13 by changing Sections 3-3-7, 3-6-2, 3-9-7, 5-3-1, 5-3-2,
14 5-4-1, 5-6-3, and 5-7-1 as follows:

15 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

16 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
17 Release.

18 (a) The conditions of parole or mandatory supervised
19 release shall be such as the Prisoner Review Board deems
20 necessary to assist the subject in leading a law-abiding
21 life. The conditions of every parole and mandatory supervised
22 release are that the subject:

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

25 (2) refrain from possessing a firearm or other
26 dangerous weapon;

27 (3) report to an agent of the Department of
28 Corrections;

29 (4) permit the agent to visit him or her at his or
30 her home, employment, or elsewhere to the extent
31 necessary for the agent to discharge his or her duties;

32 (5) attend or reside in a facility established for

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

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

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

10 (7.5) if convicted of a sex offense as defined in
11 the Sex Offender Management Board Act, the individual
12 shall undergo and successfully complete sex offender
13 treatment conducted in conformance with the standards
14 developed by the Sex Offender Management Board Act by a
15 treatment provider approved by the Board;

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

18 (9) obtain permission of an agent of the Department
19 of Corrections before changing his or her residence or
20 employment;

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

23 (11) refrain from the use or possession of
24 narcotics or other controlled substances in any form, or
25 both, or any paraphernalia related to those substances
26 and submit to a urinalysis test as instructed by a parole
27 agent of the Department of Corrections;

28 (12) not frequent places where controlled
29 substances are illegally sold, used, distributed, or
30 administered;

31 (13) not knowingly associate with other persons on
32 parole or mandatory supervised release without prior
33 written permission of his or her parole agent and not
34 associate with persons who are members of an organized

1 gang as that term is defined in the Illinois Streetgang
2 Terrorism Omnibus Prevention Act;

3 (14) provide true and accurate information, as it
4 relates to his or her adjustment in the community while
5 on parole or mandatory supervised release or to his or
6 her conduct while incarcerated, in response to inquiries
7 by his or her parole agent or of the Department of
8 Corrections; and

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

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

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

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

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

26 (4) support his dependents;

27 (5) (blank);

28 (6) (blank);

29 (7) comply with the terms and conditions of an
30 order of protection issued pursuant to the Illinois
31 Domestic Violence Act of 1986, enacted by the 84th
32 General Assembly, or an order of protection issued by the
33 court of another state, tribe, or United States
34 territory; and

- 1 (8) in addition, if a minor:
- 2 (i) reside with his parents or in a foster
- 3 home;
- 4 (ii) attend school;
- 5 (iii) attend a non-residential program for
- 6 youth; or
- 7 (iv) contribute to his own support at home or
- 8 in a foster home.

9 (c) The conditions under which the parole or mandatory
 10 supervised release is to be served shall be communicated to
 11 the person in writing prior to his release, and he shall sign
 12 the same before release. A signed copy of these conditions,
 13 including a copy of an order of protection where one had been
 14 issued by the criminal court, shall be retained by the person
 15 and another copy forwarded to the officer in charge of his
 16 supervision.

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

20 (e) The Department shall inform all offenders committed
 21 to the Department of the optional services available to them
 22 upon release and shall assist inmates in availing themselves
 23 of such optional services upon their release on a voluntary
 24 basis.

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

26 (730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)
 27 Sec. 3-6-2. Institutions and Facility Administration.

28 (a) Each institution and facility of the Department
 29 shall be administered by a chief administrative officer
 30 appointed by the Director. A chief administrative officer
 31 shall be responsible for all persons assigned to the
 32 institution or facility. The chief administrative officer
 33 shall administer the programs of the Department for the

1 custody and treatment of such persons.

2 (b) The chief administrative officer shall have such
3 assistants as the Department may assign.

4 (c) The Director or Assistant Director shall have the
5 emergency powers to temporarily transfer individuals without
6 formal procedures to any State, county, municipal or regional
7 correctional or detention institution or facility in the
8 State, subject to the acceptance of such receiving
9 institution or facility, or to designate any reasonably
10 secure place in the State as such an institution or facility
11 and to make transfers thereto. However, transfers made under
12 emergency powers shall be reviewed as soon as practicable
13 under Article 8, and shall be subject to Section 5-905 of the
14 Juvenile Court Act of 1987. This Section shall not apply to
15 transfers to the Department of Human Services which are
16 provided for under Section 3-8-5 or Section 3-10-5.

17 (d) The Department shall provide educational programs
18 for all committed persons so that all persons have an
19 opportunity to attain the achievement level equivalent to the
20 completion of the twelfth grade in the public school system
21 in this State. Other higher levels of attainment shall be
22 encouraged and professional instruction shall be maintained
23 wherever possible. The Department may establish programs of
24 mandatory education and may establish rules and regulations
25 for the administration of such programs. A person committed
26 to the Department who, during the period of his or her
27 incarceration, participates in an educational program
28 provided by or through the Department and through that
29 program is awarded or earns the number of hours of credit
30 required for the award of an associate, baccalaureate, or
31 higher degree from a community college, college, or
32 university located in Illinois shall reimburse the State,
33 through the Department, for the costs incurred by the State
34 in providing that person during his or her incarceration with

1 the education that qualifies him or her for the award of that
2 degree. The costs for which reimbursement is required under
3 this subsection shall be determined and computed by the
4 Department under rules and regulations that it shall
5 establish for that purpose. However, interest at the rate of
6 6% per annum shall be charged on the balance of those costs
7 from time to time remaining unpaid, from the date of the
8 person's parole, mandatory supervised release, or release
9 constituting a final termination of his or her commitment to
10 the Department until paid.

11 (e) A person committed to the Department who becomes in
12 need of medical or surgical treatment but is incapable of
13 giving consent thereto shall receive such medical or surgical
14 treatment by the chief administrative officer consenting on
15 the person's behalf. Before the chief administrative officer
16 consents, he or she shall obtain the advice of one or more
17 physicians licensed to practice medicine in all its branches
18 in this State. If such physician or physicians advise:

19 (1) that immediate medical or surgical treatment is
20 required relative to a condition threatening to cause
21 death, damage or impairment to bodily functions, or
22 disfigurement; and

23 (2) that the person is not capable of giving
24 consent to such treatment; the chief administrative
25 officer may give consent for such medical or surgical
26 treatment, and such consent shall be deemed to be the
27 consent of the person for all purposes, including, but
28 not limited to, the authority of a physician to give such
29 treatment.

30 (f) In the event that the person requires medical care
31 and treatment at a place other than the institution or
32 facility, the person may be removed therefrom under
33 conditions prescribed by the Department. The Department shall
34 require the committed person receiving medical or dental

1 services on a non-emergency basis to pay a \$2 co-payment to
2 the Department for each visit for medical or dental services.
3 The amount of each co-payment shall be deducted from the
4 committed person's individual account. A committed person who
5 has a chronic illness, as defined by Department rules and
6 regulations, shall be exempt from the \$2 co-payment for
7 treatment of the chronic illness. A committed person shall
8 not be subject to a \$2 co-payment for follow-up visits
9 ordered by a physician, who is employed by, or contracts
10 with, the Department. A committed person who is indigent is
11 exempt from the \$2 co-payment and is entitled to receive
12 medical or dental services on the same basis as a committed
13 person who is financially able to afford the co-payment.
14 Notwithstanding any other provision in this subsection (f) to
15 the contrary, any person committed to any facility operated
16 by the Juvenile Division, as set forth in subsection (b) of
17 Section 3-2-5 of this Code, is exempt from the co-payment
18 requirement for the duration of confinement in those
19 facilities.

20 (g) Any person having sole custody of a child at the
21 time of commitment or any woman giving birth to a child after
22 her commitment, may arrange through the Department of
23 Children and Family Services for suitable placement of the
24 child outside of the Department of Corrections. The Director
25 of the Department of Corrections may determine that there are
26 special reasons why the child should continue in the custody
27 of the mother until the child is 6 years old.

28 (h) The Department may provide Family Responsibility
29 Services which may consist of, but not be limited to the
30 following:

- 31 (1) family advocacy counseling;
- 32 (2) parent self-help group;
- 33 (3) parenting skills training;
- 34 (4) parent and child overnight program;

1 (5) parent and child reunification counseling,
2 either separately or together, preceding the inmate's
3 release; and

4 (6) a prerelease reunification staffing involving
5 the family advocate, the inmate and the child's
6 counselor, or both and the inmate.

7 (i) Prior to the release of any inmate who has a
8 documented history of intravenous drug use, and upon the
9 receipt of that inmate's written informed consent, the
10 Department shall provide for the testing of such inmate for
11 infection with human immunodeficiency virus (HIV) and any
12 other identified causative agent of acquired immunodeficiency
13 syndrome (AIDS). The testing provided under this subsection
14 shall consist of an enzyme-linked immunosorbent assay (ELISA)
15 test or such other test as may be approved by the Illinois
16 Department of Public Health. If the test result is positive,
17 the Western Blot Assay or more reliable confirmatory test
18 shall be administered. All inmates tested in accordance with
19 the provisions of this subsection shall be provided with
20 pre-test and post-test counseling. Notwithstanding any
21 provision of this subsection to the contrary, the Department
22 shall not be required to conduct the testing and counseling
23 required by this subsection unless sufficient funds to cover
24 all costs of such testing and counseling are appropriated for
25 that purpose by the General Assembly.

26 (j) Any person convicted of a sex offense as defined in
27 the Sex Offender Management Board Act shall be required to
28 receive a sex offender evaluation prior to release into the
29 community from the Department of Corrections. The sex
30 offender evaluation shall be conducted in conformance with
31 the standards and guidelines developed under the Sex Offender
32 Management Board Act and by an evaluator approved by the
33 Board.

34 (k) Any minor committed to the Department of

1 Corrections-Juvenile Division for a sex offense as defined by
 2 the Sex Offender Management Board Act shall be required to
 3 undergo sex offender treatment by a treatment provider
 4 approved by the Board and conducted in conformance with the
 5 Sex Offender Management Board Act.

6 (Source: P.A. 91-912, eff. 7-7-00; 92-292, eff. 8-9-01.)

7 (730 ILCS 5/3-9-7) (from Ch. 38, par. 1003-9-7)

8 Sec. 3-9-7. Sexual abuse counseling programs.

9 (a) The Juvenile Division shall establish and offer
 10 sexual abuse counseling to both victims of sexual abuse and
 11 sexual offenders in as many facilities as necessary to insure
 12 sexual abuse counseling throughout the State.

13 (b) Any minor committed to the Department of
 14 Corrections-Juvenile Division for a sex offense as defined
 15 under the Sex Offender Management Board Act shall be required
 16 to undergo sex offender treatment by a treatment provider
 17 approved by the Board and conducted in conformance with the
 18 standards developed by the Sex Offender Management Board Act.

19 (Source: P.A. 87-444.)

20 (730 ILCS 5/5-3-1) (from Ch. 38, par. 1005-3-1)

21 Sec. 5-3-1. Presentence Investigation. A defendant shall
 22 not be sentenced for a felony before a written presentence
 23 report of investigation is presented to and considered by the
 24 court.

25 However, in cases other than felony sex offenses as
 26 defined in the Sex Offender Management Board Act, the court
 27 need not order a presentence report of investigation where
 28 both parties agree to the imposition of a specific sentence,
 29 provided there is a finding made for the record as to the
 30 defendant's history of delinquency or criminality, including
 31 any previous sentence to a term of probation, periodic
 32 imprisonment, conditional discharge, or imprisonment.

1 The court may order a presentence investigation of any
2 defendant.

3 (Source: P.A. 80-1099.)

4 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

5 Sec. 5-3-2. Presentence Report.

6 (a) In felony cases, the presentence report shall set
7 forth:

8 (1) the defendant's history of delinquency or
9 criminality, physical and mental history and condition,
10 family situation and background, economic status,
11 education, occupation and personal habits;

12 (2) information about special resources within the
13 community which might be available to assist the
14 defendant's rehabilitation, including treatment centers,
15 residential facilities, vocational training services,
16 correctional manpower programs, employment opportunities,
17 special educational programs, alcohol and drug abuse
18 programming, psychiatric and marriage counseling, and
19 other programs and facilities which could aid the
20 defendant's successful reintegration into society;

21 (3) the effect the offense committed has had upon
22 the victim or victims thereof, and any compensatory
23 benefit that various sentencing alternatives would confer
24 on such victim or victims;

25 (4) information concerning the defendant's status
26 since arrest, including his record if released on his own
27 recognizance, or the defendant's achievement record if
28 released on a conditional pre-trial supervision program;

29 (5) when appropriate, a plan, based upon the
30 personal, economic and social adjustment needs of the
31 defendant, utilizing public and private community
32 resources as an alternative to institutional sentencing;

33 (6) any other matters that the investigatory

1 officer deems relevant or the court directs to be
2 included; and

3 (7) information concerning defendant's eligibility
4 for a sentence to a county impact incarceration program
5 under Section 5-8-1.2 of this Code.

6 (b) The investigation shall include a physical and
7 mental examination of the defendant when so ordered by the
8 court. If the court determines that such an examination
9 should be made, it shall issue an order that the defendant
10 submit to examination at such time and place as designated by
11 the court and that such examination be conducted by a
12 physician, psychologist or psychiatrist designated by the
13 court. Such an examination may be conducted in a court
14 clinic if so ordered by the court. The cost of such
15 examination shall be paid by the county in which the trial is
16 held.

17 (b-5) In cases involving felony sex offenses or any
18 felony offense that is sexually motivated as defined in the
19 Sex Offender Management Board Act, the investigation shall
20 include a sex offender evaluation by an evaluator approved by
21 the Board and conducted in conformance with the standards
22 developed under the Sex Offender Management Board Act.

23 (c) In misdemeanor, business offense or petty offense
24 cases, except as specified in subsection (d) of this Section,
25 when a presentence report has been ordered by the court, such
26 presentence report shall contain information on the
27 defendant's history of delinquency or criminality and shall
28 further contain only those matters listed in any of
29 paragraphs (1) through (6) of subsection (a) or in subsection
30 (b) of this Section as are specified by the court in its
31 order for the report.

32 (d) In cases under Section 12-15 and Section 12-30 of
33 the Criminal Code of 1961, as amended, the presentence report
34 shall set forth information about alcohol, drug abuse,

1 psychiatric, and marriage counseling or other treatment
2 programs and facilities, information on the defendant's
3 history of delinquency or criminality, and shall contain
4 those additional matters listed in any of paragraphs (1)
5 through (6) of subsection (a) or in subsection (b) of this
6 Section as are specified by the court.

7 (e) Nothing in this Section shall cause the defendant to
8 be held without bail or to have his bail revoked for the
9 purpose of preparing the presentence report or making an
10 examination.

11 (Source: P.A. 89-587, eff. 7-31-96.)

12 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

13 Sec. 5-4-1. Sentencing Hearing.

14 (a) Except when the death penalty is sought under
15 hearing procedures otherwise specified, after a determination
16 of guilt, a hearing shall be held to impose the sentence.
17 However, prior to the imposition of sentence on an individual
18 being sentenced for an offense based upon a charge for a
19 violation of Section 11-501 of the Illinois Vehicle Code or a
20 similar provision of a local ordinance, the individual must
21 undergo a professional evaluation to determine if an alcohol
22 or other drug abuse problem exists and the extent of such a
23 problem. Programs conducting these evaluations shall be
24 licensed by the Department of Human Services. However, if
25 the individual is not a resident of Illinois, the court may,
26 in its discretion, accept an evaluation from a program in the
27 state of such individual's residence. The court may in its
28 sentencing order approve an eligible defendant for placement
29 in a Department of Corrections impact incarceration program
30 as provided in Section 5-8-1.1 or 5-8-1.3. At the hearing
31 the court shall:

32 (1) consider the evidence, if any, received upon
33 the trial;

- 1 (2) consider any presentence reports;
- 2 (3) consider the financial impact of incarceration
- 3 based on the financial impact statement filed with the
- 4 clerk of the court by the Department of Corrections;
- 5 (4) consider evidence and information offered by
- 6 the parties in aggravation and mitigation;
- 7 (5) hear arguments as to sentencing alternatives;
- 8 (6) afford the defendant the opportunity to make a
- 9 statement in his own behalf;
- 10 (7) afford the victim of a violent crime or a
- 11 violation of Section 11-501 of the Illinois Vehicle Code,
- 12 or a similar provision of a local ordinance, or a
- 13 qualified individual affected by a violation of Section
- 14 405, 405.1, 405.2, or 407 of the Illinois Controlled
- 15 Substances Act, committed by the defendant the
- 16 opportunity to make a statement concerning the impact on
- 17 the victim and to offer evidence in aggravation or
- 18 mitigation; provided that the statement and evidence
- 19 offered in aggravation or mitigation must first be
- 20 prepared in writing in conjunction with the State's
- 21 Attorney before it may be presented orally at the
- 22 hearing. Any sworn testimony offered by the victim is
- 23 subject to the defendant's right to cross-examine. All
- 24 statements and evidence offered under this paragraph (7)
- 25 shall become part of the record of the court. For the
- 26 purpose of this paragraph (7), "qualified individual"
- 27 means any person who (i) lived or worked within the
- 28 territorial jurisdiction where the offense took place
- 29 when the offense took place; and (ii) is familiar with
- 30 various public places within the territorial jurisdiction
- 31 where the offense took place when the offense took place.
- 32 For the purposes of this paragraph (7), "qualified
- 33 individual" includes any peace officer, or any member of
- 34 any duly organized State, county, or municipal peace unit

1 assigned to the territorial jurisdiction where the
2 offense took place when the offense took place; and

3 (8) in cases of reckless homicide afford the
4 victim's spouse, guardians, parents or other immediate
5 family members an opportunity to make oral statements;
6 and-

7 (9) in cases involving a sex offense as defined
8 under the Sex Offender Management Board Act, consider the
9 results of the sex offender evaluation conducted pursuant
10 to Section 5-3-2 of this Act.

11 (b) All sentences shall be imposed by the judge based
12 upon his independent assessment of the elements specified
13 above and any agreement as to sentence reached by the
14 parties. The judge who presided at the trial or the judge
15 who accepted the plea of guilty shall impose the sentence
16 unless he is no longer sitting as a judge in that court.
17 Where the judge does not impose sentence at the same time on
18 all defendants who are convicted as a result of being
19 involved in the same offense, the defendant or the State's
20 Attorney may advise the sentencing court of the disposition
21 of any other defendants who have been sentenced.

22 (c) In imposing a sentence for a violent crime or for an
23 offense of operating or being in physical control of a
24 vehicle while under the influence of alcohol, any other drug
25 or any combination thereof, or a similar provision of a local
26 ordinance, when such offense resulted in the personal injury
27 to someone other than the defendant, the trial judge shall
28 specify on the record the particular evidence, information,
29 factors in mitigation and aggravation or other reasons that
30 led to his sentencing determination. The full verbatim record
31 of the sentencing hearing shall be filed with the clerk of
32 the court and shall be a public record.

33 (c-1) In imposing a sentence for the offense of
34 aggravated kidnapping for ransom, home invasion, armed

1 robbery, aggravated vehicular hijacking, aggravated discharge
2 of a firearm, or armed violence with a category I weapon or
3 category II weapon, the trial judge shall make a finding as
4 to whether the conduct leading to conviction for the offense
5 resulted in great bodily harm to a victim, and shall enter
6 that finding and the basis for that finding in the record.

7 (c-2) If the defendant is sentenced to prison, other
8 than when a sentence of natural life imprisonment or a
9 sentence of death is imposed, at the time the sentence is
10 imposed the judge shall state on the record in open court the
11 approximate period of time the defendant will serve in
12 custody according to the then current statutory rules and
13 regulations for early release found in Section 3-6-3 and
14 other related provisions of this Code. This statement is
15 intended solely to inform the public, has no legal effect on
16 the defendant's actual release, and may not be relied on by
17 the defendant on appeal.

18 The judge's statement, to be given after pronouncing the
19 sentence, other than when the sentence is imposed for one of
20 the offenses enumerated in paragraph (a)(3) of Section 3-6-3,
21 shall include the following:

22 "The purpose of this statement is to inform the public of
23 the actual period of time this defendant is likely to spend
24 in prison as a result of this sentence. The actual period of
25 prison time served is determined by the statutes of Illinois
26 as applied to this sentence by the Illinois Department of
27 Corrections and the Illinois Prisoner Review Board. In this
28 case, assuming the defendant receives all of his or her good
29 conduct credit, the period of estimated actual custody is ...
30 years and ... months, less up to 180 days additional good
31 conduct credit for meritorious service. If the defendant,
32 because of his or her own misconduct or failure to comply
33 with the institutional regulations, does not receive those
34 credits, the actual time served in prison will be longer.

1 The defendant may also receive an additional one-half day
2 good conduct credit for each day of participation in
3 vocational, industry, substance abuse, and educational
4 programs as provided for by Illinois statute."

5 When the sentence is imposed for one of the offenses
6 enumerated in paragraph (a)(3) of Section 3-6-3, other than
7 when the sentence is imposed for one of the offenses
8 enumerated in paragraph (a)(2) of Section 3-6-3 committed on
9 or after June 19, 1998, and other than when the sentence is
10 imposed for reckless homicide as defined in subsection (e) of
11 Section 9-3 of the Criminal Code of 1961 if the offense was
12 committed on or after January 1, 1999, and other than when
13 the sentence is imposed for aggravated arson if the offense
14 was committed on or after the effective date of this
15 amendatory Act of the 92nd General Assembly, the judge's
16 statement, to be given after pronouncing the sentence, shall
17 include the following:

18 "The purpose of this statement is to inform the public of
19 the actual period of time this defendant is likely to spend
20 in prison as a result of this sentence. The actual period of
21 prison time served is determined by the statutes of Illinois
22 as applied to this sentence by the Illinois Department of
23 Corrections and the Illinois Prisoner Review Board. In this
24 case, assuming the defendant receives all of his or her good
25 conduct credit, the period of estimated actual custody is ...
26 years and ... months, less up to 90 days additional good
27 conduct credit for meritorious service. If the defendant,
28 because of his or her own misconduct or failure to comply
29 with the institutional regulations, does not receive those
30 credits, the actual time served in prison will be longer.
31 The defendant may also receive an additional one-half day
32 good conduct credit for each day of participation in
33 vocational, industry, substance abuse, and educational
34 programs as provided for by Illinois statute."

1 When the sentence is imposed for one of the offenses
2 enumerated in paragraph (a)(2) of Section 3-6-3, other than
3 first degree murder, and the offense was committed on or
4 after June 19, 1998, and when the sentence is imposed for
5 reckless homicide as defined in subsection (e) of Section 9-3
6 of the Criminal Code of 1961 if the offense was committed on
7 or after January 1, 1999, and when the sentence is imposed
8 for aggravated arson if the offense was committed on or after
9 the effective date of this amendatory Act of the 92nd General
10 Assembly, the judge's statement, to be given after
11 pronouncing the sentence, shall include the following:

12 "The purpose of this statement is to inform the public of
13 the actual period of time this defendant is likely to spend
14 in prison as a result of this sentence. The actual period of
15 prison time served is determined by the statutes of Illinois
16 as applied to this sentence by the Illinois Department of
17 Corrections and the Illinois Prisoner Review Board. In this
18 case, the defendant is entitled to no more than 4 1/2 days of
19 good conduct credit for each month of his or her sentence of
20 imprisonment. Therefore, this defendant will serve at least
21 85% of his or her sentence. Assuming the defendant receives
22 4 1/2 days credit for each month of his or her sentence, the
23 period of estimated actual custody is ... years and ...
24 months. If the defendant, because of his or her own
25 misconduct or failure to comply with the institutional
26 regulations receives lesser credit, the actual time served in
27 prison will be longer."

28 When a sentence of imprisonment is imposed for first
29 degree murder and the offense was committed on or after June
30 19, 1998, the judge's statement, to be given after
31 pronouncing the sentence, shall include the following:

32 "The purpose of this statement is to inform the public of
33 the actual period of time this defendant is likely to spend
34 in prison as a result of this sentence. The actual period of

1 prison time served is determined by the statutes of Illinois
2 as applied to this sentence by the Illinois Department of
3 Corrections and the Illinois Prisoner Review Board. In this
4 case, the defendant is not entitled to good conduct credit.
5 Therefore, this defendant will serve 100% of his or her
6 sentence."

7 (d) When the defendant is committed to the Department of
8 Corrections, the State's Attorney shall and counsel for the
9 defendant may file a statement with the clerk of the court to
10 be transmitted to the department, agency or institution to
11 which the defendant is committed to furnish such department,
12 agency or institution with the facts and circumstances of the
13 offense for which the person was committed together with all
14 other factual information accessible to them in regard to the
15 person prior to his commitment relative to his habits,
16 associates, disposition and reputation and any other facts
17 and circumstances which may aid such department, agency or
18 institution during its custody of such person. The clerk
19 shall within 10 days after receiving any such statements
20 transmit a copy to such department, agency or institution and
21 a copy to the other party, provided, however, that this shall
22 not be cause for delay in conveying the person to the
23 department, agency or institution to which he has been
24 committed.

25 (e) The clerk of the court shall transmit to the
26 department, agency or institution, if any, to which the
27 defendant is committed, the following:

- 28 (1) the sentence imposed;
- 29 (2) any statement by the court of the basis for
30 imposing the sentence;
- 31 (3) any presentence reports;
- 32 (3.5) any sex offender evaluations;
- 33 (4) the number of days, if any, which the defendant
34 has been in custody and for which he is entitled to

1 credit against the sentence, which information shall be
2 provided to the clerk by the sheriff;

3 (4.1) any finding of great bodily harm made by the
4 court with respect to an offense enumerated in subsection
5 (c-1);

6 (5) all statements filed under subsection (d) of
7 this Section;

8 (6) any medical or mental health records or
9 summaries of the defendant;

10 (7) the municipality where the arrest of the
11 offender or the commission of the offense has occurred,
12 where such municipality has a population of more than
13 25,000 persons;

14 (8) all statements made and evidence offered under
15 paragraph (7) of subsection (a) of this Section; and

16 (9) all additional matters which the court directs
17 the clerk to transmit.

18 (Source: P.A. 91-357, eff. 7-29-99; 91-899, eff. 1-1-01;
19 92-176, eff. 7-27-01; 92-806, eff. 1-1-03; revised 9-18-02.)

20 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)
21 Sec. 5-6-3. Conditions of Probation and of Conditional
22 Discharge.

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

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

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

29 (3) refrain from possessing a firearm or other
30 dangerous weapon;

31 (4) not leave the State without the consent of the
32 court or, in circumstances in which the reason for the
33 absence is of such an emergency nature that prior consent

1 by the court is not possible, without the prior
2 notification and approval of the person's probation
3 officer. Transfer of a person's probation or conditional
4 discharge supervision to another state is subject to
5 acceptance by the other state pursuant to the Interstate
6 Compact for Adult Offender Supervision;

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

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

28 (7) if he or she is at least 17 years of age and
29 has been sentenced to probation or conditional discharge
30 for a misdemeanor or felony in a county of 3,000,000 or
31 more inhabitants and has not been previously convicted of
32 a misdemeanor or felony, may be required by the
33 sentencing court to attend educational courses designed
34 to prepare the defendant for a high school diploma and to

1 work toward a high school diploma or to work toward
2 passing the high school level Test of General Educational
3 Development (GED) or to work toward completing a
4 vocational training program approved by the court. The
5 person on probation or conditional discharge must attend
6 a public institution of education to obtain the
7 educational or vocational training required by this
8 clause (7). The court shall revoke the probation or
9 conditional discharge of a person who wilfully fails to
10 comply with this clause (7). The person on probation or
11 conditional discharge shall be required to pay for the
12 cost of the educational courses or GED test, if a fee is
13 charged for those courses or test. The court shall
14 resentence the offender whose probation or conditional
15 discharge has been revoked as provided in Section 5-6-4.
16 This clause (7) does not apply to a person who has a
17 high school diploma or has successfully passed the GED
18 test. This clause (7) does not apply to a person who is
19 determined by the court to be developmentally disabled or
20 otherwise mentally incapable of completing the
21 educational or vocational program;

22 (8) if convicted of possession of a substance
23 prohibited by the Cannabis Control Act or Illinois
24 Controlled Substances Act after a previous conviction or
25 disposition of supervision for possession of a substance
26 prohibited by the Cannabis Control Act or Illinois
27 Controlled Substances Act or after a sentence of
28 probation under Section 10 of the Cannabis Control Act or
29 Section 410 of the Illinois Controlled Substances Act and
30 upon a finding by the court that the person is addicted,
31 undergo treatment at a substance abuse program approved
32 by the court; and

33 (8.5) if convicted of a sex offense as defined in
34 the Sex Offender Management Board Act, the person shall

1 undergo and successfully complete sex offender treatment
 2 by a treatment provider approved by the Board and
 3 conducted in conformance with the standards developed
 4 under the Sex Offender Management Board Act; and

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

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

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

17 (2) pay a fine and costs;

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

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

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

24 (6) support his dependents;

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

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

28 (ii) attend school;

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

31 (iv) contribute to his own support at home or
 32 in a foster home;

33 (v) with the consent of the superintendent of
 34 the facility, attend an educational program at a

1 facility other than the school in which the offense
2 was committed if he or she is convicted of a crime
3 of violence as defined in Section 2 of the Crime
4 Victims Compensation Act committed in a school, on
5 the real property comprising a school, or within
6 1,000 feet of the real property comprising a school;

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

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

11 (10) serve a term of home confinement. In addition
12 to any other applicable condition of probation or
13 conditional discharge, the conditions of home confinement
14 shall be that the offender:

15 (i) remain within the interior premises of the
16 place designated for his confinement during the
17 hours designated by the court;

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

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

27 (iv) for persons convicted of any alcohol,
28 cannabis or controlled substance violation who are
29 placed on an approved monitoring device as a
30 condition of probation or conditional discharge, the
31 court shall impose a reasonable fee for each day of
32 the use of the device, as established by the county
33 board in subsection (g) of this Section, unless
34 after determining the inability of the offender to

1 pay the fee, the court assesses a lesser fee or no
2 fee as the case may be. This fee shall be imposed in
3 addition to the fees imposed under subsections
4 (g) and (i) of this Section. The fee shall be
5 collected by the clerk of the circuit court. The
6 clerk of the circuit court shall pay all monies
7 collected from this fee to the county treasurer for
8 deposit in the substance abuse services fund under
9 Section 5-1086.1 of the Counties Code; and

10 (v) for persons convicted of offenses other
11 than those referenced in clause (iv) above and who
12 are placed on an approved monitoring device as a
13 condition of probation or conditional discharge, the
14 court shall impose a reasonable fee for each day of
15 the use of the device, as established by the county
16 board in subsection (g) of this Section, unless
17 after determining the inability of the defendant to
18 pay the fee, the court assesses a lesser fee or no
19 fee as the case may be. This fee shall be imposed
20 in addition to the fees imposed under subsections
21 (g) and (i) of this Section. The fee shall be
22 collected by the clerk of the circuit court. The
23 clerk of the circuit court shall pay all monies
24 collected from this fee to the county treasurer who
25 shall use the monies collected to defray the costs
26 of corrections. The county treasurer shall deposit
27 the fee collected in the county working cash fund
28 under Section 6-27001 or Section 6-29002 of the
29 Counties Code, as the case may be.

30 (11) comply with the terms and conditions of an
31 order of protection issued by the court pursuant to the
32 Illinois Domestic Violence Act of 1986, as now or
33 hereafter amended, or an order of protection issued by
34 the court of another state, tribe, or United States

1 territory. A copy of the order of protection shall be
2 transmitted to the probation officer or agency having
3 responsibility for the case;

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

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

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

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

27 (16) refrain from having in his or her body the
28 presence of any illicit drug prohibited by the Cannabis
29 Control Act or the Illinois Controlled Substances Act,
30 unless prescribed by a physician, and submit samples of
31 his or her blood or urine or both for tests to determine
32 the presence of any illicit drug.

33 (c) The court may as a condition of probation or of
34 conditional discharge require that a person under 18 years of

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

9 (d) An offender sentenced to probation or to conditional
10 discharge shall be given a certificate setting forth the
11 conditions thereof.

12 (e) Except where the offender has committed a fourth or
13 subsequent violation of subsection (c) of Section 6-303 of
14 the Illinois Vehicle Code, the court shall not require as a
15 condition of the sentence of probation or conditional
16 discharge that the offender be committed to a period of
17 imprisonment in excess of 6 months. This 6 month limit shall
18 not include periods of confinement given pursuant to a
19 sentence of county impact incarceration under Section
20 5-8-1.2. This 6 month limit does not apply to a person
21 sentenced to probation as a result of a conviction of a
22 fourth or subsequent violation of subsection (c-4) of Section
23 11-501 of the Illinois Vehicle Code or a similar provision of
24 a local ordinance.

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

28 (f) The court may combine a sentence of periodic
29 imprisonment under Article 7 or a sentence to a county impact
30 incarceration program under Article 8 with a sentence of
31 probation or conditional discharge.

32 (g) An offender sentenced to probation or to conditional
33 discharge and who during the term of either undergoes
34 mandatory drug or alcohol testing, or both, or is assigned to

1 be placed on an approved electronic monitoring device, shall
2 be ordered to pay all costs incidental to such mandatory drug
3 or alcohol testing, or both, and all costs incidental to such
4 approved electronic monitoring in accordance with the
5 defendant's ability to pay those costs. The county board
6 with the concurrence of the Chief Judge of the judicial
7 circuit in which the county is located shall establish
8 reasonable fees for the cost of maintenance, testing, and
9 incidental expenses related to the mandatory drug or alcohol
10 testing, or both, and all costs incidental to approved
11 electronic monitoring, involved in a successful probation
12 program for the county. The concurrence of the Chief Judge
13 shall be in the form of an administrative order. The fees
14 shall be collected by the clerk of the circuit court. The
15 clerk of the circuit court shall pay all moneys collected
16 from these fees to the county treasurer who shall use the
17 moneys collected to defray the costs of drug testing, alcohol
18 testing, and electronic monitoring. The county treasurer
19 shall deposit the fees collected in the county working cash
20 fund under Section 6-27001 or Section 6-29002 of the Counties
21 Code, as the case may be.

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

28 (i) The court shall impose upon an offender sentenced to
29 probation after January 1, 1989 or to conditional discharge
30 after January 1, 1992, as a condition of such probation or
31 conditional discharge, a fee of \$25 for each month of
32 probation or conditional discharge supervision ordered by the
33 court, unless after determining the inability of the person
34 sentenced to probation or conditional discharge to pay the

1 fee, the court assesses a lesser fee. The court may not
2 impose the fee on a minor who is made a ward of the State
3 under the Juvenile Court Act of 1987 while the minor is in
4 placement. The fee shall be imposed only upon an offender who
5 is actively supervised by the probation and court services
6 department. The fee shall be collected by the clerk of the
7 circuit court. The clerk of the circuit court shall pay all
8 monies collected from this fee to the county treasurer for
9 deposit in the probation and court services fund under
10 Section 15.1 of the Probation and Probation Officers Act.

11 (j) All fines and costs imposed under this Section for
12 any violation of Chapters 3, 4, 6, and 11 of the Illinois
13 Vehicle Code, or a similar provision of a local ordinance,
14 and any violation of the Child Passenger Protection Act, or a
15 similar provision of a local ordinance, shall be collected
16 and disbursed by the circuit clerk as provided under Section
17 27.5 of the Clerks of Courts Act.

18 (Source: P.A. 91-325, eff. 7-29-99; 91-696, eff. 4-13-00;
19 91-903, eff. 1-1-01; 92-282, eff. 8-7-01; 92-340, eff.
20 8-10-01; 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; 92-571,
21 eff. 6-26-02; 92-651, eff. 7-11-02.)

22 (730 ILCS 5/5-7-1) (from Ch. 38, par. 1005-7-1)

23 Sec. 5-7-1. Sentence of Periodic Imprisonment.

24 (a) A sentence of periodic imprisonment is a sentence of
25 imprisonment during which the committed person may be
26 released for periods of time during the day or night or for
27 periods of days, or both, or if convicted of a felony, other
28 than first degree murder, a Class X or Class 1 felony,
29 committed to any county, municipal, or regional correctional
30 or detention institution or facility in this State for such
31 periods of time as the court may direct. Unless the court
32 orders otherwise, the particular times and conditions of
33 release shall be determined by the Department of Corrections,

1 the sheriff, or the Superintendent of the house of
2 corrections, who is administering the program.

3 (b) A sentence of periodic imprisonment may be imposed
4 to permit the defendant to:

5 (1) seek employment;

6 (2) work;

7 (3) conduct a business or other self-employed
8 occupation including housekeeping;

9 (4) attend to family needs;

10 (5) attend an educational institution, including
11 vocational education;

12 (6) obtain medical or psychological treatment;

13 (7) perform work duties at a county, municipal, or
14 regional correctional or detention institution or
15 facility;

16 (8) continue to reside at home with or without
17 supervision involving the use of an approved electronic
18 monitoring device, subject to Article 8A of Chapter V; or

19 (9) for any other purpose determined by the court.

20 (c) Except where prohibited by other provisions of this
21 Code, the court may impose a sentence of periodic
22 imprisonment for a felony or misdemeanor on a person who is
23 17 years of age or older. The court shall not impose a
24 sentence of periodic imprisonment if it imposes a sentence of
25 imprisonment upon the defendant in excess of 90 days.

26 (d) A sentence of periodic imprisonment shall be for a
27 definite term of from 3 to 4 years for a Class 1 felony, 18
28 to 30 months for a Class 2 felony, and up to 18 months, or
29 the longest sentence of imprisonment that could be imposed
30 for the offense, whichever is less, for all other offenses;
31 however, no person shall be sentenced to a term of periodic
32 imprisonment longer than one year if he is committed to a
33 county correctional institution or facility, and in
34 conjunction with that sentence participate in a county work

1 release program comparable to the work and day release
2 program provided for in Article 13 of the Unified Code of
3 Corrections in State facilities. The term of the sentence
4 shall be calculated upon the basis of the duration of its
5 term rather than upon the basis of the actual days spent in
6 confinement. No sentence of periodic imprisonment shall be
7 subject to the good time credit provisions of Section 3-6-3
8 of this Code.

9 (e) When the court imposes a sentence of periodic
10 imprisonment, it shall state:

11 (1) the term of such sentence;

12 (2) the days or parts of days which the defendant
13 is to be confined;

14 (3) the conditions.

15 (f) The court may issue an order of protection pursuant
16 to the Illinois Domestic Violence Act of 1986 as a condition
17 of a sentence of periodic imprisonment. The Illinois Domestic
18 Violence Act of 1986 shall govern the issuance, enforcement
19 and recording of orders of protection issued under this
20 Section. A copy of the order of protection shall be
21 transmitted to the person or agency having responsibility for
22 the case.

23 (f-5) An offender sentenced to a term of periodic
24 imprisonment for a sex offense as defined in the Sex Offender
25 Management Board Act shall be required to undergo and
26 successfully complete sex offender treatment by a treatment
27 provider approved by the Board and conducted in conformance
28 with the standards developed under the Sex Offender
29 Management Board Act.

30 (g) An offender sentenced to periodic imprisonment who
31 undergoes mandatory drug or alcohol testing, or both, or is
32 assigned to be placed on an approved electronic monitoring
33 device, shall be ordered to pay the costs incidental to such
34 mandatory drug or alcohol testing, or both, and costs

1 incidental to such approved electronic monitoring in
2 accordance with the defendant's ability to pay those costs.
3 The county board with the concurrence of the Chief Judge of
4 the judicial circuit in which the county is located shall
5 establish reasonable fees for the cost of maintenance,
6 testing, and incidental expenses related to the mandatory
7 drug or alcohol testing, or both, and all costs incidental to
8 approved electronic monitoring, of all offenders with a
9 sentence of periodic imprisonment. The concurrence of the
10 Chief Judge shall be in the form of an administrative order.
11 The fees shall be collected by the clerk of the circuit
12 court. The clerk of the circuit court shall pay all moneys
13 collected from these fees to the county treasurer who shall
14 use the moneys collected to defray the costs of drug
15 testing, alcohol testing, and electronic monitoring. The
16 county treasurer shall deposit the fees collected in the
17 county working cash fund under Section 6-27001 or Section
18 6-29002 of the Counties Code, as the case may be.

19 (h) All fees and costs imposed under this Section for
20 any violation of Chapters 3, 4, 6, and 11 of the Illinois
21 Vehicle Code, or a similar provision of a local ordinance,
22 and any violation of the Child Passenger Protection Act, or a
23 similar provision of a local ordinance, shall be collected
24 and disbursed by the circuit clerk as provided under Section
25 27.5 of the Clerks of Courts Act.

26 (i) A defendant at least 17 years of age who is
27 convicted of a misdemeanor or felony in a county of 3,000,000
28 or more inhabitants and who has not been previously convicted
29 of a misdemeanor or a felony and who is sentenced to a term
30 of periodic imprisonment may as a condition of his or her
31 sentence be required by the court to attend educational
32 courses designed to prepare the defendant for a high school
33 diploma and to work toward receiving a high school diploma or
34 to work toward passing the high school level Test of General

1 Educational Development (GED) or to work toward completing a
2 vocational training program approved by the court. The
3 defendant sentenced to periodic imprisonment must attend a
4 public institution of education to obtain the educational or
5 vocational training required by this subsection (i). The
6 defendant sentenced to a term of periodic imprisonment shall
7 be required to pay for the cost of the educational courses or
8 GED test, if a fee is charged for those courses or test. The
9 court shall revoke the sentence of periodic imprisonment of
10 the defendant who wilfully fails to comply with this
11 subsection (i). The court shall resentence the defendant
12 whose sentence of periodic imprisonment has been revoked as
13 provided in Section 5-7-2. This subsection (i) does not
14 apply to a defendant who has a high school diploma or has
15 successfully passed the GED test. This subsection (i) does
16 not apply to a defendant who is determined by the court to be
17 developmentally disabled or otherwise mentally incapable of
18 completing the educational or vocational program.

19 (Source: P.A. 89-688, eff. 6-1-97; 90-399, eff. 1-1-98;
20 90-655, eff. 7-30-98.)

21 Section 25. The Probation and Probation Officers Act is
22 amended by changing Section 15.1 as follows:

23 (730 ILCS 110/15.1) (from Ch. 38, par. 204-7.1)

24 Sec. 15.1. Probation and Court Services Fund.

25 (a) The county treasurer in each county shall establish
26 a probation and court services fund consisting of fees
27 collected pursuant to subsection (i) of Section 5-6-3 and
28 subsection (i) of Section 5-6-3.1 of the Unified Code of
29 Corrections, subsection (10) of Section 5-615 and subsection
30 (5) of Section 5-715 of the Juvenile Court Act of 1987, and
31 paragraph 14.3 of subsection (b) of Section 110-10 of the
32 Code of Criminal Procedure of 1963. The county treasurer

1 shall disburse monies from the fund only at the direction of
2 the chief judge of the circuit court in such circuit where
3 the county is located. The county treasurer of each county
4 shall, on or before January 10 of each year, submit an annual
5 report to the Supreme Court.

6 (b) Monies in the probation and court services fund
7 shall be appropriated by the county board to be used within
8 the county or jurisdiction where collected in accordance with
9 policies and guidelines approved by the Supreme Court for the
10 costs of operating the probation and court services
11 department or departments; however, monies in the probation
12 and court services fund shall not be used for the payment of
13 salaries of probation and court services personnel.

14 (c) Monies expended from the probation and court
15 services fund shall be used to supplement, not supplant,
16 county appropriations for probation and court services.

17 (d) Interest earned on monies deposited in a probation
18 and court services fund may be used by the county for its
19 ordinary and contingent expenditures.

20 (e) The county board may appropriate moneys from the
21 probation and court services fund, upon the direction of the
22 chief judge, to support programs that are part of the
23 continuum of juvenile delinquency intervention programs which
24 are or may be developed within the county. The grants from
25 the probation and court services fund shall be for no more
26 than one year and may be used for any expenses attributable
27 to the program including administration and oversight of the
28 program by the probation department.

29 (f) The county board may appropriate moneys from the
30 probation and court services fund, upon the direction of the
31 chief judge, to support practices endorsed or required under
32 the Sex Offender Management Board Act, including but not
33 limited to sex offender evaluation, treatment, and monitoring
34 programs that are or may be developed within the county.

1 (Source: P.A. 92-329, eff. 8-9-01.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.

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