

1 AMENDMENT TO HOUSE BILL 3556

2 AMENDMENT NO. _____. Amend House Bill 3556, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Sex Offender Management Board Act is
6 amended by changing Sections 10 and 15 and adding Sections
7 16, 17, 18, and 19 as follows:

8 (20 ILCS 4026/10)

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

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

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

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

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

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

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

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

11 (5) Sexual relations within families, in violation
12 of Section 11-11 of the Criminal Code of 1961;

13 (6) Soliciting for a juvenile prostitute, in
14 violation of Section 11-15.1 of the Criminal Code of
15 1961;

16 (7) Keeping a place of juvenile prostitution, in
17 violation of Section 11-17.1 of the Criminal Code of
18 1961;

19 (8) Patronizing a juvenile prostitute, in violation
20 of Section 11-18.1 of the Criminal Code of 1961;

21 (9) Juvenile pimping, in violation of Section
22 11-19.1 of the Criminal Code of 1961;

23 (10) Exploitation of a child, in violation of
24 Section 11-19.2 of the Criminal Code of 1961;

25 (11) Child pornography, in violation of Section
26 11-20.1 of the Criminal Code of 1961;

27 (12) Harmful material, in violation of Section
28 11-21 of the Criminal Code of 1961;

29 (13) Criminal sexual assault, in violation of
30 Section 12-13 of the Criminal Code of 1961;

31 (14) Aggravated criminal sexual assault, in
32 violation of Section 12-14 of the Criminal Code of 1961;

33 (15) Predatory criminal sexual assault of a child,
34 in violation of Section 12-14.1 of the Criminal Code of

1 1961;

2 (16) Criminal sexual abuse, in violation of Section
3 12-15 of the Criminal Code of 1961;

4 (17) Aggravated criminal sexual abuse, in violation
5 of Section 12-16 of the Criminal Code of 1961;

6 (18) Ritualized abuse of a child, in violation of
7 Section 12-33 of the Criminal Code of 1961;

8 (19) An attempt to commit any of the offenses
9 enumerated in this subsection (c); or-

10 (20) Any felony offense under Illinois law that is
11 sexually motivated.

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

15 (e) "Sexually motivated" means one or more of the facts
16 of the underlying offense indicates conduct that is of a
17 sexual nature or that shows an intent to engage in behavior
18 of a sexual nature.

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

20 (20 ILCS 4026/15)

21 Sec. 15. Sex Offender Management Board; creation;
22 duties.

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

26 (1) Two members appointed by the Governor
27 representing the judiciary, one representing juvenile
28 court matters and one representing adult criminal court
29 matters;

30 (2) One member appointed by the Governor
31 representing Probation Services;

32 (3) One member appointed by the Governor
33 representing the Department of Corrections;

1 (4) One member appointed by the Governor
2 representing the Department of Human Services;

3 (5) One member appointed by the Governor
4 representing the Illinois State Police;

5 (6) One member appointed by the Governor
6 representing the Department of Children and Family
7 Services;

8 (7) One member appointed by the Attorney General
9 representing the Office of the Attorney General;

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

13 (9) Two members appointed by the Attorney General
14 who are State's Attorneys or assistant State's Attorneys,
15 one representing juvenile court matters and one
16 representing felony court matters;

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

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

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

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

26 (14) Two members appointed by the Attorney General
27 who are recognized experts in the field of sexual assault
28 and who can represent sexual assault victims and victims'
29 rights organizations; and

30 (15) One member being the State Appellate Defender
31 or his or her designee;

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

34 (17) One member being the Executive Director of the

1 Criminal Justice Information Authority or his or her
2 designee;

3 (18) One member being the President of the Illinois
4 Chapter of the Association for the Treatment of Sexual
5 Abusers or his or her designee; and

6 (19) One member representing the Illinois Principal
7 Association.

8 (b) The Governor and the Attorney General shall appoint
9 a presiding officer for the Board from among the board
10 members appointed under subsection (a) of this Section, which
11 presiding officer shall serve at the pleasure of the Governor
12 and the Attorney General.

13 (c) Each member of the Board shall demonstrate
14 substantial expertise and experience in the field of sexual
15 assault.

16 (d) (1) Any member of the Board created in subsection
17 (a) of this Section who is appointed under paragraphs (1)
18 through (7) of subsection (a) of this Section shall serve at
19 the pleasure of the official who appointed that member, for a
20 term of 5 years and may be reappointed. The members shall
21 serve without additional compensation.

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

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

30 (e) The first meeting of this Board shall be held within
31 45 days of the effective date of this Act.

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

33 (1) Not later than December 31, 2001, the Board
34 shall develop and prescribe separate standardized

1 procedures for the evaluation and identification of the
2 offender and recommend behavior management, monitoring,
3 and treatment counseling based upon the knowledge that
4 sex offenders are extremely habituated and that there is
5 no known cure for the propensity to commit sex abuse.
6 The Board shall develop and implement measures of success
7 based upon a no-cure policy for intervention. The Board
8 shall develop and implement methods of intervention for
9 sex offenders which have as a priority the physical and
10 psychological safety of victims and potential victims and
11 which are appropriate to the needs of the particular
12 offender, so long as there is no reduction of the safety
13 of victims and potential victims.

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

32 (3) There is established the Sex Offender
33 Management Board Fund in the State Treasury into which
34 funds received under any provision of law or from public

1 or private sources shall be deposited, and from which
 2 funds shall be appropriated for the purposes set forth in
 3 Section 19 of this Act, Section 5-6-3 of the Unified Code
 4 of Corrections, and Section 3 of the Sex Offender
 5 Registration Act, and the remainder shall be appropriated
 6 to the Sex Offender Management Board for planning and
 7 research.

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

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

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

28 (Source: P.A. 90-133, eff. 7-22-97; 90-793, eff. 8-14-98;
 29 91-235, eff. 7-22-99; 91-798, eff. 7-9-00.)

30 (20 ILCS 4026/16 new)

31 Sec. 16. Sex offender evaluation and identification
 32 required.

33 (a) Beginning on the effective date of this amendatory

1 Act of the 93rd General Assembly, each felony sex offender
2 who is to be considered for probation shall be required as
3 part of the pre-sentence or social investigation to submit to
4 an evaluation for treatment, an evaluation for risk, and
5 procedures for monitoring of behavior to protect victims and
6 potential victims developed pursuant to item (1) of
7 subsection (f) of Section 15 of this Act.

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

13 (20 ILCS 4026/17 new)

14 Sec. 17. Sentencing of sex offenders; treatment based
15 upon evaluation and identification required.

16 (a) Each felony sex offender sentenced by the court for
17 a sex offense shall be required as a part of any sentence to
18 probation, conditional release, or periodic imprisonment to
19 undergo treatment based upon the recommendations of the
20 evaluation made pursuant to Section 16 or based upon any
21 subsequent recommendations by the Administrative Office of
22 the Illinois Courts or the county probation department,
23 whichever is appropriate. Any such treatment and monitoring
24 shall be at a facility or with a person approved by the Board
25 and at such offender's own expense based upon the offender's
26 ability to pay for such treatment.

27 (b) Beginning on the effective date of this amendatory
28 Act of the 93rd General Assembly, each sex offender placed on
29 parole or mandatory supervised release by the Prisoner Review
30 Board shall be required as a condition of parole to undergo
31 treatment based upon any evaluation or subsequent
32 reevaluation regarding such offender during the offender's
33 incarceration or any period of parole. Any such treatment

1 shall be by an individual approved by the Board and at the
2 offender's expense based upon the offender's ability to pay
3 for such treatment.

4 (20 ILCS 4026/18 new)

5 Sec. 18. Sex offender treatment contracts with
6 providers. The county probation department or the Department
7 of Human Services shall not employ or contract with and shall
8 not allow a sex offender to employ or contract with any
9 individual or entity to provide sex offender evaluation or
10 treatment services pursuant to this Act unless the sex
11 offender evaluation or treatment services provided are by an
12 individual approved by the Board pursuant to item (2) of
13 subsection (f) of Section 15 of this Act.

14 (20 ILCS 4026/19 new)

15 Sec. 19. Sex Offender Management Board Fund.

16 (a) Any and all practices endorsed or required under
17 this Act, including but not limited to evaluation, treatment,
18 or monitoring of programs that are or may be developed by the
19 agency providing supervision, the Department of Corrections,
20 or the Department of Human Services shall be at the expense
21 of the person evaluated or treated, based upon the person's
22 ability to pay. If it is determined by the agency providing
23 supervision, the Department of Corrections, or the Department
24 of Human Services that the person does not have the ability
25 to pay for practices endorsed or required by this Act, the
26 agency providing supervision of the sex offender shall
27 request reimbursement for services. The Sex Offender
28 Management Board shall provide the agency providing
29 supervision, the Department of Corrections, or the Department
30 of Human Services with factors to be considered and criteria
31 to determine a person's ability to pay. The Sex Offender
32 Management Board shall coordinate the expenditures of moneys

1 from the Sex Offender Management Board Fund with any money
2 expended by counties, the Department of Corrections or the
3 Department of Human Services. The Board shall develop a plan
4 for the allocation of moneys deposited in this Fund among the
5 agency providing supervision, the Department of Corrections,
6 or the Department of Human Services.

7 (b) Up to 20% of this Fund shall be retained by the Sex
8 Offender Management Board for administrative costs, including
9 staff, incurred pursuant to this Act.

10 (c) Monies expended for this Fund shall be used to
11 supplement, not replace offenders' self-pay, or county
12 appropriations for probation and court services.

13 (d) Interest earned on monies deposited in this Fund may
14 be used by the Board for its administrative costs and
15 expenses.

16 (e) In addition to the funds provided by the sex
17 offender, counties, or Departments providing treatment, the
18 Board shall explore funding sources including but not limited
19 to State, federal, and private funds.

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

22 (705 ILCS 405/5-701)

23 Sec. 5-701. Social investigation report. Upon the order
24 of the court, a social investigation report shall be prepared
25 and delivered to the parties at least 3 days prior to the
26 sentencing hearing. The written report of social
27 investigation shall include an investigation and report of
28 the minor's physical and mental history and condition, family
29 situation and background, economic status, education,
30 occupation, personal habits, minor's history of delinquency
31 or criminality or other matters which have been brought to
32 the attention of the juvenile court, information about

1 special resources known to the person preparing the report
2 which might be available to assist in the minor's
3 rehabilitation, and any other matters which may be helpful to
4 the court or which the court directs to be included.

5 Any minor found to be guilty of a sex offense as defined
6 by the Sex Offender Management Board Act shall be required as
7 part of the social investigation to submit to a sex offender
8 evaluation. The evaluation shall be performed in conformance
9 with the standards developed under the Sex Offender
10 Management Board Act and by an evaluator approved by the
11 Board.

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

13 (705 ILCS 405/5-715)

14 Sec. 5-715. Probation.

15 (1) The period of probation or conditional discharge
16 shall not exceed 5 years or until the minor has attained the
17 age of 21 years, whichever is less, except as provided in
18 this Section for a minor who is found to be guilty for an
19 offense which is first degree murder, a Class X felony or a
20 forcible felony. The juvenile court may terminate probation
21 or conditional discharge and discharge the minor at any time
22 if warranted by the conduct of the minor and the ends of
23 justice; provided, however, that the period of probation for
24 a minor who is found to be guilty for an offense which is
25 first degree murder, a Class X felony, or a forcible felony
26 shall be at least 5 years.

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

29 (a) not violate any criminal statute of any
30 jurisdiction;

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

33 (c) work or pursue a course of study or vocational

1 training;

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

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

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

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

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

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

16 (j) attend school;

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

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

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

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

30 (n) perform some reasonable public or community
31 service;

32 (o) participate with community corrections programs
33 including unified delinquency intervention services
34 administered by the Department of Human Services subject

1 to Section 5 of the Children and Family Services Act;

2 (p) pay costs;

3 (q) serve a term of home confinement. In addition
4 to any other applicable condition of probation or
5 conditional discharge, the conditions of home confinement
6 shall be that the minor:

7 (i) remain within the interior premises of the
8 place designated for his or her confinement during
9 the hours designated by the court;

10 (ii) admit any person or agent designated by
11 the court into the minor's place of confinement at
12 any time for purposes of verifying the minor's
13 compliance with the conditions of his or her
14 confinement; and

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

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

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

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

33 (t) refrain from having in his or her body the
34 presence of any illicit drug prohibited by the Cannabis

1 Control Act or the Illinois Controlled Substances Act,
2 unless prescribed by a physician, and shall submit
3 samples of his or her blood or urine or both for tests to
4 determine the presence of any illicit drug; or

5 (u) comply with other conditions as may be ordered
6 by the court.

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

17 (3.5) The court shall, as a condition of probation or of
18 conditional discharge, require that a minor found to be
19 guilty and placed on probation for reasons that include a
20 violation of Section 3.02 or Section 3.03 of the Humane Care
21 for Animals Act or paragraph (d) of subsection (1) of Section
22 21-1 of the Criminal Code of 1961 undergo medical or
23 psychiatric treatment rendered by a psychiatrist or
24 psychological treatment rendered by a clinical psychologist.
25 The condition may be in addition to any other condition.

26 (3.10) The court shall order that a minor placed on
27 probation or conditional discharge for a sex offense as
28 defined in the Sex Offender Management Board Act undergo and
29 successfully complete sex offender treatment. The treatment
30 shall be in conformance with the standards developed under
31 the Sex Offender Management Board Act and conducted by a
32 treatment provider approved by the Board. The treatment
33 shall be at the expense of the person evaluated based upon
34 that person's ability to pay for the treatment.

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

4 (5) The court shall impose upon a minor placed on
5 probation or conditional discharge, as a condition of the
6 probation or conditional discharge, a fee of \$25 for each
7 month of probation or conditional discharge supervision
8 ordered by the court, unless after determining the inability
9 of the minor placed on probation or conditional discharge to
10 pay the fee, the court assesses a lesser amount. The court
11 may not impose the fee on a minor who is made a ward of the
12 State under this Act while the minor is in placement. The
13 fee shall be imposed only upon a minor who is actively
14 supervised by the probation and court services department.
15 The court may order the parent, guardian, or legal custodian
16 of the minor to pay some or all of the fee on the minor's
17 behalf.

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

27 The court shall provide as a condition of a disposition
28 of probation, conditional discharge, or supervision, that the
29 probation agency may invoke any sanction from the list of
30 intermediate sanctions adopted by the chief judge of the
31 circuit court for violations of the terms and conditions of
32 the sentence of probation, conditional discharge, or
33 supervision, subject to the provisions of Section 5-720 of
34 this Act.

1 (Source: P.A. 91-98, eff. 1-1-00; 92-282, eff. 8-7-01;
2 92-454, eff. 1-1-02; 92-651, eff. 7-11-02.)

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

5 (725 ILCS 205/8) (from Ch. 38, par. 105-8)

6 Sec. 8. If the respondent is found to be a sexually
7 dangerous person then the court shall appoint the Director of
8 Corrections guardian of the person found to be sexually
9 dangerous and such person shall stand committed to the
10 custody of such guardian. The Director of Corrections as
11 guardian shall keep safely the person so committed until the
12 person has recovered and is released as hereinafter provided.
13 The Director of Corrections as guardian shall provide care
14 and treatment for the person committed to him designed to
15 effect recovery. Any treatment provided under this Section
16 shall be in conformance with the standards promulgated by the
17 Sex Offender Management Board and conducted by a treatment
18 provider approved by the Board. The Director may place that
19 ward in any facility in the Department of Corrections or
20 portion thereof set aside for the care and treatment of
21 sexually dangerous persons. The Department of Corrections may
22 also request another state Department or Agency to examine
23 such person and upon such request, such Department or Agency
24 shall make such examination and the Department of Corrections
25 may, with the consent of the chief executive officer of such
26 other Department or Agency, thereupon place such person in
27 the care and treatment of such other Department or Agency.

28 (Source: P.A. 92-786, eff. 8-6-02.)

29 Section 20. The Sexually Violent Persons Commitment Act
30 is amended by changing Sections 10, 25, 30, 40, 55, 60, and
31 65 as follows:

1 (725 ILCS 207/10)

2 Sec. 10. Notice to the Attorney General and State's
3 Attorney.

4 (a) In this Act, "agency with jurisdiction" means the
5 agency with the authority or duty to release or discharge the
6 person.

7 (b) If an agency with jurisdiction has control or
8 custody over a person who may meet the criteria for
9 commitment as a sexually violent person, the agency with
10 jurisdiction shall inform the Attorney General and the
11 State's Attorney in a position to file a petition under
12 paragraph (a)(2) of Section 15 of this Act regarding the
13 person as soon as possible beginning 3 months prior to the
14 applicable date of the following:

15 (1) The anticipated release from imprisonment or
16 the anticipated entry into mandatory supervised release
17 of a person who has been convicted of a sexually violent
18 offense.

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

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

29 (c) The agency with jurisdiction shall provide the
30 Attorney General and the State's Attorney with all of the
31 following:

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

34 (2) A comprehensive evaluation of the person's

1 mental condition, the basis upon which a determination
2 has been made that the person is subject to commitment
3 under subsection (b) of Section 15 of this Act and a
4 recommendation for action in furtherance of the purposes
5 of this Act. The evaluation shall be conducted in
6 conformance with the standards developed under the Sex
7 Offender Management Board Act and by an evaluator
8 approved by the Board; and

9 (3) If applicable, documentation of any treatment
10 and the person's adjustment to any institutional
11 placement.

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

16 (Source: P.A. 90-40, eff. 1-1-98; 90-793, eff. 8-14-98;
17 91-357, eff. 7-29-99.)

18 (725 ILCS 207/25)

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

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

23 (b) The circuit court in which a petition under Section
24 15 of this Act is filed shall conduct all hearings under this
25 Act. The court shall give the person who is the subject of
26 the petition reasonable notice of the time and place of each
27 such hearing. The court may designate additional persons to
28 receive these notices.

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

33 (1) To be present and to be represented by counsel.

1 If the person is indigent, the court shall appoint
2 counsel.

3 (2) Remain silent.

4 (3) Present and cross-examine witnesses.

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

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

11 (e) Whenever the person who is the subject of the
12 petition is required to submit to an examination under this
13 Act, he or she may retain experts or professional persons to
14 perform an examination. The respondent's chosen evaluator
15 must be approved by the Sex Offender Management Board and the
16 evaluation must be conducted in conformance with the
17 standards developed under the Sex Offender Management Board
18 Act. If the person retains a qualified expert or
19 professional person of his or her own choice to conduct an
20 examination, the examiner shall have reasonable access to the
21 person for the purpose of the examination, as well as to the
22 person's past and present treatment records and patient
23 health care records. If the person is indigent, the court
24 shall, upon the person's request, appoint a qualified and
25 available expert or professional person to perform an
26 examination. Upon the order of the circuit court, the county
27 shall pay, as part of the costs of the action, the costs of a
28 court-appointed expert or professional person to perform an
29 examination and participate in the trial on behalf of an
30 indigent person.

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

32 (725 ILCS 207/30)

33 Sec. 30. Detention; probable cause hearing; transfer for

1 examination.

2 (a) Upon the filing of a petition under Section 15 of
3 this Act, the court shall review the petition to determine
4 whether to issue an order for detention of the person who is
5 the subject of the petition. The person shall be detained
6 only if there is cause to believe that the person is eligible
7 for commitment under subsection (f) of Section 35 of this
8 Act. A person detained under this Section shall be held in a
9 facility approved by the Department. If the person is
10 serving a sentence of imprisonment, is in a Department of
11 Corrections correctional facility or juvenile correctional
12 facility or is committed to institutional care, and the court
13 orders detention under this Section, the court shall order
14 that the person be transferred to a detention facility
15 approved by the Department. A detention order under this
16 Section remains in effect until the person is discharged
17 after a trial under Section 35 of this Act or until the
18 effective date of a commitment order under Section 40 of this
19 Act, whichever is applicable.

20 (b) Whenever a petition is filed under Section 15 of
21 this Act, the court shall hold a hearing to determine whether
22 there is probable cause to believe that the person named in
23 the petition is a sexually violent person. If the person
24 named in the petition is in custody, the court shall hold the
25 probable cause hearing within 72 hours after the petition is
26 filed, excluding Saturdays, Sundays and legal holidays. The
27 court may grant a continuance of the probable cause hearing
28 for no more than 7 additional days upon the motion of the
29 respondent, for good cause. If the person named in the
30 petition has been released, is on parole, is on mandatory
31 supervised release, or otherwise is not in custody, the court
32 shall hold the probable cause hearing within a reasonable
33 time after the filing of the petition. At the probable cause
34 hearing, the court shall admit and consider all relevant

1 hearsay evidence.

2 (c) If the court determines after a hearing that there
3 is probable cause to believe that the person named in the
4 petition is a sexually violent person, the court shall order
5 that the person be taken into custody if he or she is not in
6 custody and shall order the person to be transferred within a
7 reasonable time to an appropriate facility for an evaluation
8 as to whether the person is a sexually violent person. If the
9 person who is named in the petition refuses to speak to,
10 communicate with, or otherwise fails to cooperate with the
11 examining evaluator from the Department of Human Services or
12 the Department of Corrections, that person may only introduce
13 evidence and testimony from any expert or professional person
14 who is retained or court-appointed to conduct an examination
15 of the person that results from a review of the records and
16 may not introduce evidence resulting from an examination of
17 the person. Any evaluation conducted under this Section shall
18 be by an evaluator approved by the Sex Offender Management
19 Board and conducted in conformance with the standards
20 developed under the Sex Offender Management Board Act.
21 Notwithstanding the provisions of Section 10 of the Mental
22 Health and Developmental Disabilities Confidentiality Act,
23 all evaluations conducted pursuant to this Act and all
24 Illinois Department of Corrections treatment records shall be
25 admissible at all proceedings held pursuant to this Act,
26 including the probable cause hearing and the trial.

27 If the court determines that probable cause does not
28 exist to believe that the person is a sexually violent
29 person, the court shall dismiss the petition.

30 (d) The Department shall promulgate rules that provide
31 the qualifications for persons conducting evaluations under
32 subsection (c) of this Section.

33 (e) If the person named in the petition claims or
34 appears to be indigent, the court shall, prior to the

1 probable cause hearing under subsection (b) of this Section,
2 appoint counsel.

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

4 (725 ILCS 207/40)

5 Sec. 40. Commitment.

6 (a) If a court or jury determines that the person who is
7 the subject of a petition under Section 15 of this Act is a
8 sexually violent person, the court shall order the person to
9 be committed to the custody of the Department for control,
10 care and treatment until such time as the person is no longer
11 a sexually violent person.

12 (b) (1) The court shall enter an initial commitment
13 order under this Section pursuant to a hearing held as
14 soon as practicable after the judgment is entered that
15 the person who is the subject of a petition under Section
16 15 is a sexually violent person. If the court lacks
17 sufficient information to make the determination required
18 by paragraph (b)(2) of this Section immediately after
19 trial, it may adjourn the hearing and order the
20 Department to conduct a predisposition investigation or a
21 supplementary mental examination, or both, to assist the
22 court in framing the commitment order. A supplementary
23 mental examination under this Section shall be conducted
24 in accordance with Section 3-804 of the Mental Health and
25 Developmental Disabilities Code.

26 (2) An order for commitment under this Section
27 shall specify either institutional care in a secure
28 facility, as provided under Section 50 of this Act, or
29 conditional release. In determining whether commitment
30 shall be for institutional care in a secure facility or
31 for conditional release, the court shall consider the
32 nature and circumstances of the behavior that was the
33 basis of the allegation in the petition under paragraph

1 (b)(1) of Section 15, the person's mental history and
2 present mental condition, where the person will live, how
3 the person will support himself or herself, and what
4 arrangements are available to ensure that the person has
5 access to and will participate in necessary treatment.
6 All treatment, whether in institutional care, in a secure
7 facility, or while on conditional release, shall be
8 conducted in conformance with the standards developed
9 under the Sex Offender Management Board Act and conducted
10 by a treatment provider approved by the Board. The
11 Department shall arrange for control, care and treatment
12 of the person in the least restrictive manner consistent
13 with the requirements of the person and in accordance
14 with the court's commitment order.

15 (3) If the court finds that the person is
16 appropriate for conditional release, the court shall
17 notify the Department. The Department shall prepare a
18 plan that identifies the treatment and services, if any,
19 that the person will receive in the community. The plan
20 shall address the person's need, if any, for supervision,
21 counseling, medication, community support services,
22 residential services, vocational services, and alcohol or
23 other drug abuse treatment. The Department may contract
24 with a county health department, with another public
25 agency or with a private agency to provide the treatment
26 and services identified in the plan. The plan shall
27 specify who will be responsible for providing the
28 treatment and services identified in the plan. The plan
29 shall be presented to the court for its approval within
30 60 days after the court finding that the person is
31 appropriate for conditional release, unless the
32 Department and the person to be released request
33 additional time to develop the plan. The conditional
34 release program operated under this Section is not

1 subject to the provisions of the Mental Health and
2 Developmental Disabilities Confidentiality Act.

3 (4) An order for conditional release places the
4 person in the custody and control of the Department. A
5 person on conditional release is subject to the
6 conditions set by the court and to the rules of the
7 Department. Before a person is placed on conditional
8 release by the court under this Section, the court shall
9 so notify the municipal police department and county
10 sheriff for the municipality and county in which the
11 person will be residing. The notification requirement
12 under this Section does not apply if a municipal police
13 department or county sheriff submits to the court a
14 written statement waiving the right to be notified. If
15 the Department alleges that a released person has
16 violated any condition or rule, or that the safety of
17 others requires that conditional release be revoked, he
18 or she may be taken into custody under the rules of the
19 Department.

20 At any time during which the person is on
21 conditional release, if the Department determines that
22 the person has violated any condition or rule, or that
23 the safety of others requires that conditional release be
24 revoked, the Department may request the Attorney General
25 or State's Attorney to request the court to issue an
26 emergency ex parte order directing any law enforcement
27 officer to take the person into custody and transport the
28 person to the county jail. The Department may request, or
29 the Attorney General or State's Attorney may request
30 independently of the Department, that a petition to
31 revoke conditional release be filed. When a petition is
32 filed, the court may order the Department to issue a
33 notice to the person to be present at the Department or
34 other agency designated by the court, order a summons to

1 the person to be present, or order a body attachment for
2 all law enforcement officers to take the person into
3 custody and transport him or her to the county jail,
4 hospital, or treatment facility. The Department shall
5 submit a statement showing probable cause of the
6 detention and a petition to revoke the order for
7 conditional release to the committing court within 48
8 hours after the detention. The court shall hear the
9 petition within 30 days, unless the hearing or time
10 deadline is waived by the detained person. Pending the
11 revocation hearing, the Department may detain the person
12 in a jail, in a hospital or treatment facility. The
13 State has the burden of proving by clear and convincing
14 evidence that any rule or condition of release has been
15 violated, or that the safety of others requires that the
16 conditional release be revoked. If the court determines
17 after hearing that any rule or condition of release has
18 been violated, or that the safety of others requires that
19 conditional release be revoked, it may revoke the order
20 for conditional release and order that the released
21 person be placed in an appropriate institution until the
22 person is discharged from the commitment under Section 65
23 of this Act or until again placed on conditional release
24 under Section 60 of this Act.

25 (5) An order for conditional release places the
26 person in the custody, care, and control of the
27 Department. The court shall order the person be subject
28 to the following rules of conditional release, in
29 addition to any other conditions ordered, and the person
30 shall be given a certificate setting forth the conditions
31 of conditional release. These conditions shall be that
32 the person:

33 (A) not violate any criminal statute of any
34 jurisdiction;

1 (B) report to or appear in person before such
2 person or agency as directed by the court and the
3 Department;

4 (C) refrain from possession of a firearm or
5 other dangerous weapon;

6 (D) not leave the State without the consent of
7 the court or, in circumstances in which the reason
8 for the absence is of such an emergency nature, that
9 prior consent by the court is not possible without
10 the prior notification and approval of the
11 Department;

12 (E) at the direction of the Department, notify
13 third parties of the risks that may be occasioned by
14 his or her criminal record or sexual offending
15 history or characteristics, and permit the
16 supervising officer or agent to make the
17 notification requirement;

18 (F) attend and fully participate in
19 assessment, treatment, and behavior monitoring
20 including, but not limited to, medical,
21 psychological or psychiatric treatment specific to
22 sexual offending, drug addiction, or alcoholism, to
23 the extent appropriate to the person based upon the
24 recommendation and findings made in the Department
25 evaluation or based upon any subsequent
26 recommendations by the Department;

27 (G) waive confidentiality allowing the court
28 and Department access to assessment or treatment
29 results or both;

30 (H) work regularly at a Department approved
31 occupation or pursue a course of study or vocational
32 training and notify the Department within 72 hours
33 of any change in employment, study, or training;

34 (I) not be employed or participate in any

1 volunteer activity that involves contact with
2 children, except under circumstances approved in
3 advance and in writing by the Department officer;

4 (J) submit to the search of his or her person,
5 residence, vehicle, or any personal or real property
6 under his or her control at any time by the
7 Department;

8 (K) financially support his or her dependents
9 and provide the Department access to any requested
10 financial information;

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

13 (i) remain within the interior premises
14 of the place designated for his or her
15 confinement during the hours designated by the
16 Department;

17 (ii) admit any person or agent designated
18 by the Department into the offender's place of
19 confinement at any time for purposes of
20 verifying the person's compliance with the
21 condition of his or her confinement;

22 (iii) if deemed necessary by the
23 Department, be placed on an electronic
24 monitoring device;

25 (M) comply with the terms and conditions of an
26 order of protection issued by the court pursuant to
27 the Illinois Domestic Violence Act of 1986. A copy
28 of the order of protection shall be transmitted to
29 the Department by the clerk of the court;

30 (N) refrain from entering into a designated
31 geographic area except upon terms the Department
32 finds appropriate. The terms may include
33 consideration of the purpose of the entry, the time
34 of day, others accompanying the person, and advance

1 approval by the Department;

2 (O) refrain from having any contact, including
3 written or oral communications, directly or
4 indirectly, with certain specified persons
5 including, but not limited to, the victim or the
6 victim's family, and report any incidental contact
7 with the victim or the victim's family to the
8 Department within 72 hours; refrain from entering
9 onto the premises of, traveling past, or loitering
10 near the victim's residence, place of employment, or
11 other places frequented by the victim;

12 (P) refrain from having any contact, including
13 written or oral communications, directly or
14 indirectly, with particular types of persons,
15 including but not limited to members of street
16 gangs, drug users, drug dealers, or prostitutes;

17 (Q) refrain from all contact, direct or
18 indirect, personally, by telephone, letter, or
19 through another person, with minor children without
20 prior identification and approval of the Department;

21 (R) refrain from having in his or her body the
22 presence of alcohol or any illicit drug prohibited
23 by the Cannabis Control Act or the Illinois
24 Controlled Substances Act, unless prescribed by a
25 physician, and submit samples of his or her breath,
26 saliva, blood, or urine for tests to determine the
27 presence of alcohol or any illicit drug;

28 (S) not establish a dating, intimate, or
29 sexual relationship with a person without prior
30 written notification to the Department;

31 (T) neither possess or have under his or her
32 control any material that is pornographic, sexually
33 oriented, or sexually stimulating, or that depicts
34 or alludes to sexual activity or depicts minors

1 under the age of 18, including but not limited to
2 visual, auditory, telephonic, electronic media, or
3 any matter obtained through access to any computer
4 or material linked to computer access use;

5 (U) not patronize any business providing
6 sexually stimulating or sexually oriented
7 entertainment nor utilize "900" or adult telephone
8 numbers or any other sex-related telephone numbers;

9 (V) not reside near, visit, or be in or about
10 parks, schools, day care centers, swimming pools,
11 beaches, theaters, or any other places where minor
12 children congregate without advance approval of the
13 Department and report any incidental contact with
14 minor children to the Department within 72 hours;

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

17 (X) not publish any materials or print any
18 advertisements without providing a copy of the
19 proposed publications to the Department officer and
20 obtaining permission prior to publication;

21 (Y) not leave the county except with prior
22 permission of the Department and provide the
23 Department officer or agent with written travel
24 routes to and from work and any other designated
25 destinations;

26 (Z) not possess or have under his or her
27 control certain specified items of contraband
28 related to the incidence of sexually offending items
29 including video or still camera items or children's
30 toys;

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

33 (BB) comply with all other special conditions
34 that the Department may impose that restrict the

1 person from high-risk situations and limit access or
2 potential victims.

3 (6) A person placed on conditional release and who
4 during the term undergoes mandatory drug or alcohol
5 testing or is assigned to be placed on an approved
6 electronic monitoring device may be ordered to pay all
7 costs incidental to the mandatory drug or alcohol testing
8 and all costs incidental to the approved electronic
9 monitoring in accordance with the person's ability to pay
10 those costs. The Department may establish reasonable
11 fees for the cost of maintenance, testing, and incidental
12 expenses related to the mandatory drug or alcohol testing
13 and all costs incidental to approved electronic
14 monitoring.

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

16 (725 ILCS 207/55)

17 Sec. 55. Periodic reexamination; report.

18 (a) If a person has been committed under Section 40 of
19 this Act and has not been discharged under Section 65 of this
20 Act, the Department shall conduct an examination of his or
21 her mental condition within 6 months after an initial
22 commitment under Section 40 and then at least once every 12
23 months from the completion of the last evaluation for the
24 purpose of determining whether the person has made sufficient
25 progress to be conditionally released or discharged. At the
26 time of a reexamination under this Section, the person who
27 has been committed may retain or, if he or she is indigent
28 and so requests, the court may appoint a qualified expert or
29 a professional person to examine him or her.

30 (b) Any examiner conducting an examination under this
31 Section shall prepare a written report of the examination no
32 later than 30 days after the date of the examination. The
33 examiner shall place a copy of the report in the person's

1 health care records and shall provide a copy of the report to
2 the court that committed the person under Section 40. The
3 examination shall be conducted in conformance with the
4 standards developed under the Sex Offender Management Board
5 Act and by an evaluator approved by the Board.

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

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

12 (Source: P.A. 90-40, eff. 1-1-98; 90-793, eff. 8-14-98;
13 91-227, eff. 1-1-00; 91-875, eff. 6-30-00.)

14 (725 ILCS 207/60)

15 Sec. 60. Petition for conditional release.

16 (a) Any person who is committed for institutional care
17 in a secure facility or other facility under Section 40 of
18 this Act may petition the committing court to modify its
19 order by authorizing conditional release if at least 6 months
20 have elapsed since the initial commitment order was entered,
21 the most recent release petition was denied or the most
22 recent order for conditional release was revoked. The
23 director of the facility at which the person is placed may
24 file a petition under this Section on the person's behalf at
25 any time.

26 (b) If the person files a timely petition without
27 counsel, the court shall serve a copy of the petition on the
28 Attorney General or State's Attorney, whichever is applicable
29 and, subject to paragraph (c)(1) of Section 25 of this Act,
30 appoint counsel. If the person petitions through counsel,
31 his or her attorney shall serve the Attorney General or
32 State's Attorney, whichever is applicable.

33 (c) Within 20 days after receipt of the petition, the

1 court shall appoint one or more examiners having the
2 specialized knowledge determined by the court to be
3 appropriate, who shall examine the mental condition of the
4 person and furnish a written report of the examination to the
5 court within 30 days after appointment. The examiners shall
6 have reasonable access to the person for purposes of
7 examination and to the person's past and present treatment
8 records and patient health care records. If any such
9 examiner believes that the person is appropriate for
10 conditional release, the examiner shall report on the type of
11 treatment and services that the person may need while in the
12 community on conditional release. The State has the right to
13 have the person evaluated by experts chosen by the State. Any
14 examination or evaluation conducted under this Section shall
15 be in conformance with the standards developed under the Sex
16 Offender Management Board Act and conducted by an evaluator
17 approved by the Board. The court shall set a probable cause
18 hearing as soon as practical after the examiner's report is
19 filed. If the court determines at the probable cause hearing
20 that cause exists to believe that it is not substantially
21 probable that the person will engage in acts of sexual
22 violence if on release or conditional release, the court
23 shall set a hearing on the issue.

24 (d) The court, without a jury, shall hear the petition
25 within 30 days after the report of the court-appointed
26 examiner is filed with the court, unless the petitioner
27 waives this time limit. The court shall grant the petition
28 unless the State proves by clear and convincing evidence that
29 the person has not made sufficient progress to be
30 conditionally released. In making a decision under this
31 subsection, the court must consider the nature and
32 circumstances of the behavior that was the basis of the
33 allegation in the petition under paragraph (b)(1) of Section
34 15 of this Act, the person's mental history and present

1 mental condition, where the person will live, how the person
2 will support himself or herself and what arrangements are
3 available to ensure that the person has access to and will
4 participate in necessary treatment.

5 (e) Before the court may enter an order directing
6 conditional release to a less restrictive alternative it must
7 find the following: (1) the person will be treated by a
8 Department approved treatment provider, (2) the treatment
9 provider has presented a specific course of treatment and has
10 agreed to assume responsibility for the treatment and will
11 report progress to the Department on a regular basis, and
12 will report violations immediately to the Department,
13 consistent with treatment and supervision needs of the
14 respondent, (3) housing exists that is sufficiently secure to
15 protect the community, and the person or agency providing
16 housing to the conditionally released person has agreed in
17 writing to accept the person, to provide the level of
18 security required by the court, and immediately to report to
19 the Department if the person leaves the housing to which he
20 or she has been assigned without authorization, (4) the
21 person is willing to or has agreed to comply with the
22 treatment provider, the Department, and the court, and (5)
23 the person has agreed or is willing to agree to comply with
24 the behavioral monitoring requirements imposed by the court
25 and the Department.

26 (f) If the court finds that the person is appropriate
27 for conditional release, the court shall notify the
28 Department. The Department shall prepare a plan that
29 identifies the treatment and services, if any, that the
30 person will receive in the community. The plan shall address
31 the person's need, if any, for supervision, counseling,
32 medication, community support services, residential services,
33 vocational services, and alcohol or other drug abuse
34 treatment. The Department may contract with a county health

1 department, with another public agency or with a private
2 agency to provide the treatment and services identified in
3 the plan. The plan shall specify who will be responsible for
4 providing the treatment and services identified in the plan.
5 The plan shall be presented to the court for its approval
6 within 60 days after the court finding that the person is
7 appropriate for conditional release, unless the Department
8 and the person to be released request additional time to
9 develop the plan.

10 (g) The provisions of paragraph (b)(4) of Section 40 of
11 this Act apply to an order for conditional release issued
12 under this Section.

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

14 (725 ILCS 207/65)

15 Sec. 65. Petition for discharge; procedure.

16 (a)(1) If the Secretary determines at any time that a
17 person committed under this Act is no longer a sexually
18 violent person, the Secretary shall authorize the person to
19 petition the committing court for discharge. The person
20 shall file the petition with the court and serve a copy upon
21 the Attorney General or the State's Attorney's office that
22 filed the petition under subsection (a) of Section 15 of this
23 Act, whichever is applicable. The court, upon receipt of the
24 petition for discharge, shall order a hearing to be held
25 within 45 days after the date of receipt of the petition.

26 (2) At a hearing under this subsection, the Attorney
27 General or State's Attorney, whichever filed the original
28 petition, shall represent the State and shall have the right
29 to have the petitioner examined by an expert or professional
30 person of his or her choice. The examination shall be
31 conducted in conformance with the standards developed under
32 the Sex Offender Management Board Act and by an evaluator
33 approved by the Board. The committed person or the State may

1 elect to have the hearing before a jury. The State has the
2 burden of proving by clear and convincing evidence that the
3 petitioner is still a sexually violent person.

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

12 (b)(1) A person may petition the committing court for
13 discharge from custody or supervision without the Secretary's
14 approval. At the time of an examination under subsection (a)
15 of Section 55 of this Act, the Secretary shall provide the
16 committed person with a written notice of the person's right
17 to petition the court for discharge over the Secretary's
18 objection. The notice shall contain a waiver of rights. The
19 Secretary shall forward the notice and waiver form to the
20 court with the report of the Department's examination under
21 Section 55 of this Act. If the person does not affirmatively
22 waive the right to petition, the court shall set a probable
23 cause hearing to determine whether facts exist that warrant a
24 hearing on whether the person is still a sexually violent
25 person. If a person does not file a petition for discharge,
26 yet fails to waive the right to petition under this Section,
27 then the probable cause hearing consists only of a review of
28 the reexamination reports and arguments on behalf of the
29 parties. The committed person has a right to have an attorney
30 represent him or her at the probable cause hearing, but the
31 person is not entitled to be present at the probable cause
32 hearing. The probable cause hearing under this Section must
33 be held within 45 days of the filing of the reexamination
34 report under Section 55 of this Act.

1 (2) If the court determines at the probable cause
2 hearing under paragraph (b)(1) of this Section that probable
3 cause exists to believe that the committed person is no
4 longer a sexually violent person, then the court shall set a
5 hearing on the issue. At a hearing under this Section, the
6 committed person is entitled to be present and to the benefit
7 of the protections afforded to the person under Section 25 of
8 this Act. The committed person or the State may elect to have
9 a hearing under this Section before a jury. A verdict of a
10 jury under this Section is not valid unless it is unanimous.
11 The Attorney General or State's Attorney, whichever filed the
12 original petition, shall represent the State at a hearing
13 under this Section. The State has the right to have the
14 committed person evaluated by experts chosen by the State.
15 The examination shall be conducted in conformance with the
16 standards developed under the Sex Offender Management Board
17 Act and by an evaluator approved by the Board. At the
18 hearing, the State has the burden of proving by clear and
19 convincing evidence that the committed person is still a
20 sexually violent person.

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

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

30 Section 20. The Unified Code of Corrections is amended
31 by changing Sections 3-3-7, 3-6-2, 3-9-7, 5-3-1, 5-3-2,
32 5-4-1, 5-6-3, and 5-7-1 as follows:

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

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

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

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

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

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

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

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

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

28 (7.5) if convicted of a sex offense as defined in
29 the Sex Offender Management Board Act, the individual
30 shall undergo and successfully complete sex offender
31 treatment conducted in conformance with the standards
32 developed by the Sex Offender Management Board Act by a
33 treatment provider approved by the Board;

34 (8) obtain permission of an agent of the Department

1 of Corrections before leaving the State of Illinois;

2 (9) obtain permission of an agent of the Department
3 of Corrections before changing his or her residence or
4 employment;

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

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

12 (12) not frequent places where controlled
13 substances are illegally sold, used, distributed, or
14 administered;

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

21 (14) provide true and accurate information, as it
22 relates to his or her adjustment in the community while
23 on parole or mandatory supervised release or to his or
24 her conduct while incarcerated, in response to inquiries
25 by his or her parole agent or of the Department of
26 Corrections; and

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

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

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

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

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

10 (4) support his dependents;

11 (5) (blank);

12 (6) (blank);

13 (7) comply with the terms and conditions of an
14 order of protection issued pursuant to the Illinois
15 Domestic Violence Act of 1986, enacted by the 84th
16 General Assembly, or an order of protection issued by the
17 court of another state, tribe, or United States
18 territory; and

19 (8) in addition, if a minor:

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

22 (ii) attend school;

23 (iii) attend a non-residential program for
24 youth; or

25 (iv) contribute to his own support at home or
26 in a foster home.

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

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

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

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

10 (730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

11 Sec. 3-6-2. Institutions and Facility Administration.

12 (a) Each institution and facility of the Department
13 shall be administered by a chief administrative officer
14 appointed by the Director. A chief administrative officer
15 shall be responsible for all persons assigned to the
16 institution or facility. The chief administrative officer
17 shall administer the programs of the Department for the
18 custody and treatment of such persons.

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

21 (c) The Director or Assistant Director shall have the
22 emergency powers to temporarily transfer individuals without
23 formal procedures to any State, county, municipal or regional
24 correctional or detention institution or facility in the
25 State, subject to the acceptance of such receiving
26 institution or facility, or to designate any reasonably
27 secure place in the State as such an institution or facility
28 and to make transfers thereto. However, transfers made under
29 emergency powers shall be reviewed as soon as practicable
30 under Article 8, and shall be subject to Section 5-905 of the
31 Juvenile Court Act of 1987. This Section shall not apply to
32 transfers to the Department of Human Services which are
33 provided for under Section 3-8-5 or Section 3-10-5.

1 (d) The Department shall provide educational programs
2 for all committed persons so that all persons have an
3 opportunity to attain the achievement level equivalent to the
4 completion of the twelfth grade in the public school system
5 in this State. Other higher levels of attainment shall be
6 encouraged and professional instruction shall be maintained
7 wherever possible. The Department may establish programs of
8 mandatory education and may establish rules and regulations
9 for the administration of such programs. A person committed
10 to the Department who, during the period of his or her
11 incarceration, participates in an educational program
12 provided by or through the Department and through that
13 program is awarded or earns the number of hours of credit
14 required for the award of an associate, baccalaureate, or
15 higher degree from a community college, college, or
16 university located in Illinois shall reimburse the State,
17 through the Department, for the costs incurred by the State
18 in providing that person during his or her incarceration with
19 the education that qualifies him or her for the award of that
20 degree. The costs for which reimbursement is required under
21 this subsection shall be determined and computed by the
22 Department under rules and regulations that it shall
23 establish for that purpose. However, interest at the rate of
24 6% per annum shall be charged on the balance of those costs
25 from time to time remaining unpaid, from the date of the
26 person's parole, mandatory supervised release, or release
27 constituting a final termination of his or her commitment to
28 the Department until paid.

29 (e) A person committed to the Department who becomes in
30 need of medical or surgical treatment but is incapable of
31 giving consent thereto shall receive such medical or surgical
32 treatment by the chief administrative officer consenting on
33 the person's behalf. Before the chief administrative officer
34 consents, he or she shall obtain the advice of one or more

1 physicians licensed to practice medicine in all its branches
2 in this State. If such physician or physicians advise:

3 (1) that immediate medical or surgical treatment is
4 required relative to a condition threatening to cause
5 death, damage or impairment to bodily functions, or
6 disfigurement; and

7 (2) that the person is not capable of giving
8 consent to such treatment; the chief administrative
9 officer may give consent for such medical or surgical
10 treatment, and such consent shall be deemed to be the
11 consent of the person for all purposes, including, but
12 not limited to, the authority of a physician to give such
13 treatment.

14 (f) In the event that the person requires medical care
15 and treatment at a place other than the institution or
16 facility, the person may be removed therefrom under
17 conditions prescribed by the Department. The Department shall
18 require the committed person receiving medical or dental
19 services on a non-emergency basis to pay a \$2 co-payment to
20 the Department for each visit for medical or dental services.
21 The amount of each co-payment shall be deducted from the
22 committed person's individual account. A committed person who
23 has a chronic illness, as defined by Department rules and
24 regulations, shall be exempt from the \$2 co-payment for
25 treatment of the chronic illness. A committed person shall
26 not be subject to a \$2 co-payment for follow-up visits
27 ordered by a physician, who is employed by, or contracts
28 with, the Department. A committed person who is indigent is
29 exempt from the \$2 co-payment and is entitled to receive
30 medical or dental services on the same basis as a committed
31 person who is financially able to afford the co-payment.
32 Notwithstanding any other provision in this subsection (f) to
33 the contrary, any person committed to any facility operated
34 by the Juvenile Division, as set forth in subsection (b) of

1 Section 3-2-5 of this Code, is exempt from the co-payment
2 requirement for the duration of confinement in those
3 facilities.

4 (g) Any person having sole custody of a child at the
5 time of commitment or any woman giving birth to a child after
6 her commitment, may arrange through the Department of
7 Children and Family Services for suitable placement of the
8 child outside of the Department of Corrections. The Director
9 of the Department of Corrections may determine that there are
10 special reasons why the child should continue in the custody
11 of the mother until the child is 6 years old.

12 (h) The Department may provide Family Responsibility
13 Services which may consist of, but not be limited to the
14 following:

- 15 (1) family advocacy counseling;
- 16 (2) parent self-help group;
- 17 (3) parenting skills training;
- 18 (4) parent and child overnight program;
- 19 (5) parent and child reunification counseling,
20 either separately or together, preceding the inmate's
21 release; and

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

25 (i) Prior to the release of any inmate who has a
26 documented history of intravenous drug use, and upon the
27 receipt of that inmate's written informed consent, the
28 Department shall provide for the testing of such inmate for
29 infection with human immunodeficiency virus (HIV) and any
30 other identified causative agent of acquired immunodeficiency
31 syndrome (AIDS). The testing provided under this subsection
32 shall consist of an enzyme-linked immunosorbent assay (ELISA)
33 test or such other test as may be approved by the Illinois
34 Department of Public Health. If the test result is positive,

1 the Western Blot Assay or more reliable confirmatory test
2 shall be administered. All inmates tested in accordance with
3 the provisions of this subsection shall be provided with
4 pre-test and post-test counseling. Notwithstanding any
5 provision of this subsection to the contrary, the Department
6 shall not be required to conduct the testing and counseling
7 required by this subsection unless sufficient funds to cover
8 all costs of such testing and counseling are appropriated for
9 that purpose by the General Assembly.

10 (j) Any person convicted of a sex offense as defined in
11 the Sex Offender Management Board Act shall be required to
12 receive a sex offender evaluation prior to release into the
13 community from the Department of Corrections. The sex
14 offender evaluation shall be conducted in conformance with
15 the standards and guidelines developed under the Sex Offender
16 Management Board Act and by an evaluator approved by the
17 Board.

18 (k) Any minor committed to the Department of
19 Corrections-Juvenile Division for a sex offense as defined by
20 the Sex Offender Management Board Act shall be required to
21 undergo sex offender treatment by a treatment provider
22 approved by the Board and conducted in conformance with the
23 Sex Offender Management Board Act.

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

25 (730 ILCS 5/3-9-7) (from Ch. 38, par. 1003-9-7)

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

27 (a) The Juvenile Division shall establish and offer
28 sexual abuse counseling to both victims of sexual abuse and
29 sexual offenders in as many facilities as necessary to insure
30 sexual abuse counseling throughout the State.

31 (b) Any minor committed to the Department of
32 Corrections-Juvenile Division for a sex offense as defined
33 under the Sex Offender Management Board Act shall be required

1 to undergo sex offender treatment by a treatment provider
2 approved by the Board and conducted in conformance with the
3 standards developed by the Sex Offender Management Board Act.

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

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

6 Sec. 5-3-1. Presentence Investigation. A defendant shall
7 not be sentenced for a felony before a written presentence
8 report of investigation is presented to and considered by the
9 court.

10 However, in cases other than felony sex offenses as
11 defined in the Sex Offender Management Board Act, the court
12 need not order a presentence report of investigation where
13 both parties agree to the imposition of a specific sentence,
14 provided there is a finding made for the record as to the
15 defendant's history of delinquency or criminality, including
16 any previous sentence to a term of probation, periodic
17 imprisonment, conditional discharge, or imprisonment.

18 The court may order a presentence investigation of any
19 defendant.

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

21 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

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

23 (a) In felony cases, the presentence report shall set
24 forth:

25 (1) the defendant's history of delinquency or
26 criminality, physical and mental history and condition,
27 family situation and background, economic status,
28 education, occupation and personal habits;

29 (2) information about special resources within the
30 community which might be available to assist the
31 defendant's rehabilitation, including treatment centers,
32 residential facilities, vocational training services,

1 correctional manpower programs, employment opportunities,
2 special educational programs, alcohol and drug abuse
3 programming, psychiatric and marriage counseling, and
4 other programs and facilities which could aid the
5 defendant's successful reintegration into society;

6 (3) the effect the offense committed has had upon
7 the victim or victims thereof, and any compensatory
8 benefit that various sentencing alternatives would confer
9 on such victim or victims;

10 (4) information concerning the defendant's status
11 since arrest, including his record if released on his own
12 recognizance, or the defendant's achievement record if
13 released on a conditional pre-trial supervision program;

14 (5) when appropriate, a plan, based upon the
15 personal, economic and social adjustment needs of the
16 defendant, utilizing public and private community
17 resources as an alternative to institutional sentencing;

18 (6) any other matters that the investigatory
19 officer deems relevant or the court directs to be
20 included; and

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

24 (b) The investigation shall include a physical and
25 mental examination of the defendant when so ordered by the
26 court. If the court determines that such an examination
27 should be made, it shall issue an order that the defendant
28 submit to examination at such time and place as designated by
29 the court and that such examination be conducted by a
30 physician, psychologist or psychiatrist designated by the
31 court. Such an examination may be conducted in a court
32 clinic if so ordered by the court. The cost of such
33 examination shall be paid by the county in which the trial is
34 held.

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

7 (c) In misdemeanor, business offense or petty offense
8 cases, except as specified in subsection (d) of this Section,
9 when a presentence report has been ordered by the court, such
10 presentence report shall contain information on the
11 defendant's history of delinquency or criminality and shall
12 further contain only those matters listed in any of
13 paragraphs (1) through (6) of subsection (a) or in subsection
14 (b) of this Section as are specified by the court in its
15 order for the report.

16 (d) In cases under Section 12-15 and Section 12-30 of
17 the Criminal Code of 1961, as amended, the presentence report
18 shall set forth information about alcohol, drug abuse,
19 psychiatric, and marriage counseling or other treatment
20 programs and facilities, information on the defendant's
21 history of delinquency or criminality, and shall contain
22 those additional matters listed in any of paragraphs (1)
23 through (6) of subsection (a) or in subsection (b) of this
24 Section as are specified by the court.

25 (e) Nothing in this Section shall cause the defendant to
26 be held without bail or to have his bail revoked for the
27 purpose of preparing the presentence report or making an
28 examination.

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

30 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)
31 Sec. 5-4-1. Sentencing Hearing.

32 (a) Except when the death penalty is sought under
33 hearing procedures otherwise specified, after a determination

1 of guilt, a hearing shall be held to impose the sentence.
2 However, prior to the imposition of sentence on an individual
3 being sentenced for an offense based upon a charge for a
4 violation of Section 11-501 of the Illinois Vehicle Code or a
5 similar provision of a local ordinance, the individual must
6 undergo a professional evaluation to determine if an alcohol
7 or other drug abuse problem exists and the extent of such a
8 problem. Programs conducting these evaluations shall be
9 licensed by the Department of Human Services. However, if
10 the individual is not a resident of Illinois, the court may,
11 in its discretion, accept an evaluation from a program in the
12 state of such individual's residence. The court may in its
13 sentencing order approve an eligible defendant for placement
14 in a Department of Corrections impact incarceration program
15 as provided in Section 5-8-1.1 or 5-8-1.3. At the hearing
16 the court shall:

17 (1) consider the evidence, if any, received upon
18 the trial;

19 (2) consider any presentence reports;

20 (3) consider the financial impact of incarceration
21 based on the financial impact statement filed with the
22 clerk of the court by the Department of Corrections;

23 (4) consider evidence and information offered by
24 the parties in aggravation and mitigation;

25 (5) hear arguments as to sentencing alternatives;

26 (6) afford the defendant the opportunity to make a
27 statement in his own behalf;

28 (7) afford the victim of a violent crime or a
29 violation of Section 11-501 of the Illinois Vehicle Code,
30 or a similar provision of a local ordinance, or a
31 qualified individual affected by a violation of Section
32 405, 405.1, 405.2, or 407 of the Illinois Controlled
33 Substances Act, committed by the defendant the
34 opportunity to make a statement concerning the impact on

1 the victim and to offer evidence in aggravation or
2 mitigation; provided that the statement and evidence
3 offered in aggravation or mitigation must first be
4 prepared in writing in conjunction with the State's
5 Attorney before it may be presented orally at the
6 hearing. Any sworn testimony offered by the victim is
7 subject to the defendant's right to cross-examine. All
8 statements and evidence offered under this paragraph (7)
9 shall become part of the record of the court. For the
10 purpose of this paragraph (7), "qualified individual"
11 means any person who (i) lived or worked within the
12 territorial jurisdiction where the offense took place
13 when the offense took place; and (ii) is familiar with
14 various public places within the territorial jurisdiction
15 where the offense took place when the offense took place.
16 For the purposes of this paragraph (7), "qualified
17 individual" includes any peace officer, or any member of
18 any duly organized State, county, or municipal peace unit
19 assigned to the territorial jurisdiction where the
20 offense took place when the offense took place; and

21 (8) in cases of reckless homicide afford the
22 victim's spouse, guardians, parents or other immediate
23 family members an opportunity to make oral statements;
24 and-

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

29 (b) All sentences shall be imposed by the judge based
30 upon his independent assessment of the elements specified
31 above and any agreement as to sentence reached by the
32 parties. The judge who presided at the trial or the judge
33 who accepted the plea of guilty shall impose the sentence
34 unless he is no longer sitting as a judge in that court.

1 Where the judge does not impose sentence at the same time on
2 all defendants who are convicted as a result of being
3 involved in the same offense, the defendant or the State's
4 Attorney may advise the sentencing court of the disposition
5 of any other defendants who have been sentenced.

6 (c) In imposing a sentence for a violent crime or for an
7 offense of operating or being in physical control of a
8 vehicle while under the influence of alcohol, any other drug
9 or any combination thereof, or a similar provision of a local
10 ordinance, when such offense resulted in the personal injury
11 to someone other than the defendant, the trial judge shall
12 specify on the record the particular evidence, information,
13 factors in mitigation and aggravation or other reasons that
14 led to his sentencing determination. The full verbatim record
15 of the sentencing hearing shall be filed with the clerk of
16 the court and shall be a public record.

17 (c-1) In imposing a sentence for the offense of
18 aggravated kidnapping for ransom, home invasion, armed
19 robbery, aggravated vehicular hijacking, aggravated discharge
20 of a firearm, or armed violence with a category I weapon or
21 category II weapon, the trial judge shall make a finding as
22 to whether the conduct leading to conviction for the offense
23 resulted in great bodily harm to a victim, and shall enter
24 that finding and the basis for that finding in the record.

25 (c-2) If the defendant is sentenced to prison, other
26 than when a sentence of natural life imprisonment or a
27 sentence of death is imposed, at the time the sentence is
28 imposed the judge shall state on the record in open court the
29 approximate period of time the defendant will serve in
30 custody according to the then current statutory rules and
31 regulations for early release found in Section 3-6-3 and
32 other related provisions of this Code. This statement is
33 intended solely to inform the public, has no legal effect on
34 the defendant's actual release, and may not be relied on by

1 the defendant on appeal.

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

6 "The purpose of this statement is to inform the public of
7 the actual period of time this defendant is likely to spend
8 in prison as a result of this sentence. The actual period of
9 prison time served is determined by the statutes of Illinois
10 as applied to this sentence by the Illinois Department of
11 Corrections and the Illinois Prisoner Review Board. In this
12 case, assuming the defendant receives all of his or her good
13 conduct credit, the period of estimated actual custody is ...
14 years and ... months, less up to 180 days additional good
15 conduct credit for meritorious service. If the defendant,
16 because of his or her own misconduct or failure to comply
17 with the institutional regulations, does not receive those
18 credits, the actual time served in prison will be longer.
19 The defendant may also receive an additional one-half day
20 good conduct credit for each day of participation in
21 vocational, industry, substance abuse, and educational
22 programs as provided for by Illinois statute."

23 When the sentence is imposed for one of the offenses
24 enumerated in paragraph (a)(3) of Section 3-6-3, other than
25 when the sentence is imposed for one of the offenses
26 enumerated in paragraph (a)(2) of Section 3-6-3 committed on
27 or after June 19, 1998, and other than when the sentence is
28 imposed for reckless homicide as defined in subsection (e) of
29 Section 9-3 of the Criminal Code of 1961 if the offense was
30 committed on or after January 1, 1999, and other than when
31 the sentence is imposed for aggravated arson if the offense
32 was committed on or after the effective date of this
33 amendatory Act of the 92nd General Assembly, the judge's
34 statement, to be given after pronouncing the sentence, shall

1 include the following:

2 "The purpose of this statement is to inform the public of
3 the actual period of time this defendant is likely to spend
4 in prison as a result of this sentence. The actual period of
5 prison time served is determined by the statutes of Illinois
6 as applied to this sentence by the Illinois Department of
7 Corrections and the Illinois Prisoner Review Board. In this
8 case, assuming the defendant receives all of his or her good
9 conduct credit, the period of estimated actual custody is ...
10 years and ... months, less up to 90 days additional good
11 conduct credit for meritorious service. If the defendant,
12 because of his or her own misconduct or failure to comply
13 with the institutional regulations, does not receive those
14 credits, the actual time served in prison will be longer.
15 The defendant may also receive an additional one-half day
16 good conduct credit for each day of participation in
17 vocational, industry, substance abuse, and educational
18 programs as provided for by Illinois statute."

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

30 "The purpose of this statement is to inform the public of
31 the actual period of time this defendant is likely to spend
32 in prison as a result of this sentence. The actual period of
33 prison time served is determined by the statutes of Illinois
34 as applied to this sentence by the Illinois Department of

1 Corrections and the Illinois Prisoner Review Board. In this
2 case, the defendant is entitled to no more than 4 1/2 days of
3 good conduct credit for each month of his or her sentence of
4 imprisonment. Therefore, this defendant will serve at least
5 85% of his or her sentence. Assuming the defendant receives
6 4 1/2 days credit for each month of his or her sentence, the
7 period of estimated actual custody is ... years and ...
8 months. If the defendant, because of his or her own
9 misconduct or failure to comply with the institutional
10 regulations receives lesser credit, the actual time served in
11 prison will be longer."

12 When a sentence of imprisonment is imposed for first
13 degree murder and the offense was committed on or after June
14 19, 1998, the judge's statement, to be given after
15 pronouncing the sentence, shall include the following:

16 "The purpose of this statement is to inform the public of
17 the actual period of time this defendant is likely to spend
18 in prison as a result of this sentence. The actual period of
19 prison time served is determined by the statutes of Illinois
20 as applied to this sentence by the Illinois Department of
21 Corrections and the Illinois Prisoner Review Board. In this
22 case, the defendant is not entitled to good conduct credit.
23 Therefore, this defendant will serve 100% of his or her
24 sentence."

25 (d) When the defendant is committed to the Department of
26 Corrections, the State's Attorney shall and counsel for the
27 defendant may file a statement with the clerk of the court to
28 be transmitted to the department, agency or institution to
29 which the defendant is committed to furnish such department,
30 agency or institution with the facts and circumstances of the
31 offense for which the person was committed together with all
32 other factual information accessible to them in regard to the
33 person prior to his commitment relative to his habits,
34 associates, disposition and reputation and any other facts

1 and circumstances which may aid such department, agency or
2 institution during its custody of such person. The clerk
3 shall within 10 days after receiving any such statements
4 transmit a copy to such department, agency or institution and
5 a copy to the other party, provided, however, that this shall
6 not be cause for delay in conveying the person to the
7 department, agency or institution to which he has been
8 committed.

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

- 12 (1) the sentence imposed;
- 13 (2) any statement by the court of the basis for
14 imposing the sentence;
- 15 (3) any presentence reports;
- 16 (3.5) any sex offender evaluations;
- 17 (4) the number of days, if any, which the defendant
18 has been in custody and for which he is entitled to
19 credit against the sentence, which information shall be
20 provided to the clerk by the sheriff;
- 21 (4.1) any finding of great bodily harm made by the
22 court with respect to an offense enumerated in subsection
23 (c-1);
- 24 (5) all statements filed under subsection (d) of
25 this Section;
- 26 (6) any medical or mental health records or
27 summaries of the defendant;
- 28 (7) the municipality where the arrest of the
29 offender or the commission of the offense has occurred,
30 where such municipality has a population of more than
31 25,000 persons;
- 32 (8) all statements made and evidence offered under
33 paragraph (7) of subsection (a) of this Section; and
- 34 (9) all additional matters which the court directs

1 the clerk to transmit.

2 (Source: P.A. 91-357, eff. 7-29-99; 91-899, eff. 1-1-01;
3 92-176, eff. 7-27-01; 92-806, eff. 1-1-03; revised 9-18-02.)

4 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

5 Sec. 5-6-3. Conditions of Probation and of Conditional
6 Discharge.

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

9 (1) not violate any criminal statute of any
10 jurisdiction;

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

13 (3) refrain from possessing a firearm or other
14 dangerous weapon;

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

24 (5) permit the probation officer to visit him at
25 his home or elsewhere to the extent necessary to
26 discharge his duties;

27 (6) perform no less than 30 hours of community
28 service and not more than 120 hours of community service,
29 if community service is available in the jurisdiction and
30 is funded and approved by the county board where the
31 offense was committed, where the offense was related to
32 or in furtherance of the criminal activities of an
33 organized gang and was motivated by the offender's

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

12 (7) if he or she is at least 17 years of age and
13 has been sentenced to probation or conditional discharge
14 for a misdemeanor or felony in a county of 3,000,000 or
15 more inhabitants and has not been previously convicted of
16 a misdemeanor or felony, may be required by the
17 sentencing court to attend educational courses designed
18 to prepare the defendant for a high school diploma and to
19 work toward a high school diploma or to work toward
20 passing the high school level Test of General Educational
21 Development (GED) or to work toward completing a
22 vocational training program approved by the court. The
23 person on probation or conditional discharge must attend
24 a public institution of education to obtain the
25 educational or vocational training required by this
26 clause (7). The court shall revoke the probation or
27 conditional discharge of a person who wilfully fails to
28 comply with this clause (7). The person on probation or
29 conditional discharge shall be required to pay for the
30 cost of the educational courses or GED test, if a fee is
31 charged for those courses or test. The court shall
32 resentence the offender whose probation or conditional
33 discharge has been revoked as provided in Section 5-6-4.
34 This clause (7) does not apply to a person who has a

1 high school diploma or has successfully passed the GED
2 test. This clause (7) does not apply to a person who is
3 determined by the court to be developmentally disabled or
4 otherwise mentally incapable of completing the
5 educational or vocational program;

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

17 (8.5) if convicted of a felony sex offense as
18 defined in the Sex Offender Management Board Act, the
19 person shall undergo and successfully complete sex
20 offender treatment by a treatment provider approved by
21 the Board and conducted in conformance with the standards
22 developed under the Sex Offender Management Board Act;
23 and

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

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

33 (1) serve a term of periodic imprisonment under
34 Article 7 for a period not to exceed that specified in

1 paragraph (d) of Section 5-7-1;

2 (2) pay a fine and costs;

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

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

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

9 (6) support his dependents;

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

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

13 (ii) attend school;

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

16 (iv) contribute to his own support at home or
17 in a foster home;

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

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

28 (9) perform some reasonable public or community
29 service;

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

34 (i) remain within the interior premises of the

1 place designated for his confinement during the
2 hours designated by the court;

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

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

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

29 (v) for persons convicted of offenses other
30 than those referenced in clause (iv) above and who
31 are placed on an approved monitoring device as a
32 condition of probation or conditional discharge, the
33 court shall impose a reasonable fee for each day of
34 the use of the device, as established by the county

1 board in subsection (g) of this Section, unless
2 after determining the inability of the defendant to
3 pay the fee, the court assesses a lesser fee or no
4 fee as the case may be. This fee shall be imposed
5 in addition to the fees imposed under subsections
6 (g) and (i) of this Section. The fee shall be
7 collected by the clerk of the circuit court. The
8 clerk of the circuit court shall pay all monies
9 collected from this fee to the county treasurer who
10 shall use the monies collected to defray the costs
11 of corrections. The county treasurer shall deposit
12 the fee collected in the county working cash fund
13 under Section 6-27001 or Section 6-29002 of the
14 Counties Code, as the case may be.

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

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

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

34 (14) refrain from entering into a designated

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

8 (15) 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 (16) refrain from having in his or her body the
13 presence of any illicit drug prohibited by the Cannabis
14 Control Act or the Illinois Controlled Substances Act,
15 unless prescribed by a physician, and submit samples of
16 his or her blood or urine or both for tests to determine
17 the presence of any illicit drug.

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

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

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

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

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

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

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

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

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

13 (i) The court shall impose upon an offender sentenced to
14 probation after January 1, 1989 or to conditional discharge
15 after January 1, 1992, as a condition of such probation or
16 conditional discharge, a fee of ~~\$35~~ \$25 for each month of
17 probation or conditional discharge supervision ordered by the
18 court, unless after determining the inability of the person
19 sentenced to probation or conditional discharge to pay the
20 fee, the court assesses a lesser fee. The court may not
21 impose the fee on a minor who is made a ward of the State
22 under the Juvenile Court Act of 1987 while the minor is in
23 placement. The fee shall be imposed only upon an offender who
24 is actively supervised by the probation and court services
25 department. The fee shall be collected by the clerk of the
26 circuit court. The clerk of the circuit court shall deposit
27 the first \$25 pay-all-moneys collected from this fee to the
28 county treasurer for deposit in the probation and court
29 services fund under Section 15.1 of the Probation and
30 Probation Officers Act. The clerk of the court shall deposit
31 \$10 collected from this fee into the Sex Offender Management
32 Board Fund under Section 19 of the Sex Offender Management
33 Board Act. Money deposited into the Sex Offender Management
34 Board Fund shall be administered by the Sex Offender

1 Management Board and be used to fund practices endorsed or
2 required under the Sex Offender Management Board Act,
3 including but not limited to sex offender evaluation,
4 treatment, and monitoring programs that are or may be
5 developed by the agency providing supervision, the Department
6 of Corrections or the Department of Human Services. This Fund
7 shall also be used for administrative costs, including staff,
8 incurred by the Board.

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

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

20 (730 ILCS 5/5-7-1) (from Ch. 38, par. 1005-7-1)
21 Sec. 5-7-1. Sentence of Periodic Imprisonment.

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

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

3 (1) seek employment;

4 (2) work;

5 (3) conduct a business or other self-employed
6 occupation including housekeeping;

7 (4) attend to family needs;

8 (5) attend an educational institution, including
9 vocational education;

10 (6) obtain medical or psychological treatment;

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

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

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

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

24 (d) A sentence of periodic imprisonment shall be for a
25 definite term of from 3 to 4 years for a Class 1 felony, 18
26 to 30 months for a Class 2 felony, and up to 18 months, or
27 the longest sentence of imprisonment that could be imposed
28 for the offense, whichever is less, for all other offenses;
29 however, no person shall be sentenced to a term of periodic
30 imprisonment longer than one year if he is committed to a
31 county correctional institution or facility, and in
32 conjunction with that sentence participate in a county work
33 release program comparable to the work and day release
34 program provided for in Article 13 of the Unified Code of

1 Corrections in State facilities. The term of the sentence
2 shall be calculated upon the basis of the duration of its
3 term rather than upon the basis of the actual days spent in
4 confinement. No sentence of periodic imprisonment shall be
5 subject to the good time credit provisions of Section 3-6-3
6 of this Code.

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

9 (1) the term of such sentence;

10 (2) the days or parts of days which the defendant
11 is to be confined;

12 (3) the conditions.

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

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

28 (g) An offender sentenced to periodic imprisonment who
29 undergoes mandatory drug or alcohol testing, or both, or is
30 assigned to be placed on an approved electronic monitoring
31 device, shall be ordered to pay the costs incidental to such
32 mandatory drug or alcohol testing, or both, and costs
33 incidental to such approved electronic monitoring in
34 accordance with the defendant's ability to pay those costs.

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

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

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

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

17 (Source: P.A. 89-688, eff. 6-1-97; 90-399, eff. 1-1-98;
18 90-655, eff. 7-30-98.)

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

21 (730 ILCS 110/15.1) (from Ch. 38, par. 204-7.1)

22 Sec. 15.1. Probation and Court Services Fund.

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

1 the county is located. The county treasurer of each county
2 shall, on or before January 10 of each year, submit an annual
3 report to the Supreme Court.

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

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

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

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

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

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

1 Section 30. The Sex Offender Registration Act is
2 amended by changing Section 3 as follows:

3 (730 ILCS 150/3) (from Ch. 38, par. 223)

4 Sec. 3. Duty to register.

5 (a) A sex offender, as defined in Section 2 of this Act,
6 or sexual predator shall, within the time period prescribed
7 in subsections (b) and (c), register in person and provide
8 accurate information as required by the Department of State
9 Police. Such information shall include current address,
10 current place of employment, and school attended. The sex
11 offender or sexual predator shall register:

12 (1) with the chief of police in each of the
13 municipalities in which he or she attends school, is
14 employed, resides or is temporarily domiciled for a
15 period of time of 10 or more days, unless the
16 municipality is the City of Chicago, in which case he or
17 she shall register at the Chicago Police Department
18 Headquarters; or

19 (2) with the sheriff in each of the counties in
20 which he or she attends school, is employed, resides or
21 is temporarily domiciled in an unincorporated area or, if
22 incorporated, no police chief exists.

23 For purposes of this Article, the place of residence or
24 temporary domicile is defined as any and all places where the
25 sex offender resides for an aggregate period of time of 10 or
26 more days during any calendar year.

27 The sex offender or sexual predator shall provide
28 accurate information as required by the Department of State
29 Police. That information shall include the sex offender's or
30 sexual predator's current place of employment.

31 (a-5) An out-of-state student or out-of-state employee
32 shall, within 10 days after beginning school or employment in
33 this State, register in person and provide accurate

1 information as required by the Department of State Police.
2 Such information will include current place of employment,
3 school attended, and address in state of residence:

4 (1) with the chief of police in each of the
5 municipalities in which he or she attends school or is
6 employed for a period of time of 10 or more days or for
7 an aggregate period of time of more than 30 days during
8 any calendar year, unless the municipality is the City of
9 Chicago, in which case he or she shall register at the
10 Chicago Police Department Headquarters; or

11 (2) with the sheriff in each of the counties in
12 which he or she attends school or is employed for a
13 period of time of 10 or more days or for an aggregate
14 period of time of more than 30 days during any calendar
15 year in an unincorporated area or, if incorporated, no
16 police chief exists.

17 The out-of-state student or out-of-state employee shall
18 provide accurate information as required by the Department of
19 State Police. That information shall include the
20 out-of-state student's current place of school attendance or
21 the out-of-state employee's current place of employment.

22 (b) Any sex offender, as defined in Section 2 of this
23 Act, or sexual predator, regardless of any initial, prior, or
24 other registration, shall, within 10 days of beginning
25 school, or establishing a residence, place of employment, or
26 temporary domicile in any county, register in person as set
27 forth in subsection (a) or (a-5).

28 (c) The registration for any person required to register
29 under this Article shall be as follows:

30 (1) Any person registered under the Habitual Child
31 Sex Offender Registration Act or the Child Sex Offender
32 Registration Act prior to January 1, 1996, shall be
33 deemed initially registered as of January 1, 1996;
34 however, this shall not be construed to extend the

1 duration of registration set forth in Section 7.

2 (2) Except as provided in subsection (c)(4), any
3 person convicted or adjudicated prior to January 1, 1996,
4 whose liability for registration under Section 7 has not
5 expired, shall register in person prior to January 31,
6 1996.

7 (2.5) Except as provided in subsection (c)(4), any
8 person who has not been notified of his or her
9 responsibility to register shall be notified by a
10 criminal justice entity of his or her responsibility to
11 register. Upon notification the person must then
12 register within 10 days of notification of his or her
13 requirement to register. If notification is not made
14 within the offender's 10 year registration requirement,
15 and the Department of State Police determines no evidence
16 exists or indicates the offender attempted to avoid
17 registration, the offender will no longer be required to
18 register under this Act.

19 (3) Except as provided in subsection (c)(4), any
20 person convicted on or after January 1, 1996, shall
21 register in person within 10 days after the entry of the
22 sentencing order based upon his or her conviction.

23 (4) Any person unable to comply with the
24 registration requirements of this Article because he or
25 she is confined, institutionalized, or imprisoned in
26 Illinois on or after January 1, 1996, shall register in
27 person within 10 days of discharge, parole or release.

28 (5) The person shall provide positive
29 identification and documentation that substantiates proof
30 of residence at the registering address.

31 (6) The person shall pay a \$20 ~~\$10~~ initial
32 registration fee and a \$10 ~~\$5~~ annual renewal fee. The
33 fees shall be used by the registering agency for official
34 purposes. The agency shall establish procedures to

1 document receipt and use of the funds. The law
2 enforcement agency having jurisdiction may waive the
3 registration fee if it determines that the person is
4 indigent and unable to pay the registration fee. Ten
5 dollars for the initial registration fee and \$5 of the
6 annual renewal fee shall be used by the registering
7 agency for official purposes. Ten dollars of the initial
8 registration fee and \$5 of the annual fee shall be
9 deposited into the Sex Offender Management Board Fund
10 under Section 19 of the Sex Offender Management Board
11 Act. Money deposited into the Sex Offender Management
12 Board Fund shall be administered by the Sex Offender
13 Management Board and shall be used to fund practices
14 endorsed or required by the Sex Offender Management Board
15 Act including but not limited to sex offenders
16 evaluation, treatment, or monitoring programs that are or
17 may be developed, as well as for administrative costs,
18 including staff, incurred by the Board.

19 (d) Within 10 days after obtaining or changing
20 employment and, if employed on January 1, 2000, within 10
21 days after that date, a person required to register under
22 this Section must report, in person or in writing to the law
23 enforcement agency having jurisdiction, the business name and
24 address where he or she is employed. If the person has
25 multiple businesses or work locations, every business and
26 work location must be reported to the law enforcement agency
27 having jurisdiction.

28 (Source: P.A. 91-48, eff. 7-1-99; 91-394, eff. 1-1-00;
29 92-828, eff. 8-22-02.)

30 Section 99. Effective date. This Act takes effect
31 January 1, 2004."