



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/09/04, by Richard T. Bradley

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-6-3	from Ch. 38, par. 1005-6-3
730 ILCS 5/5-6-3.1	from Ch. 38, par. 1005-6-3.1

Amends the Unified Code of Corrections. Provides that any offender who is sentenced to probation or conditional discharge for a felony sex offense as defined in the Sex Offender Management Board Act or any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act or placed on supervision for any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.

LRB093 18519 RLC 44238 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 5-6-3 and 5-6-3.1 as follows:

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

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

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

11 (1) not violate any criminal statute of any
12 jurisdiction;

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

15 (3) refrain from possessing a firearm or other
16 dangerous weapon;

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

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

29 (6) perform no less than 30 hours of community service
30 and not more than 120 hours of community service, if
31 community service is available in the jurisdiction and is
32 funded and approved by the county board where the offense

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

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

1 This clause (7) does not apply to a person who is
2 determined by the court to be developmentally disabled or
3 otherwise mentally incapable of completing the educational
4 or vocational program;

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

16 (8.5) if convicted of a felony sex offense as defined
17 in the Sex Offender Management Board Act, the person shall
18 undergo and successfully complete sex offender treatment
19 by a treatment provider approved by the Board and conducted
20 in conformance with the standards developed under the Sex
21 Offender Management Board Act; and

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

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

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

34 (2) pay a fine and costs;

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

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

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

5 (6) support his dependents;

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

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

8 (ii) attend school;

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

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

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

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

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

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

28 (i) remain within the interior premises of the
29 place designated for his confinement during the hours
30 designated by the court;

31 (ii) admit any person or agent designated by the
32 court into the offender's place of confinement at any
33 time for purposes of verifying the offender's
34 compliance with the conditions of his confinement; and

35 (iii) if further deemed necessary by the court or
36 the Probation or Court Services Department, be placed

1 on an approved electronic monitoring device, subject
2 to Article 8A of Chapter V;

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

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

1 Counties Code, as the case may be.

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

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

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

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

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

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

1 presence of any illicit drug.

2 (c) The court may as a condition of probation or of
3 conditional discharge require that a person under 18 years of
4 age found guilty of any alcohol, cannabis or controlled
5 substance violation, refrain from acquiring a driver's license
6 during the period of probation or conditional discharge. If
7 such person is in possession of a permit or license, the court
8 may require that the minor refrain from driving or operating
9 any motor vehicle during the period of probation or conditional
10 discharge, except as may be necessary in the course of the
11 minor's lawful employment.

12 (d) An offender sentenced to probation or to conditional
13 discharge shall be given a certificate setting forth the
14 conditions thereof.

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

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

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

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

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

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

27 (i) The court shall impose upon an offender sentenced to
28 probation after January 1, 1989 or to conditional discharge
29 after January 1, 1992 or to community service under the
30 supervision of a probation or court services department after
31 January 1, 2004, as a condition of such probation or
32 conditional discharge or supervised community service, a fee of
33 \$60 ~~\$35~~ ~~\$50~~ for each month of probation or conditional
34 discharge supervision or supervised community service ordered
35 by the court, unless after determining the inability of the
36 person sentenced to probation or conditional discharge or

1 supervised community service to pay the fee, the court assesses
2 a lesser fee. The court may not impose the fee on a minor who is
3 made a ward of the State under the Juvenile Court Act of 1987
4 while the minor is in placement. The fee shall be imposed only
5 upon an offender who is actively supervised by the probation
6 and court services department. The fee shall be collected by
7 the clerk of the circuit court. The clerk of the circuit court
8 shall deposit the first \$50 ~~\$25~~ collected from this fee to the
9 county treasurer for deposit in the probation and court
10 services fund under Section 15.1 of the Probation and Probation
11 Officers Act. The clerk of the court shall deposit \$10
12 collected from this fee into the Sex Offender Management Board
13 Fund under Section 19 of the Sex Offender Management Board Act.
14 Money deposited into the Sex Offender Management Board Fund
15 shall be administered by the Sex Offender Management Board and
16 be used to fund practices endorsed or required under the Sex
17 Offender Management Board Act, including but not limited to sex
18 offender evaluation, treatment, and monitoring programs that
19 are or may be developed by the agency providing supervision,
20 the Department of Corrections or the Department of Human
21 Services. This Fund shall also be used for administrative
22 costs, including staff, incurred by the Board.

23 A circuit court may not impose a probation fee in excess of
24 \$35 ~~\$25~~ per month unless: (1) the circuit court has adopted, by
25 administrative order issued by the chief judge, a standard
26 probation fee guide determining an offender's ability to pay,
27 under guidelines developed by the Administrative Office of the
28 Illinois Courts; and (2) the circuit court has authorized, by
29 administrative order issued by the chief judge, the creation of
30 a Crime Victim's Services Fund, to be administered by the Chief
31 Judge or his or her designee, for services to crime victims and
32 their families. Of the amount collected as a probation fee, not
33 to exceed \$5 of that fee collected per month may be used to
34 provide services to crime victims and their families.

35 (j) All fines and costs imposed under this Section for any
36 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle

1 Code, or a similar provision of a local ordinance, and any
2 violation of the Child Passenger Protection Act, or a similar
3 provision of a local ordinance, shall be collected and
4 disbursed by the circuit clerk as provided under Section 27.5
5 of the Clerks of Courts Act.

6 (k) Any offender who is sentenced to probation or
7 conditional discharge for a felony sex offense as defined in
8 the Sex Offender Management Board Act or any offense that the
9 court or probation department has determined to be sexually
10 motivated as defined in the Sex Offender Management Board Act
11 shall be required to refrain from any contact, directly or
12 indirectly, with any persons specified by the court and shall
13 be available for all evaluations and treatment programs
14 required by the court or the probation department.

15 (Source: P.A. 92-282, eff. 8-7-01; 92-340, eff. 8-10-01;
16 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; 92-571, eff.
17 6-26-02; 92-651, eff. 7-11-02; 93-475, eff. 8-8-03; 93-616,
18 eff. 1-1-04; revised 1-8-04.)

19 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

20 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

21 (a) When a defendant is placed on supervision, the court
22 shall enter an order for supervision specifying the period of
23 such supervision, and shall defer further proceedings in the
24 case until the conclusion of the period.

25 (b) The period of supervision shall be reasonable under all
26 of the circumstances of the case, but may not be longer than 2
27 years, unless the defendant has failed to pay the assessment
28 required by Section 10.3 of the Cannabis Control Act or Section
29 411.2 of the Illinois Controlled Substances Act, in which case
30 the court may extend supervision beyond 2 years. Additionally,
31 the court shall order the defendant to perform no less than 30
32 hours of community service and not more than 120 hours of
33 community service, if community service is available in the
34 jurisdiction and is funded and approved by the county board
35 where the offense was committed, when the offense (1) was

1 related to or in furtherance of the criminal activities of an
2 organized gang or was motivated by the defendant's membership
3 in or allegiance to an organized gang; or (2) is a violation of
4 any Section of Article 24 of the Criminal Code of 1961 where a
5 disposition of supervision is not prohibited by Section 5-6-1
6 of this Code. The community service shall include, but not be
7 limited to, the cleanup and repair of any damage caused by
8 violation of Section 21-1.3 of the Criminal Code of 1961 and
9 similar damages to property located within the municipality or
10 county in which the violation occurred. Where possible and
11 reasonable, the community service should be performed in the
12 offender's neighborhood.

13 For the purposes of this Section, "organized gang" has the
14 meaning ascribed to it in Section 10 of the Illinois Streetgang
15 Terrorism Omnibus Prevention Act.

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

21 (1) make a report to and appear in person before or
22 participate with the court or such courts, person, or
23 social service agency as directed by the court in the order
24 of supervision;

25 (2) pay a fine and costs;

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

28 (4) undergo medical, psychological or psychiatric
29 treatment; or treatment for drug addiction or alcoholism;

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

32 (6) support his dependents;

33 (7) refrain from possessing a firearm or other
34 dangerous weapon;

35 (8) and in addition, if a minor:

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

- 1 (ii) attend school;
- 2 (iii) attend a non-residential program for youth;
- 3 (iv) contribute to his own support at home or in a
4 foster home; or
- 5 (v) with the consent of the superintendent of the
6 facility, attend an educational program at a facility
7 other than the school in which the offense was
8 committed if he or she is placed on supervision for a
9 crime of violence as defined in Section 2 of the Crime
10 Victims Compensation Act committed in a school, on the
11 real property comprising a school, or within 1,000 feet
12 of the real property comprising a school;
- 13 (9) make restitution or reparation in an amount not to
14 exceed actual loss or damage to property and pecuniary loss
15 or make restitution under Section 5-5-6 to a domestic
16 violence shelter. The court shall determine the amount and
17 conditions of payment;
- 18 (10) perform some reasonable public or community
19 service;
- 20 (11) comply with the terms and conditions of an order
21 of protection issued by the court pursuant to the Illinois
22 Domestic Violence Act of 1986 or an order of protection
23 issued by the court of another state, tribe, or United
24 States territory. If the court has ordered the defendant to
25 make a report and appear in person under paragraph (1) of
26 this subsection, a copy of the order of protection shall be
27 transmitted to the person or agency so designated by the
28 court;
- 29 (12) reimburse any "local anti-crime program" as
30 defined in Section 7 of the Anti-Crime Advisory Council Act
31 for any reasonable expenses incurred by the program on the
32 offender's case, not to exceed the maximum amount of the
33 fine authorized for the offense for which the defendant was
34 sentenced;
- 35 (13) contribute a reasonable sum of money, not to
36 exceed the maximum amount of the fine authorized for the

1 offense for which the defendant was sentenced, to a "local
2 anti-crime program", as defined in Section 7 of the
3 Anti-Crime Advisory Council Act;

4 (14) refrain from entering into a designated
5 geographic area except upon such terms as the court finds
6 appropriate. Such terms may include consideration of the
7 purpose of the entry, the time of day, other persons
8 accompanying the defendant, and advance approval by a
9 probation officer;

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

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

20 (17) refrain from operating any motor vehicle not
21 equipped with an ignition interlock device as defined in
22 Section 1-129.1 of the Illinois Vehicle Code. Under this
23 condition the court may allow a defendant who is not
24 self-employed to operate a vehicle owned by the defendant's
25 employer that is not equipped with an ignition interlock
26 device in the course and scope of the defendant's
27 employment.

28 (d) The court shall defer entering any judgment on the
29 charges until the conclusion of the supervision.

30 (e) At the conclusion of the period of supervision, if the
31 court determines that the defendant has successfully complied
32 with all of the conditions of supervision, the court shall
33 discharge the defendant and enter a judgment dismissing the
34 charges.

35 (f) Discharge and dismissal upon a successful conclusion of
36 a disposition of supervision shall be deemed without

1 adjudication of guilt and shall not be termed a conviction for
2 purposes of disqualification or disabilities imposed by law
3 upon conviction of a crime. Two years after the discharge and
4 dismissal under this Section, unless the disposition of
5 supervision was for a violation of Sections 3-707, 3-708,
6 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
7 similar provision of a local ordinance, or for a violation of
8 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which
9 case it shall be 5 years after discharge and dismissal, a
10 person may have his record of arrest sealed or expunged as may
11 be provided by law. However, any defendant placed on
12 supervision before January 1, 1980, may move for sealing or
13 expungement of his arrest record, as provided by law, at any
14 time after discharge and dismissal under this Section. A person
15 placed on supervision for a sexual offense committed against a
16 minor as defined in subsection (g) of Section 5 of the Criminal
17 Identification Act or for a violation of Section 11-501 of the
18 Illinois Vehicle Code or a similar provision of a local
19 ordinance shall not have his or her record of arrest sealed or
20 expunged.

21 (g) A defendant placed on supervision and who during the
22 period of supervision undergoes mandatory drug or alcohol
23 testing, or both, or is assigned to be placed on an approved
24 electronic monitoring device, shall be ordered to pay the costs
25 incidental to such mandatory drug or alcohol testing, or both,
26 and costs incidental to such approved electronic monitoring in
27 accordance with the defendant's ability to pay those costs. The
28 county board with the concurrence of the Chief Judge of the
29 judicial circuit in which the county is located shall establish
30 reasonable fees for the cost of maintenance, testing, and
31 incidental expenses related to the mandatory drug or alcohol
32 testing, or both, and all costs incidental to approved
33 electronic monitoring, of all defendants placed on
34 supervision. The concurrence of the Chief Judge shall be in the
35 form of an administrative order. The fees shall be collected by
36 the clerk of the circuit court. The clerk of the circuit court

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

7 (h) A disposition of supervision is a final order for the
8 purposes of appeal.

9 (i) The court shall impose upon a defendant placed on
10 supervision after January 1, 1992 or to community service under
11 the supervision of a probation or court services department
12 after January 1, 2004, as a condition of supervision or
13 supervised community service, a fee of \$50 for each month of
14 supervision or supervised community service ordered by the
15 court, unless after determining the inability of the person
16 placed on supervision or supervised community service to pay
17 the fee, the court assesses a lesser fee. The court may not
18 impose the fee on a minor who is made a ward of the State under
19 the Juvenile Court Act of 1987 while the minor is in placement.
20 The fee shall be imposed only upon a defendant who is actively
21 supervised by the probation and court services department. The
22 fee shall be collected by the clerk of the circuit court. The
23 clerk of the circuit court shall pay all monies collected from
24 this fee to the county treasurer for deposit in the probation
25 and court services fund pursuant to Section 15.1 of the
26 Probation and Probation Officers Act.

27 A circuit court may not impose a probation fee in excess of
28 \$25 per month unless: (1) the circuit court has adopted, by
29 administrative order issued by the chief judge, a standard
30 probation fee guide determining an offender's ability to pay,
31 under guidelines developed by the Administrative Office of the
32 Illinois Courts; and (2) the circuit court has authorized, by
33 administrative order issued by the chief judge, the creation of
34 a Crime Victim's Services Fund, to be administered by the Chief
35 Judge or his or her designee, for services to crime victims and
36 their families. Of the amount collected as a probation fee, not

1 to exceed \$5 of that fee collected per month may be used to
2 provide services to crime victims and their families.

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

10 (k) A defendant at least 17 years of age who is placed on
11 supervision for a misdemeanor in a county of 3,000,000 or more
12 inhabitants and who has not been previously convicted of a
13 misdemeanor or felony may as a condition of his or her
14 supervision be required by the court to attend educational
15 courses designed to prepare the defendant for a high school
16 diploma and to work toward a high school diploma or to work
17 toward passing the high school level Test of General
18 Educational Development (GED) or to work toward completing a
19 vocational training program approved by the court. The
20 defendant placed on supervision must attend a public
21 institution of education to obtain the educational or
22 vocational training required by this subsection (k). The
23 defendant placed on supervision shall be required to pay for
24 the cost of the educational courses or GED test, if a fee is
25 charged for those courses or test. The court shall revoke the
26 supervision of a person who wilfully fails to comply with this
27 subsection (k). The court shall resentence the defendant upon
28 revocation of supervision as provided in Section 5-6-4. This
29 subsection (k) does not apply to a defendant who has a high
30 school diploma or has successfully passed the GED test. This
31 subsection (k) does not apply to a defendant who is determined
32 by the court to be developmentally disabled or otherwise
33 mentally incapable of completing the educational or vocational
34 program.

35 (l) The court shall require a defendant placed on
36 supervision for possession of a substance prohibited by the

1 Cannabis Control Act or Illinois Controlled Substances Act
2 after a previous conviction or disposition of supervision for
3 possession of a substance prohibited by the Cannabis Control
4 Act or Illinois Controlled Substances Act or a sentence of
5 probation under Section 10 of the Cannabis Control Act or
6 Section 410 of the Illinois Controlled Substances Act and after
7 a finding by the court that the person is addicted, to undergo
8 treatment at a substance abuse program approved by the court.

9 (m) The Secretary of State shall require anyone placed on
10 court supervision for a violation of Section 3-707 of the
11 Illinois Vehicle Code or a similar provision of a local
12 ordinance to give proof of his or her financial responsibility
13 as defined in Section 7-315 of the Illinois Vehicle Code. The
14 proof shall be maintained by the individual in a manner
15 satisfactory to the Secretary of State for a minimum period of
16 one year after the date the proof is first filed. The proof
17 shall be limited to a single action per arrest and may not be
18 affected by any post-sentence disposition. The Secretary of
19 State shall suspend the driver's license of any person
20 determined by the Secretary to be in violation of this
21 subsection.

22 (n) Any offender placed on supervision for any offense that
23 the court or probation department has determined to be sexually
24 motivated as defined in the Sex Offender Management Board Act
25 shall be required to refrain from any contact, directly or
26 indirectly, with any persons specified by the court and shall
27 be available for all evaluations and treatment programs
28 required by the court or the probation department.

29 (Source: P.A. 92-282, eff. 8-7-01; 92-458, eff. 8-22-01;
30 92-651, eff. 7-11-02; 93-475, eff. 8-8-03.)