

1 AN ACT in relation to 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 and by adding Sections
6 5-5-10 and 5-9-1.12 as follows:

7 (730 ILCS 5/5-5-10 new)

8 Sec. 5-5-10. Community service fee. When an offender or
9 defendant is ordered by the court to perform community
10 service and the offender is not otherwise assessed a fee for
11 probation services, the court shall impose a fee of \$50 for
12 each month the community service ordered by the court is
13 supervised by a probation and court services department,
14 unless after determining the inability of the person
15 sentenced to community service to pay the fee, the court
16 assesses a lesser fee. The court may not impose a fee on a
17 minor who is made a ward of the State under the Juvenile
18 Court Act of 1987 while the minor is in placement. The fee
19 shall be imposed only on an offender who is actively
20 supervised by the probation and court services department.
21 The fee shall be collected by the clerk of the circuit court.
22 The clerk of the circuit court shall pay all monies collected
23 from this fee to the county treasurer for deposit in the
24 probation and court services fund under Section 15.1 of the
25 Probation and Probation Officers Act.

26 A circuit court may not impose a probation fee in excess
27 of \$25 per month unless: (1) the circuit court has adopted,
28 by administrative order issued by the chief judge, a standard
29 probation fee guide determining an offender's ability to pay,
30 under guidelines developed by the Administrative Office of
31 the Illinois Courts; and (2) the circuit court has

1 authorized, by administrative order issued by the chief
2 judge, the creation of a Crime Victim's Services Fund, to be
3 administered by the Chief Judge or his or her designee, for
4 services to crime victims and their families. Of the amount
5 collected as a probation fee, not to exceed \$5 of that fee
6 collected per month may be used to provide services to crime
7 victims and their families.

8 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

13 (1) not violate any criminal statute of any
14 jurisdiction;

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

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

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

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

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

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

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

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

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

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

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

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

33 (2) pay a fine and costs;

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

1 training;

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

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

6 (6) support his dependents;

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

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

10 (ii) attend school;

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

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

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

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

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

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

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

34 (ii) admit any person or agent designated by

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (d) An offender sentenced to probation or to conditional
26 discharge shall be given a certificate setting forth the
27 conditions thereof.

28 (e) Except where the offender has committed a fourth or
29 subsequent violation of subsection (c) of Section 6-303 of
30 the Illinois Vehicle Code, the court shall not require as a
31 condition of the sentence of probation or conditional
32 discharge that the offender be committed to a period of
33 imprisonment in excess of 6 months. This 6 month limit shall
34 not include periods of confinement given pursuant to a

1 sentence of county impact incarceration under Section
2 5-8-1.2. This 6 month limit does not apply to a person
3 sentenced to probation as a result of a conviction of a
4 fourth or subsequent violation of subsection (c-4) of Section
5 11-501 of the Illinois Vehicle Code or a similar provision of
6 a local ordinance.

7 Persons committed to imprisonment as a condition of
8 probation or conditional discharge shall not be committed to
9 the Department of Corrections.

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

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

1 shall deposit the fees collected in the county working cash
2 fund under Section 6-27001 or Section 6-29002 of the Counties
3 Code, as the case may be.

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

10 (i) The court shall impose upon an offender sentenced to
11 probation after January 1, 1989 or to conditional discharge
12 after January 1, 1992 or to community service under the
13 supervision of a probation or court services department after
14 January 1, 2004, as a condition of such probation or
15 conditional discharge or supervised community service, a fee
16 of \$50 \$25 for each month of probation or conditional
17 discharge supervision or supervised community service ordered
18 by the court, unless after determining the inability of the
19 person sentenced to probation or conditional discharge or
20 supervised community service to pay the fee, the court
21 assesses a lesser fee. The court may not impose the fee on a
22 minor who is made a ward of the State under the Juvenile
23 Court Act of 1987 while the minor is in placement. The fee
24 shall be imposed only upon an offender who is actively
25 supervised by the probation and court services department.
26 The fee shall be collected by the clerk of the circuit court.
27 The clerk of the circuit court shall pay all monies collected
28 from this fee to the county treasurer for deposit in the
29 probation and court services fund under Section 15.1 of the
30 Probation and Probation Officers Act.

31 A circuit court may not impose a probation fee in excess
32 of \$25 per month unless: (1) the circuit court has adopted,
33 by administrative order issued by the chief judge, a standard
34 probation fee guide determining an offender's ability to pay,

1 under guidelines developed by the Administrative Office of
2 the Illinois Courts; and (2) the circuit court has
3 authorized, by administrative order issued by the chief
4 judge, the creation of a Crime Victim's Services Fund, to be
5 administered by the Chief Judge or his or her designee, for
6 services to crime victims and their families. Of the amount
7 collected as a probation fee, not to exceed \$5 of that fee
8 collected per month may be used to provide services to crime
9 victims and their families.

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

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

21 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

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

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

27 (b) The period of supervision shall be reasonable under
28 all of the circumstances of the case, but may not be longer
29 than 2 years, unless the defendant has failed to pay the
30 assessment required by Section 10.3 of the Cannabis Control
31 Act or Section 411.2 of the Illinois Controlled Substances
32 Act, in which case the court may extend supervision beyond 2
33 years. Additionally, the court shall order the defendant to

1 perform no less than 30 hours of community service and not
2 more than 120 hours of community service, if community
3 service is available in the jurisdiction and is funded and
4 approved by the county board where the offense was committed,
5 when the offense (1) was related to or in furtherance of the
6 criminal activities of an organized gang or was motivated by
7 the defendant's membership in or allegiance to an organized
8 gang; or (2) is a violation of any Section of Article 24 of
9 the Criminal Code of 1961 where a disposition of supervision
10 is not prohibited by Section 5-6-1 of this Code. The
11 community service shall include, but not be limited to, the
12 cleanup and repair of any damage caused by violation of
13 Section 21-1.3 of the Criminal Code of 1961 and similar
14 damages to property located within the municipality or county
15 in which the violation occurred. Where possible and
16 reasonable, the community service should be performed in the
17 offender's neighborhood.

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

21 (c) The court may in addition to other reasonable
22 conditions relating to the nature of the offense or the
23 rehabilitation of the defendant as determined for each
24 defendant in the proper discretion of the court require that
25 the person:

26 (1) make a report to and appear in person before or
27 participate with the court or such courts, person, or
28 social service agency as directed by the court in the
29 order of supervision;

30 (2) pay a fine and costs;

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

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

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

3 (6) support his dependents;

4 (7) refrain from possessing a firearm or other
5 dangerous weapon;

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

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

9 (ii) attend school;

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

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

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

23 (9) make restitution or reparation in an amount not
24 to exceed actual loss or damage to property and pecuniary
25 loss or make restitution under Section 5-5-6 to a
26 domestic violence shelter. The court shall determine the
27 amount and conditions of payment;

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

30 (11) comply with the terms and conditions of an
31 order of protection issued by the court pursuant to the
32 Illinois Domestic Violence Act of 1986 or an order of
33 protection issued by the court of another state, tribe,
34 or United States territory. If the court has ordered the

1 defendant to make a report and appear in person under
2 paragraph (1) of this subsection, a copy of the order of
3 protection shall be transmitted to the person or agency
4 so designated by the court;

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

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

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

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

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

32 (17) refrain from operating any motor vehicle not
33 equipped with an ignition interlock device as defined in
34 Section 1-129.1 of the Illinois Vehicle Code. Under this

1 condition the court may allow a defendant who is not
2 self-employed to operate a vehicle owned by the
3 defendant's employer that is not equipped with an
4 ignition interlock device in the course and scope of the
5 defendant's employment.

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

8 (e) At the conclusion of the period of supervision, if
9 the court determines that the defendant has successfully
10 complied with all of the conditions of supervision, the court
11 shall discharge the defendant and enter a judgment dismissing
12 the charges.

13 (f) Discharge and dismissal upon a successful conclusion
14 of a disposition of supervision shall be deemed without
15 adjudication of guilt and shall not be termed a conviction
16 for purposes of disqualification or disabilities imposed by
17 law upon conviction of a crime. Two years after the
18 discharge and dismissal under this Section, unless the
19 disposition of supervision was for a violation of Sections
20 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois
21 Vehicle Code or a similar provision of a local ordinance, or
22 for a violation of Sections 12-3.2 or 16A-3 of the Criminal
23 Code of 1961, in which case it shall be 5 years after
24 discharge and dismissal, a person may have his record of
25 arrest sealed or expunged as may be provided by law.
26 However, any defendant placed on supervision before January
27 1, 1980, may move for sealing or expungement of his arrest
28 record, as provided by law, at any time after discharge and
29 dismissal under this Section. A person placed on supervision
30 for a sexual offense committed against a minor as defined in
31 subsection (g) of Section 5 of the Criminal Identification
32 Act or for a violation of Section 11-501 of the Illinois
33 Vehicle Code or a similar provision of a local ordinance
34 shall not have his or her record of arrest sealed or

1 expunged.

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

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

27 (i) The court shall impose upon a defendant placed on
28 supervision after January 1, 1992 or to community service
29 under the supervision of a probation or court services
30 department after January 1, 2004, as a condition of
31 supervision or supervised community service, a fee of \$50 \$25
32 for each month of supervision or supervised community service
33 ordered by the court, unless after determining the inability
34 of the person placed on supervision or supervised community

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

12 A circuit court may not impose a probation fee in excess
13 of \$25 per month unless: (1) the circuit court has adopted,
14 by administrative order issued by the chief judge, a standard
15 probation fee guide determining an offender's ability to pay,
16 under guidelines developed by the Administrative Office of
17 the Illinois Courts; and (2) the circuit court has
18 authorized, by administrative order issued by the chief
19 judge, the creation of a Crime Victim's Services Fund, to be
20 administered by the Chief Judge or his or her designee, for
21 services to crime victims and their families. Of the amount
22 collected as a probation fee, not to exceed \$5 of that fee
23 collected per month may be used to provide services to crime
24 victims and their families.

25 (j) All fines and costs imposed under this Section for
26 any violation of Chapters 3, 4, 6, and 11 of the Illinois
27 Vehicle Code, or a similar provision of a local ordinance,
28 and any violation of the Child Passenger Protection Act, or a
29 similar provision of a local ordinance, shall be collected
30 and disbursed by the circuit clerk as provided under Section
31 27.5 of the Clerks of Courts Act.

32 (k) A defendant at least 17 years of age who is placed
33 on supervision for a misdemeanor in a county of 3,000,000 or
34 more inhabitants and who has not been previously convicted of

1 a misdemeanor or felony may as a condition of his or her
2 supervision be required by the court to attend educational
3 courses designed to prepare the defendant for a high school
4 diploma and to work toward a high school diploma or to work
5 toward passing the high school level Test of General
6 Educational Development (GED) or to work toward completing a
7 vocational training program approved by the court. The
8 defendant placed on supervision must attend a public
9 institution of education to obtain the educational or
10 vocational training required by this subsection (k). The
11 defendant placed on supervision shall be required to pay for
12 the cost of the educational courses or GED test, if a fee is
13 charged for those courses or test. The court shall revoke
14 the supervision of a person who wilfully fails to comply with
15 this subsection (k). The court shall resentence the
16 defendant upon revocation of supervision as provided in
17 Section 5-6-4. This subsection (k) does not apply to a
18 defendant who has a high school diploma or has successfully
19 passed the GED test. This subsection (k) does not apply to a
20 defendant who is determined by the court to be
21 developmentally disabled or otherwise mentally incapable of
22 completing the educational or vocational program.

23 (l) The court shall require a defendant placed on
24 supervision for possession of a substance prohibited by the
25 Cannabis Control Act or Illinois Controlled Substances Act
26 after a previous conviction or disposition of supervision for
27 possession of a substance prohibited by the Cannabis Control
28 Act or Illinois Controlled Substances Act or a sentence of
29 probation under Section 10 of the Cannabis Control Act or
30 Section 410 of the Illinois Controlled Substances Act and
31 after a finding by the court that the person is addicted, to
32 undergo treatment at a substance abuse program approved by
33 the court.

34 (m) The Secretary of State shall require anyone placed

1 on court supervision for a violation of Section 3-707 of the
2 Illinois Vehicle Code or a similar provision of a local
3 ordinance to give proof of his or her financial
4 responsibility as defined in Section 7-315 of the Illinois
5 Vehicle Code. The proof shall be maintained by the
6 individual in a manner satisfactory to the Secretary of State
7 for a minimum period of one year after the date the proof is
8 first filed. The proof shall be limited to a single action
9 per arrest and may not be affected by any post-sentence
10 disposition. The Secretary of State shall suspend the
11 driver's license of any person determined by the Secretary to
12 be in violation of this subsection.

13 (Source: P.A. 91-127, eff. 1-1-00; 91-696, eff. 4-13-00;
14 91-903, eff. 1-1-01; 92-282, eff. 8-7-01; 92-458, eff.
15 8-22-01; 92-651, eff. 7-11-02.)

16 (730 ILCS 5/5-9-1.12 new)

17 Sec. 5-9-1.12. Applications for transfer to other
18 states. A person subject to conditions of probation, parole,
19 or mandatory supervised release who seeks to transfer to
20 another state subject to the Interstate Compact for Adult
21 Offender Supervision must make provisions for the payment of
22 any restitution awarded by the circuit court and pay a fee of
23 \$125 to the proper administrative or judicial authorities
24 before being granted the transfer, or otherwise arrange for
25 payment. The fee payment from persons subject to a sentence
26 of probation shall be deposited into the general fund of the
27 county in which the circuit has jurisdiction. The fee
28 payment from persons subject to parole or mandatory
29 supervised release shall be deposited into the General
30 Revenue Fund. The proceeds of this fee shall be used to
31 defray the costs of the Department of Corrections or county
32 sheriff departments, respectively, who will be required to
33 retrieve offenders that violate the terms of their transfers

1 to other states. Upon return to the State of Illinois, these
2 persons shall also be subject to reimbursing either the State
3 of Illinois or the county for the actual costs of returning
4 them to Illinois.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.