

1 AN ACT in relation to sex offenders.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-1-2, 3-3-7, 5-6-3, and 5-6-3.1 and by
6 adding Section 5-1-3.5 as follows:

7 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

8 Sec. 3-1-2. Definitions. (a) "Chief Administrative
9 Officer" means the person designated by the Director to
10 exercise the powers and duties of the Department of Corrections
11 in regard to committed persons within a correctional
12 institution or facility, and includes the superintendent of any
13 juvenile institution or facility.

14 (a-5) "Sex offense" for the purposes of paragraph (16) of
15 subsection (a) of Section 3-3-7, paragraph (10) of subsection
16 (a) of Section 5-6-3, and paragraph (18) of subsection (c) of
17 Section 5-6-3.1 only means:

18 (i) A violation of any of the following Sections of the
19 Criminal Code of 1961: 10-7 (aiding and abetting child
20 abduction under Section 10-5(b)(10)), 10-5(b)(10) (child
21 luring), 11-6 (indecent solicitation of a child), 11-6.5
22 (indecent solicitation of an adult), 11-15.1 (soliciting
23 for a juvenile prostitute), 11-17.1 (keeping a place of
24 juvenile prostitution), 11-18.1 (patronizing a juvenile
25 prostitute), 11-19.1 (juvenile pimping), 11-19.2
26 (exploitation of a child), 11-20.1 (child pornography),
27 12-14.1 (predatory criminal sexual assault of a child), or
28 12-33 (ritualized abuse of a child). An attempt to commit
29 any of these offenses.

30 (ii) A violation of any of the following Sections of
31 the Criminal Code of 1961: 12-13 (criminal sexual assault),
32 12-14 (aggravated criminal sexual assault), 12-16

1 (aggravated criminal sexual abuse), and subsection (a) of
2 Section 12-15 (criminal sexual abuse). An attempt to commit
3 any of these offenses.

4 (iii) A violation of any of the following Sections of
5 the Criminal Code of 1961 when the defendant is not a
6 parent of the victim:

7 10-1 (kidnapping),

8 10-2 (aggravated kidnapping),

9 10-3 (unlawful restraint),

10 10-3.1 (aggravated unlawful restraint).

11 An attempt to commit any of these offenses.

12 (iv) A violation of any former law of this State
13 substantially equivalent to any offense listed in this
14 subsection (a-5).

15 An offense violating federal law or the law of another
16 state that is substantially equivalent to any offense listed in
17 this subsection (a-5) shall constitute a sex offense for the
18 purpose of this subsection (a-5). A finding or adjudication as
19 a sexually dangerous person under any federal law or law of
20 another state that is substantially equivalent to the Sexually
21 Dangerous Persons Act shall constitute an adjudication for a
22 sex offense for the purposes of this subsection (a-5).

23 (b) "Commitment" means a judicially determined placement
24 in the custody of the Department of Corrections on the basis of
25 delinquency or conviction.

26 (c) "Committed Person" is a person committed to the
27 Department, however a committed person shall not be considered
28 to be an employee of the Department of Corrections for any
29 purpose, including eligibility for a pension, benefits, or any
30 other compensation or rights or privileges which may be
31 provided to employees of the Department.

32 (d) "Correctional Institution or Facility" means any
33 building or part of a building where committed persons are kept
34 in a secured manner.

35 (e) "Department" means the Department of Corrections of
36 this State.

1 (f) "Director" means the Director of the Department of
2 Corrections.

3 (g) "Discharge" means the final termination of a commitment
4 to the Department of Corrections.

5 (h) "Discipline" means the rules and regulations for the
6 maintenance of order and the protection of persons and property
7 within the institutions and facilities of the Department and
8 their enforcement.

9 (i) "Escape" means the intentional and unauthorized
10 absence of a committed person from the custody of the
11 Department.

12 (j) "Furlough" means an authorized leave of absence from
13 the Department of Corrections for a designated purpose and
14 period of time.

15 (k) "Parole" means the conditional and revocable release of
16 a committed person under the supervision of a parole officer.

17 (l) "Prisoner Review Board" means the Board established in
18 Section 3-3-1(a), independent of the Department, to review
19 rules and regulations with respect to good time credits, to
20 hear charges brought by the Department against certain
21 prisoners alleged to have violated Department rules with
22 respect to good time credits, to set release dates for certain
23 prisoners sentenced under the law in effect prior to the
24 effective date of this Amendatory Act of 1977, to hear requests
25 and make recommendations to the Governor with respect to
26 pardon, reprieve or commutation, to set conditions for parole
27 and mandatory supervised release and determine whether
28 violations of those conditions justify revocation of parole or
29 release, and to assume all other functions previously exercised
30 by the Illinois Parole and Pardon Board.

31 (m) Whenever medical treatment, service, counseling, or
32 care is referred to in this Unified Code of Corrections, such
33 term may be construed by the Department or Court, within its
34 discretion, to include treatment, service or counseling by a
35 Christian Science practitioner or nursing care appropriate
36 therewith whenever request therefor is made by a person subject

1 to the provisions of this Act.

2 (n) "Victim" shall have the meaning ascribed to it in
3 subsection (a) of Section 3 of the Bill of Rights for Victims
4 and Witnesses of Violent Crime Act.

5 (Source: P.A. 83-1433; 83-1499.)

6 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

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

9 (a) The conditions of parole or mandatory supervised
10 release shall be such as the Prisoner Review Board deems
11 necessary to assist the subject in leading a law-abiding life.
12 The conditions of every parole and mandatory supervised release
13 are that the subject:

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

16 (2) refrain from possessing a firearm or other
17 dangerous weapon;

18 (3) report to an agent of the Department of
19 Corrections;

20 (4) permit the agent to visit him or her at his or her
21 home, employment, or elsewhere to the extent necessary for
22 the agent to discharge his or her duties;

23 (5) attend or reside in a facility established for the
24 instruction or residence of persons on parole or mandatory
25 supervised release;

26 (6) secure permission before visiting or writing a
27 committed person in an Illinois Department of Corrections
28 facility;

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

33 (7.5) if convicted of a sex offense as defined in the
34 Sex Offender Management Board Act, the individual shall
35 undergo and successfully complete sex offender treatment

1 conducted in conformance with the standards developed by
2 the Sex Offender Management Board Act by a treatment
3 provider approved by the Board;

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

6 (9) obtain permission of an agent of the Department of
7 Corrections before changing his or her residence or
8 employment;

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

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

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

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

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

29 ~~and~~

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

1 any time, as the agent deems appropriate; and ~~—~~

2 (16) if convicted of a sex offense as defined in
3 subsection (a-5) of Section 3-1-2 of this Code, unless the
4 offender is a parent or guardian of the person under 18
5 years of age present in the home and no non-familial minors
6 are present, not participate in a holiday event involving
7 children under 18 years of age, such as distributing candy
8 or other items to children on Halloween, wearing a Santa
9 Claus costume on or preceding Christmas, being employed as
10 a department store Santa Claus, or wearing an Easter Bunny
11 costume on or preceding Easter.

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

14 (1) work or pursue a course of study or vocational
15 training;

16 (2) undergo medical or psychiatric treatment, or
17 treatment for drug addiction or alcoholism;

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

20 (4) support his dependents;

21 (5) (blank);

22 (6) (blank);

23 (7) comply with the terms and conditions of an order of
24 protection issued pursuant to the Illinois Domestic
25 Violence Act of 1986, enacted by the 84th General Assembly,
26 or an order of protection issued by the court of another
27 state, tribe, or United States territory; and

28 (8) in addition, if a minor:

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

30 (ii) attend school;

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

32 or

33 (iv) contribute to his own support at home or in a
34 foster home.

35 (b-1) In addition to the conditions set forth in
36 subsections (a) and (b), persons required to register as sex

1 offenders pursuant to the Sex Offender Registration Act, upon
2 release from the custody of the Illinois Department of
3 Corrections, may be required by the Board to comply with the
4 following specific conditions of release:

5 (1) reside only at a Department approved location;

6 (2) comply with all requirements of the Sex Offender
7 Registration Act;

8 (3) notify third parties of the risks that may be
9 occasioned by his or her criminal record;

10 (4) obtain the approval of an agent of the Department
11 of Corrections prior to accepting employment or pursuing a
12 course of study or vocational training and notify the
13 Department prior to any change in employment, study, or
14 training;

15 (5) not be employed or participate in any volunteer
16 activity that involves contact with children, except under
17 circumstances approved in advance and in writing by an
18 agent of the Department of Corrections;

19 (6) be electronically monitored for a minimum of 12
20 months from the date of release as determined by the Board;

21 (7) refrain from entering into a designated geographic
22 area except upon terms approved in advance by an agent of
23 the Department of Corrections. The terms may include
24 consideration of the purpose of the entry, the time of day,
25 and others accompanying the person;

26 (8) refrain from having any contact, including written
27 or oral communications, directly or indirectly, personally
28 or by telephone, letter, or through a third party with
29 certain specified persons including, but not limited to,
30 the victim or the victim's family without the prior written
31 approval of an agent of the Department of Corrections;

32 (9) refrain from all contact, directly or indirectly,
33 personally, by telephone, letter, or through a third party,
34 with minor children without prior identification and
35 approval of an agent of the Department of Corrections;

36 (10) neither possess or have under his or her control

1 any material that is sexually oriented, sexually
2 stimulating, or that shows male or female sex organs or any
3 pictures depicting children under 18 years of age nude or
4 any written or audio material describing sexual
5 intercourse or that depicts or alludes to sexual activity,
6 including but not limited to visual, auditory, telephonic,
7 or electronic media, or any matter obtained through access
8 to any computer or material linked to computer access use;

9 (11) not patronize any business providing sexually
10 stimulating or sexually oriented entertainment nor utilize
11 "900" or adult telephone numbers;

12 (12) not reside near, visit, or be in or about parks,
13 schools, day care centers, swimming pools, beaches,
14 theaters, or any other places where minor children
15 congregate without advance approval of an agent of the
16 Department of Corrections and immediately report any
17 incidental contact with minor children to the Department;

18 (13) not possess or have under his or her control
19 certain specified items of contraband related to the
20 incidence of sexually offending as determined by an agent
21 of the Department of Corrections;

22 (14) may be required to provide a written daily log of
23 activities if directed by an agent of the Department of
24 Corrections;

25 (15) comply with all other special conditions that the
26 Department may impose that restrict the person from
27 high-risk situations and limit access to potential
28 victims.

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

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

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

8 (Source: P.A. 92-460, eff. 1-1-02; 93-616, eff. 1-1-04; 93-865,
9 eff. 1-1-05.)

10 (730 ILCS 5/5-1-3.5 new)

11 Sec. 5-1-3.5. Sex offense. "Sex offense" for the purposes
12 of paragraph (16) of subsection (a) of Section 3-3-7, paragraph
13 (10) of subsection (a) of Section 5-6-3, and paragraph (18) of
14 subsection (c) of Section 5-6-3.1 only has the meaning ascribed
15 to it in subsection (a-5) of Section 3-1-2 of this Code.

16 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

21 (1) not violate any criminal statute of any
22 jurisdiction;

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

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

27 (4) not leave the State without the consent of the
28 court or, in circumstances in which the reason for the
29 absence is of such an emergency nature that prior consent
30 by the court is not possible, without the prior
31 notification and approval of the person's probation
32 officer. Transfer of a person's probation or conditional
33 discharge supervision to another state is subject to
34 acceptance by the other state pursuant to the Interstate

1 Compact for Adult Offender Supervision;

2 (5) permit the probation officer to visit him at his
3 home or elsewhere to the extent necessary to discharge his
4 duties;

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

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

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

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

24 (8.5) if convicted of a felony sex offense as defined
25 in the Sex Offender Management Board Act, the person shall
26 undergo and successfully complete sex offender treatment
27 by a treatment provider approved by the Board and conducted
28 in conformance with the standards developed under the Sex
29 Offender Management Board Act; ~~and~~

30 (9) if convicted of a felony, physically surrender at a
31 time and place designated by the court, his or her Firearm
32 Owner's Identification Card and any and all firearms in his
33 or her possession; ~~and~~

34 (10) if convicted of a sex offense as defined in
35 subsection (a-5) of Section 3-1-2 of this Code, unless the
36 offender is a parent or guardian of the person under 18

1 years of age present in the home and no non-familial minors
2 are present, not participate in a holiday event involving
3 children under 18 years of age, such as distributing candy
4 or other items to children on Halloween, wearing a Santa
5 Claus costume on or preceding Christmas, being employed as
6 a department store Santa Claus, or wearing an Easter Bunny
7 costume on or preceding Easter.

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

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

16 (2) pay a fine and costs;

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

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

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

23 (6) support his dependents;

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

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

26 (ii) attend school;

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

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

30 (v) with the consent of the superintendent of the
31 facility, attend an educational program at a facility
32 other than the school in which the offense was
33 committed if he or she is convicted of a crime of
34 violence as defined in Section 2 of the Crime Victims
35 Compensation Act committed in a school, on the real
36 property comprising a school, or within 1,000 feet of

1 the real property comprising a school;

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

4 (9) perform some reasonable public or community
5 service;

6 (10) serve a term of home confinement. In addition to
7 any other applicable condition of probation or conditional
8 discharge, the conditions of home confinement shall be that
9 the offender:

10 (i) remain within the interior premises of the
11 place designated for his confinement during the hours
12 designated by the court;

13 (ii) admit any person or agent designated by the
14 court into the offender's place of confinement at any
15 time for purposes of verifying the offender's
16 compliance with the conditions of his confinement; and

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

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

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

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, as now or hereafter amended,
23 or an order of protection issued by the court of another
24 state, tribe, or United States territory. A copy of the
25 order of protection shall be transmitted to the probation
26 officer or agency having responsibility for the case;

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

33 (13) contribute a reasonable sum of money, not to
34 exceed the maximum amount of the fine authorized for the
35 offense for which the defendant was sentenced, to a "local
36 anti-crime program", as defined in Section 7 of the

1 Anti-Crime Advisory Council Act;

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

10 (15) refrain from having any contact, directly or
11 indirectly, with certain specified persons or particular
12 types of persons, 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 (c) The court may as a condition of probation or of
21 conditional discharge require that a person under 18 years of
22 age found guilty of any alcohol, cannabis or controlled
23 substance violation, refrain from acquiring a driver's license
24 during the period of probation or conditional discharge. If
25 such person is in possession of a permit or license, the court
26 may require that the minor refrain from driving or operating
27 any motor vehicle during the period of probation or conditional
28 discharge, except as may be necessary in the course of the
29 minor's lawful employment.

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

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

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

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

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

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

1 working cash fund under Section 6-27001 or Section 6-29002 of
2 the Counties Code, as the case may be.

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

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

29 A circuit court may not impose a probation fee under this
30 subsection (i) in excess of \$25 per month unless: (1) the
31 circuit court has adopted, by administrative order issued by
32 the chief judge, a standard probation fee guide determining an
33 offender's ability to pay, under guidelines developed by the
34 Administrative Office of the Illinois Courts; and (2) the
35 circuit court has authorized, by administrative order issued by
36 the chief judge, the creation of a Crime Victim's Services

1 Fund, to be administered by the Chief Judge or his or her
2 designee, for services to crime victims and their families. Of
3 the amount collected as a probation fee, up to \$5 of that fee
4 collected per month may be used to provide services to crime
5 victims and their families.

6 This amendatory Act of the 93rd General Assembly deletes
7 the \$10 increase in the fee under this subsection that was
8 imposed by Public Act 93-616. This deletion is intended to
9 control over any other Act of the 93rd General Assembly that
10 retains or incorporates that fee increase.

11 (i-5) In addition to the fees imposed under subsection (i)
12 of this Section, in the case of an offender convicted of a
13 felony sex offense (as defined in the Sex Offender Management
14 Board Act) or an offense that the court or probation department
15 has determined to be sexually motivated (as defined in the Sex
16 Offender Management Board Act), the court or the probation
17 department shall assess additional fees to pay for all costs of
18 treatment, assessment, evaluation for risk and treatment, and
19 monitoring the offender, based on that offender's ability to
20 pay those costs either as they occur or under a payment plan.

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

28 (k) Any offender who is sentenced to probation or
29 conditional discharge for a felony sex offense as defined in
30 the Sex Offender Management Board Act or any offense that the
31 court or probation department has determined to be sexually
32 motivated as defined in the Sex Offender Management Board Act
33 shall be required to refrain from any contact, directly or
34 indirectly, with any persons specified by the court and shall
35 be available for all evaluations and treatment programs
36 required by the court or the probation department.

1 (Source: P.A. 92-282, eff. 8-7-01; 92-340, eff. 8-10-01;
2 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; 92-571, eff.
3 6-26-02; 92-651, eff. 7-11-02; 93-475, eff. 8-8-03; 93-616,
4 eff. 1-1-04; 93-970, eff. 8-20-04.)

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

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

7 (a) When a defendant is placed on supervision, the court
8 shall enter an order for supervision specifying the period of
9 such supervision, and shall defer further proceedings in the
10 case until the conclusion of the period.

11 (b) The period of supervision shall be reasonable under all
12 of the circumstances of the case, but may not be longer than 2
13 years, unless the defendant has failed to pay the assessment
14 required by Section 10.3 of the Cannabis Control Act or Section
15 411.2 of the Illinois Controlled Substances Act, in which case
16 the court may extend supervision beyond 2 years. Additionally,
17 the court shall order the defendant to perform no less than 30
18 hours of community service and not more than 120 hours of
19 community service, if community service is available in the
20 jurisdiction and is funded and approved by the county board
21 where the offense was committed, when the offense (1) was
22 related to or in furtherance of the criminal activities of an
23 organized gang or was motivated by the defendant's membership
24 in or allegiance to an organized gang; or (2) is a violation of
25 any Section of Article 24 of the Criminal Code of 1961 where a
26 disposition of supervision is not prohibited by Section 5-6-1
27 of this Code. The community service shall include, but not be
28 limited to, the cleanup and repair of any damage caused by
29 violation of Section 21-1.3 of the Criminal Code of 1961 and
30 similar damages to property located within the municipality or
31 county in which the violation occurred. Where possible and
32 reasonable, the community service should be performed in the
33 offender's neighborhood.

34 For the purposes of this Section, "organized gang" has the
35 meaning ascribed to it in Section 10 of the Illinois Streetgang

1 Terrorism Omnibus Prevention Act.

2 (c) The court may in addition to other reasonable
3 conditions relating to the nature of the offense or the
4 rehabilitation of the defendant as determined for each
5 defendant in the proper discretion of the court require that
6 the person:

7 (1) make a report to and appear in person before or
8 participate with the court or such courts, person, or
9 social service agency as directed by the court in the order
10 of supervision;

11 (2) pay a fine and costs;

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

14 (4) undergo medical, psychological or psychiatric
15 treatment; or treatment for drug addiction or alcoholism;

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

18 (6) support his dependents;

19 (7) refrain from possessing a firearm or other
20 dangerous weapon;

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

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

23 (ii) attend school;

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

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

27 (v) with the consent of the superintendent of the
28 facility, attend an educational program at a facility
29 other than the school in which the offense was
30 committed if he or she is placed on supervision for a
31 crime of violence as defined in Section 2 of the Crime
32 Victims Compensation Act committed in a school, on the
33 real property comprising a school, or within 1,000 feet
34 of the real property comprising a school;

35 (9) make restitution or reparation in an amount not to
36 exceed actual loss or damage to property and pecuniary loss

1 or make restitution under Section 5-5-6 to a domestic
2 violence shelter. The court shall determine the amount and
3 conditions of payment;

4 (10) perform some reasonable public or community
5 service;

6 (11) comply with the terms and conditions of an order
7 of protection issued by the court pursuant to the Illinois
8 Domestic Violence Act of 1986 or an order of protection
9 issued by the court of another state, tribe, or United
10 States territory. If the court has ordered the defendant to
11 make a report and appear in person under paragraph (1) of
12 this subsection, a copy of the order of protection shall be
13 transmitted to the person or agency so designated by the
14 court;

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

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

26 (14) refrain from entering into a designated
27 geographic area except upon such terms as the court finds
28 appropriate. Such terms may include consideration of the
29 purpose of the entry, the time of day, other persons
30 accompanying the defendant, and advance approval by a
31 probation officer;

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

36 (16) refrain from having in his or her body the

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

6 (17) refrain from operating any motor vehicle not
7 equipped with an ignition interlock device as defined in
8 Section 1-129.1 of the Illinois Vehicle Code. Under this
9 condition the court may allow a defendant who is not
10 self-employed to operate a vehicle owned by the defendant's
11 employer that is not equipped with an ignition interlock
12 device in the course and scope of the defendant's
13 employment; and-

14 (18) if placed on supervision for a sex offense as
15 defined in subsection (a-5) of Section 3-1-2 of this Code,
16 unless the offender is a parent or guardian of the person
17 under 18 years of age present in the home and no
18 non-familial minors are present, not participate in a
19 holiday event involving children under 18 years of age,
20 such as distributing candy or other items to children on
21 Halloween, wearing a Santa Claus costume on or preceding
22 Christmas, being employed as a department store Santa
23 Claus, or wearing an Easter Bunny costume on or preceding
24 Easter.

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

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

32 (f) Discharge and dismissal upon a successful conclusion of
33 a disposition of supervision shall be deemed without
34 adjudication of guilt and shall not be termed a conviction for
35 purposes of disqualification or disabilities imposed by law
36 upon conviction of a crime. Two years after the discharge and

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

18 (g) A defendant placed on supervision and who during the
19 period of supervision undergoes mandatory drug or alcohol
20 testing, or both, or is assigned to be placed on an approved
21 electronic monitoring device, shall be ordered to pay the costs
22 incidental to such mandatory drug or alcohol testing, or both,
23 and costs incidental to such approved electronic monitoring in
24 accordance with the defendant's ability to pay those costs. The
25 county board with the concurrence of the Chief Judge of the
26 judicial 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, of all defendants placed on
31 supervision. The concurrence of the Chief Judge shall be in the
32 form of an administrative order. The fees shall be collected by
33 the clerk of the circuit court. The clerk of the circuit court
34 shall pay all moneys collected from these fees to the county
35 treasurer who shall use the moneys collected to defray the
36 costs of drug testing, alcohol testing, and electronic

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

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

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

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

36 (j) All fines and costs imposed under this Section for any

1 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
2 Code, or a similar provision of a local ordinance, and any
3 violation of the Child Passenger Protection Act, or a similar
4 provision of a local ordinance, shall be collected and
5 disbursed by the circuit clerk as provided under Section 27.5
6 of the Clerks of Courts Act.

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

32 (l) The court shall require a defendant placed on
33 supervision for possession of a substance prohibited by the
34 Cannabis Control Act or Illinois Controlled Substances Act
35 after a previous conviction or disposition of supervision for
36 possession of a substance prohibited by the Cannabis Control

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

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

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

26 (Source: P.A. 92-282, eff. 8-7-01; 92-458, eff. 8-22-01;
27 92-651, eff. 7-11-02; 93-475, eff. 8-8-03; 93-970, eff.
28 8-20-04.)

29 Section 10. The Sex Offender and Child Murderer Community
30 Notification Law is amended by adding Section 121 as follows:

31 (730 ILCS 152/121 new)

32 Sec. 121. Special alerts. A law enforcement agency having
33 jurisdiction may provide to the public a special alert list
34 warning parents to be aware that sex offenders may attempt to

1 contact children during holidays involving children, such as
2 Halloween, Christmas, and Easter and to inform parents that
3 information containing the names and addresses of registered
4 sex offenders are accessible on the Internet by means of a
5 hyperlink labeled "Sex Offender Information" on the Department
6 of State Police's World Wide Web home page and are available
7 for public inspection at the agency's headquarters.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.