

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 3-3-7, 3-3-9, 3-14-2, 5-6-3, 5-6-3.1, and  
6 5-6-4 and by adding Article 17 to Chapter III as follows:

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

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

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

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

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

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

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

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

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

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

1 custody;

2 (7.5) if convicted of a sex offense as defined in the  
3 Sex Offender Management Board Act, the individual shall  
4 undergo and successfully complete sex offender treatment  
5 conducted in conformance with the standards developed by  
6 the Sex Offender Management Board Act by a treatment  
7 provider approved by the Board;

8 (7.6) if convicted of a sex offense as defined in the  
9 Sex Offender Management Board Act, refrain from residing at  
10 the same address or in the same condominium unit or  
11 apartment unit or in the same condominium complex or  
12 apartment complex with another person he or she knows or  
13 reasonably should know is a convicted sex offender or has  
14 been placed on supervision for a sex offense; the  
15 provisions of this paragraph do not apply to a person  
16 convicted of a sex offense who is placed in a Department of  
17 Corrections licensed transitional housing facility for sex  
18 offenders, or is in any facility operated or licensed by  
19 the Department of Children and Family Services or by the  
20 Department of Human Services, or is in any licensed medical  
21 facility;

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

24 (9) obtain permission of an agent of the Department of  
25 Corrections before changing his or her residence or  
26 employment;

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

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

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

36 (13) not knowingly associate with other persons on

1 parole or mandatory supervised release without prior  
2 written permission of his or her parole agent and not  
3 associate with persons who are members of an organized gang  
4 as that term is defined in the Illinois Streetgang  
5 Terrorism Omnibus Prevention Act;

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

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

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

22 (1) work or pursue a course of study or vocational  
23 training;

24 (2) undergo medical or psychiatric treatment, or  
25 treatment for drug addiction or alcoholism;

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

28 (4) support his dependents;

29 (5) (blank);

30 (6) (blank);

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

36 (8) in addition, if a minor:

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

7 (b-1) In addition to the conditions set forth in  
8 subsections (a) and (b), persons required to register as sex  
9 offenders pursuant to the Sex Offender Registration Act, upon  
10 release from the custody of the Illinois Department of  
11 Corrections, may be required by the Board to comply with the  
12 following specific conditions of release:

- 13 (1) reside only at a Department approved location;  
14 (2) comply with all requirements of the Sex Offender  
15 Registration Act;  
16 (3) notify third parties of the risks that may be  
17 occasioned by his or her criminal record;  
18 (4) obtain the approval of an agent of the Department  
19 of Corrections prior to accepting employment or pursuing a  
20 course of study or vocational training and notify the  
21 Department prior to any change in employment, study, or  
22 training;  
23 (5) not be employed or participate in any volunteer  
24 activity that involves contact with children, except under  
25 circumstances approved in advance and in writing by an  
26 agent of the Department of Corrections;  
27 (6) be electronically monitored for a minimum of 12  
28 months from the date of release as determined by the Board;  
29 (7) refrain from entering into a designated geographic  
30 area except upon terms approved in advance by an agent of  
31 the Department of Corrections. The terms may include  
32 consideration of the purpose of the entry, the time of day,  
33 and others accompanying the person;  
34 (8) refrain from having any contact, including written  
35 or oral communications, directly or indirectly, personally  
36 or by telephone, letter, or through a third party with

1 certain specified persons including, but not limited to,  
2 the victim or the victim's family without the prior written  
3 approval of an agent of the Department of Corrections;

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

8 (10) neither possess or have under his or her control  
9 any material that is sexually oriented, sexually  
10 stimulating, or that shows male or female sex organs or any  
11 pictures depicting children under 18 years of age nude or  
12 any written or audio material describing sexual  
13 intercourse or that depicts or alludes to sexual activity,  
14 including but not limited to visual, auditory, telephonic,  
15 or electronic media, or any matter obtained through access  
16 to any computer or material linked to computer access use;

17 (11) not patronize any business providing sexually  
18 stimulating or sexually oriented entertainment nor utilize  
19 "900" or adult telephone numbers;

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

26 (13) not possess or have under his or her control  
27 certain specified items of contraband related to the  
28 incidence of sexually offending as determined by an agent  
29 of the Department of Corrections;

30 (14) may be required to provide a written daily log of  
31 activities if directed by an agent of the Department of  
32 Corrections;

33 (15) comply with all other special conditions that the  
34 Department may impose that restrict the person from  
35 high-risk situations and limit access to potential  
36 victims.

1 (c) The conditions under which the parole or mandatory  
2 supervised release is to be served shall be communicated to the  
3 person in writing prior to his release, and he shall sign the  
4 same before release. A signed copy of these conditions,  
5 including a copy of an order of protection where one had been  
6 issued by the criminal court, shall be retained by the person  
7 and another copy forwarded to the officer in charge of his  
8 supervision.

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

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

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

18 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

19 Sec. 3-3-9. Violations; changes of conditions; preliminary  
20 hearing; revocation of parole or mandatory supervised release;  
21 revocation hearing.

22 (a) If prior to expiration or termination of the term of  
23 parole or mandatory supervised release, a person violates a  
24 condition set by the Prisoner Review Board or a condition of  
25 parole or mandatory supervised release under Section 3-3-7 of  
26 this Code to govern that term, the Board may:

27 (1) continue the existing term, with or without  
28 modifying or enlarging the conditions; or

29 (2) parole or release the person to a half-way house;  
30 or

31 (3) revoke the parole or mandatory supervised release  
32 and reconfine the person for a term computed in the  
33 following manner:

34 (i) (A) For those sentenced under the law in effect  
35 prior to this amendatory Act of 1977, the recommitment

1 shall be for any portion of the imposed maximum term of  
2 imprisonment or confinement which had not been served  
3 at the time of parole and the parole term, less the  
4 time elapsed between the parole of the person and the  
5 commission of the violation for which parole was  
6 revoked;

7 (B) For those subject to mandatory supervised  
8 release under paragraph (d) of Section 5-8-1 of this  
9 Code, the recommitment shall be for the total mandatory  
10 supervised release term, less the time elapsed between  
11 the release of the person and the commission of the  
12 violation for which mandatory supervised release is  
13 revoked. The Board may also order that a prisoner serve  
14 up to one year of the sentence imposed by the court  
15 which was not served due to the accumulation of good  
16 conduct credit.

17 (ii) the person shall be given credit against the  
18 term of reimprisonment or reconfinement for time spent  
19 in custody since he was paroled or released which has  
20 not been credited against another sentence or period of  
21 confinement;

22 (iii) persons committed under the Juvenile Court  
23 Act or the Juvenile Court Act of 1987 shall be  
24 recommitted until the age of 21;

25 (iv) this Section is subject to the release under  
26 supervision and the reparole and rerelease provisions  
27 of Section 3-3-10.

28 (b) The Board may revoke parole or mandatory supervised  
29 release for violation of a condition for the duration of the  
30 term and for any further period which is reasonably necessary  
31 for the adjudication of matters arising before its expiration.  
32 The issuance of a warrant of arrest for an alleged violation of  
33 the conditions of parole or mandatory supervised release shall  
34 toll the running of the term until the final determination of  
35 the charge, but where parole or mandatory supervised release is  
36 not revoked that period shall be credited to the term.

1       (b-5) The Board shall revoke parole or mandatory supervised  
2       release for violation of the conditions prescribed in paragraph  
3       (7.6) of subsection (a) of Section 3-3-7.

4       (c) A person charged with violating a condition of parole  
5       or mandatory supervised release shall have a preliminary  
6       hearing before a hearing officer designated by the Board to  
7       determine if there is cause to hold the person for a revocation  
8       hearing. However, no preliminary hearing need be held when  
9       revocation is based upon new criminal charges and a court finds  
10      probable cause on the new criminal charges or when the  
11      revocation is based upon a new criminal conviction and a  
12      certified copy of that conviction is available.

13      (d) Parole or mandatory supervised release shall not be  
14      revoked without written notice to the offender setting forth  
15      the violation of parole or mandatory supervised release charged  
16      against him.

17      (e) A hearing on revocation shall be conducted before at  
18      least one member of the Prisoner Review Board. The Board may  
19      meet and order its actions in panels of 3 or more members. The  
20      action of a majority of the panel shall be the action of the  
21      Board. In consideration of persons committed to the Juvenile  
22      Division, the member hearing the matter and at least a majority  
23      of the panel shall be experienced in juvenile matters. A record  
24      of the hearing shall be made. At the hearing the offender shall  
25      be permitted to:

26              (1) appear and answer the charge; and

27              (2) bring witnesses on his behalf.

28      (f) The Board shall either revoke parole or mandatory  
29      supervised release or order the person's term continued with or  
30      without modification or enlargement of the conditions.

31      (g) Parole or mandatory supervised release shall not be  
32      revoked for failure to make payments under the conditions of  
33      parole or release unless the Board determines that such failure  
34      is due to the offender's willful refusal to pay.

35      (Source: P.A. 92-460, eff. 1-1-02.)



1 (730 ILCS 5/3-14-2) (from Ch. 38, par. 1003-14-2)

2 Sec. 3-14-2. Supervision on Parole, Mandatory Supervised  
3 Release and Release by Statute.

4 (a) The Department shall retain custody of all persons  
5 placed on parole or mandatory supervised release or released  
6 pursuant to Section 3-3-10 of this Code and shall supervise  
7 such persons during their parole or release period in accord  
8 with the conditions set by the Prisoner Review Board. Such  
9 conditions shall include referral to an alcohol or drug abuse  
10 treatment program, as appropriate, if such person has  
11 previously been identified as having an alcohol or drug abuse  
12 problem. Such conditions may include that the person use an  
13 approved electronic monitoring device subject to Article 8A of  
14 Chapter V.

15 (b) The Department shall assign personnel to assist persons  
16 eligible for parole in preparing a parole plan. Such Department  
17 personnel shall make a report of their efforts and findings to  
18 the Prisoner Review Board prior to its consideration of the  
19 case of such eligible person.

20 (c) A copy of the conditions of his parole or release shall  
21 be signed by the parolee or releasee and given to him and to  
22 his supervising officer who shall report on his progress under  
23 the rules and regulations of the Prisoner Review Board. The  
24 supervising officer shall report violations to the Prisoner  
25 Review Board and shall have the full power of peace officers in  
26 the arrest and retaking of any parolees or releasees or the  
27 officer may request the Department to issue a warrant for the  
28 arrest of any parolee or releasee who has allegedly violated  
29 his parole or release conditions. If the parolee or releasee  
30 commits an act that constitutes a felony using a firearm or  
31 knife, or, if applicable, fails to comply with the requirements  
32 of the Sex Offender Registration Act, the officer shall request  
33 the Department to issue a warrant and the Department shall  
34 issue the warrant and the officer or the Department shall file  
35 a violation report with notice of charges with the Prisoner  
36 Review Board. A sheriff or other peace officer may detain an

1 alleged parole or release violator until a warrant for his  
2 return to the Department can be issued. The parolee or releasee  
3 may be delivered to any secure place until he can be  
4 transported to the Department.

5 (d) The supervising officer shall regularly advise and  
6 consult with the parolee or releasee, assist him in adjusting  
7 to community life, inform him of the restoration of his rights  
8 on successful completion of sentence under Section 5-5-5. If  
9 the parolee or releasee has been convicted of a sex offense as  
10 defined in the Sex Offender Management Board Act, the  
11 supervising officer shall periodically, but not less than once  
12 a month, verify that the parolee or releasee is in compliance  
13 with paragraph (7.6) of subsection (a) of Section 3-3-7.

14 (e) Supervising officers shall receive specialized  
15 training in the special needs of female releasees or parolees  
16 including the family reunification process.

17 (f) The supervising officer shall keep such records as the  
18 Prisoner Review Board or Department may require. All records  
19 shall be entered in the master file of the individual.

20 (Source: P.A. 93-979, eff. 8-20-04.)

21 (730 ILCS 5/Ch. III Art. 17 heading new)

22 ARTICLE 17. TRANSITIONAL HOUSING FOR SEX OFFENDERS

23 (730 ILCS 5/3-17-1 new)

24 Sec. 3-17-1. Transitional housing for sex offenders. This  
25 Article may be cited as the Transitional Housing For Sex  
26 Offenders Law.

27 (730 ILCS 5/3-17-5 new)

28 Sec. 3-17-5. Transitional housing; licensing.

29 (a) The Department of Corrections shall license  
30 transitional housing facilities for persons convicted of or  
31 placed on supervision for sex offenses as defined in the Sex  
32 Offender Management Board Act.

33 (b) A transitional housing facility must meet the following

1 criteria to be licensed by the Department:

2 (1) The facility shall provide housing to a sex  
3 offender who is in compliance with his or her parole,  
4 mandatory supervised release, probation, or supervision  
5 order for a period not to exceed 90 days, unless extended  
6 with approval from the Director or his or her designee.  
7 Notice of any extension approved shall be provided to the  
8 Prisoner Review Board.

9 (2) The Department of Corrections must approve a  
10 treatment plan and counseling for each sex offender  
11 residing in the transitional housing.

12 (3) The transitional housing facility must provide  
13 security 24 hours each day and 7 days each week as defined  
14 and approved by the Department.

15 (4) The facility must notify the police department,  
16 public and private elementary and secondary schools,  
17 public libraries, and each residential home and apartment  
18 complex located within 500 feet of the transitional housing  
19 facility of its initial licensure as a transitional housing  
20 facility, and of its continuing operation as a transitional  
21 housing facility annually thereafter.

22 (5) Upon its initial licensure as a transitional  
23 housing facility and during its licensure, each facility  
24 shall maintain at its main entrance a visible and  
25 conspicuous exterior sign identifying itself as, in  
26 letters at least 4 inches tall, a "Department of  
27 Corrections Licensed Transitional Housing Facility".

28 (6) Upon its initial licensure as a transitional  
29 housing facility, each facility shall file in the office of  
30 the county clerk of the county in which such facility is  
31 located, a certificate setting forth the name under which  
32 the facility is, or is to be, operated, and the true or  
33 real full name or names of the person, persons or entity  
34 operating the same, with the address of the facility. The  
35 certificate shall be executed and duly acknowledged by the  
36 person or persons so operating or intending to operate the

1 facility. Notice of the filing of the certificate shall be  
2 published in a newspaper of general circulation published  
3 within the county in which the certificate is filed. The  
4 notice shall be published once a week for 3 consecutive  
5 weeks. The first publication shall be within 15 days after  
6 the certificate is filed in the office of the county clerk.  
7 Proof of publication shall be filed with the county clerk  
8 within 50 days from the date of filing the certificate.  
9 Upon receiving proof of publication, the clerk shall issue  
10 a receipt to the person filing the certificate, but no  
11 additional charge shall be assessed by the clerk for giving  
12 such receipt. Unless proof of publication is made to the  
13 clerk, the notification is void.

14 (7) Each licensed transitional housing facility shall  
15 be identified on the Illinois State Police Sex Offender  
16 Registry website, including the address of the facility  
17 together with the maximum possible number of sex offenders  
18 that the facility could house.

19 (c) The Department of Corrections shall establish rules  
20 consistent with this Section establishing licensing procedures  
21 and criteria for transitional housing facilities for sex  
22 offenders, and may create criteria for, and issue licenses for,  
23 different levels of facilities to be licensed. The Department  
24 is authorized to set and charge a licensing fee for each  
25 application for a transitional housing license. The rules shall  
26 be adopted within 60 days after the effective date of this  
27 amendatory Act of the 94th General Assembly. Facilities which  
28 on the effective date of this amendatory Act of the 94th  
29 General Assembly are currently housing and providing sex  
30 offender treatment to sex offenders may continue housing more  
31 than one sex offender on parole, mandatory supervised release,  
32 probation, or supervision for a period of 120 days after the  
33 adoption of licensure rules during which time the facility  
34 shall apply for a transitional housing license.

35 (d) The Department of Corrections shall maintain a file on  
36 each sex offender housed in a transitional housing facility.

1 The file shall contain efforts of the Department in placing a  
2 sex offender in non-transitional housing, efforts of the  
3 Department to place the sex offender in a county from which he  
4 or she was convicted, the anticipated length of stay of each  
5 sex offender in the transitional housing facility, the number  
6 of sex offenders residing in the transitional housing facility,  
7 and the services to be provided the sex offender while he or  
8 she resides in the transitional housing facility.

9 (e) The Department of Corrections shall, on or before  
10 December 31 of each year, file a report with the General  
11 Assembly on the number of transitional housing facilities for  
12 sex offenders licensed by the Department, the addresses of each  
13 licensed facility, how many sex offenders are housed in each  
14 facility, and the particular sex offense that each resident of  
15 the transitional housing facility committed.

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  
35 Compact for Adult Offender Supervision;

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

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

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

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

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

23 (8.5) if convicted of a felony sex offense as defined  
24 in the Sex Offender Management Board Act, the person shall  
25 undergo and successfully complete sex offender treatment  
26 by a treatment provider approved by the Board and conducted  
27 in conformance with the standards developed under the Sex  
28 Offender Management Board Act; ~~and~~

29 (8.6) if convicted of a sex offense as defined in the  
30 Sex Offender Management Board Act, refrain from residing at  
31 the same address or in the same condominium unit or  
32 apartment unit or in the same condominium complex or  
33 apartment complex with another person he or she knows or  
34 reasonably should know is a convicted sex offender or has  
35 been placed on supervision for a sex offense; the  
36 provisions of this paragraph do not apply to a person

1 convicted of a sex offense who is placed in a Department of  
2 Corrections licensed transitional housing facility for sex  
3 offenders; and

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

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.

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

16 (e) At the conclusion of the period of supervision, if the  
17 court determines that the defendant has successfully complied  
18 with all of the conditions of supervision, the court shall  
19 discharge the defendant and enter a judgment dismissing the  
20 charges.

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

1 placed on supervision for a sexual offense committed against a  
2 minor as defined in subsection (g) of Section 5 of the Criminal  
3 Identification Act or for a violation of Section 11-501 of the  
4 Illinois Vehicle Code or a similar provision of a local  
5 ordinance shall not have his or her record of arrest sealed or  
6 expunged.

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

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

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

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

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

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

32 (k) A defendant at least 17 years of age who is placed on  
33 supervision for a misdemeanor in a county of 3,000,000 or more  
34 inhabitants and who has not been previously convicted of a  
35 misdemeanor or felony may as a condition of his or her  
36 supervision be required by the court to attend educational

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

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

31 (m) The Secretary of State shall require anyone placed on  
32 court supervision for a violation of Section 3-707 of the  
33 Illinois Vehicle Code or a similar provision of a local  
34 ordinance to give proof of his or her financial responsibility  
35 as defined in Section 7-315 of the Illinois Vehicle Code. The  
36 proof shall be maintained by the individual in a manner

1 satisfactory to the Secretary of State for a minimum period of  
2 one year after the date the proof is first filed. The proof  
3 shall be limited to a single action per arrest and may not be  
4 affected by any post-sentence disposition. The Secretary of  
5 State shall suspend the driver's license of any person  
6 determined by the Secretary to be in violation of this  
7 subsection.

8 (n) Any offender placed on supervision for any offense that  
9 the 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 (o) An offender placed on supervision for a sex offense as  
16 defined in the Sex Offender Management Board Act shall refrain  
17 from residing at the same address or in the same condominium  
18 unit or apartment unit or in the same condominium complex or  
19 apartment complex with another person he or she knows or  
20 reasonably should know is a convicted sex offender or has been  
21 placed on supervision for a sex offense. The provisions of this  
22 subsection (o) do not apply to a person convicted of a sex  
23 offense who is placed in a Department of Corrections licensed  
24 transitional housing facility for sex offenders.

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

28 (730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

29 Sec. 5-6-4. Violation, Modification or Revocation of  
30 Probation, of Conditional Discharge or Supervision or of a  
31 sentence of county impact incarceration - Hearing.

32 (a) Except in cases where conditional discharge or  
33 supervision was imposed for a petty offense as defined in  
34 Section 5-1-17, when a petition is filed charging a violation  
35 of a condition, the court may:

1           (1) in the case of probation violations, order the  
2           issuance of a notice to the offender to be present by the  
3           County Probation Department or such other agency  
4           designated by the court to handle probation matters; and in  
5           the case of conditional discharge or supervision  
6           violations, such notice to the offender shall be issued by  
7           the Circuit Court Clerk; and in the case of a violation of  
8           a sentence of county impact incarceration, such notice  
9           shall be issued by the Sheriff;

10          (2) order a summons to the offender to be present for  
11          hearing; or

12          (3) order a warrant for the offender's arrest where  
13          there is danger of his fleeing the jurisdiction or causing  
14          serious harm to others or when the offender fails to answer  
15          a summons or notice from the clerk of the court or Sheriff.

16          Personal service of the petition for violation of probation  
17          or the issuance of such warrant, summons or notice shall toll  
18          the period of probation, conditional discharge, supervision,  
19          or sentence of county impact incarceration until the final  
20          determination of the charge, and the term of probation,  
21          conditional discharge, supervision, or sentence of county  
22          impact incarceration shall not run until the hearing and  
23          disposition of the petition for violation.

24          (b) The court shall conduct a hearing of the alleged  
25          violation. The court shall admit the offender to bail pending  
26          the hearing unless the alleged violation is itself a criminal  
27          offense in which case the offender shall be admitted to bail on  
28          such terms as are provided in the Code of Criminal Procedure of  
29          1963, as amended. In any case where an offender remains  
30          incarcerated only as a result of his alleged violation of the  
31          court's earlier order of probation, supervision, conditional  
32          discharge, or county impact incarceration such hearing shall be  
33          held within 14 days of the onset of said incarceration, unless  
34          the alleged violation is the commission of another offense by  
35          the offender during the period of probation, supervision or  
36          conditional discharge in which case such hearing shall be held

1 within the time limits described in Section 103-5 of the Code  
2 of Criminal Procedure of 1963, as amended.

3 (c) The State has the burden of going forward with the  
4 evidence and proving the violation by the preponderance of the  
5 evidence. The evidence shall be presented in open court with  
6 the right of confrontation, cross-examination, and  
7 representation by counsel.

8 (d) Probation, conditional discharge, periodic  
9 imprisonment and supervision shall not be revoked for failure  
10 to comply with conditions of a sentence or supervision, which  
11 imposes financial obligations upon the offender unless such  
12 failure is due to his willful refusal to pay.

13 (e) If the court finds that the offender has violated a  
14 condition at any time prior to the expiration or termination of  
15 the period, it may continue him on the existing sentence, with  
16 or without modifying or enlarging the conditions, or may impose  
17 any other sentence that was available under Section 5-5-3 of  
18 this Code or Section 11-501 of the Illinois Vehicle Code at the  
19 time of initial sentencing. If the court finds that the person  
20 has failed to successfully complete his or her sentence to a  
21 county impact incarceration program, the court may impose any  
22 other sentence that was available under Section 5-5-3 of this  
23 Code or Section 11-501 of the Illinois Vehicle Code at the time  
24 of initial sentencing, except for a sentence of probation or  
25 conditional discharge. If the court finds that the offender has  
26 violated paragraph (8.6) of subsection (a) of Section 5-6-3,  
27 the court shall revoke the probation of the offender. If the  
28 court finds that the offender has violated subsection (o) of  
29 Section 5-6-3.1, the court shall revoke the supervision of the  
30 offender.

31 (f) The conditions of probation, of conditional discharge,  
32 of supervision, or of a sentence of county impact incarceration  
33 may be modified by the court on motion of the supervising  
34 agency or on its own motion or at the request of the offender  
35 after notice and a hearing.

36 (g) A judgment revoking supervision, probation,



1 conditional discharge, or a sentence of county impact  
2 incarceration is a final appealable order.

3 (h) Resentencing after revocation of probation,  
4 conditional discharge, supervision, or a sentence of county  
5 impact incarceration shall be under Article 4. Time served on  
6 probation, conditional discharge or supervision shall not be  
7 credited by the court against a sentence of imprisonment or  
8 periodic imprisonment unless the court orders otherwise.

9 (i) Instead of filing a violation of probation, conditional  
10 discharge, supervision, or a sentence of county impact  
11 incarceration, an agent or employee of the supervising agency  
12 with the concurrence of his or her supervisor may serve on the  
13 defendant a Notice of Intermediate Sanctions. The Notice shall  
14 contain the technical violation or violations involved, the  
15 date or dates of the violation or violations, and the  
16 intermediate sanctions to be imposed. Upon receipt of the  
17 Notice, the defendant shall immediately accept or reject the  
18 intermediate sanctions. If the sanctions are accepted, they  
19 shall be imposed immediately. If the intermediate sanctions are  
20 rejected or the defendant does not respond to the Notice, a  
21 violation of probation, conditional discharge, supervision, or  
22 a sentence of county impact incarceration shall be immediately  
23 filed with the court. The State's Attorney and the sentencing  
24 court shall be notified of the Notice of Sanctions. Upon  
25 successful completion of the intermediate sanctions, a court  
26 may not revoke probation, conditional discharge, supervision,  
27 or a sentence of county impact incarceration or impose  
28 additional sanctions for the same violation. A notice of  
29 intermediate sanctions may not be issued for any violation of  
30 probation, conditional discharge, supervision, or a sentence  
31 of county impact incarceration which could warrant an  
32 additional, separate felony charge. The intermediate sanctions  
33 shall include a term of home detention as provided in Article  
34 8A of Chapter V of this Code for multiple or repeat violations  
35 of the terms and conditions of a sentence of probation,  
36 conditional discharge, or supervision.

1 (j) When an offender is re-sentenced after revocation of  
2 probation that was imposed in combination with a sentence of  
3 imprisonment for the same offense, the aggregate of the  
4 sentences may not exceed the maximum term authorized under  
5 Article 8 of this Chapter.

6 (Source: P.A. 93-800, eff. 1-1-05; 93-1014, eff. 1-1-05;  
7 revised 10-25-04.)

8 Section 10. The Probation and Probation Officers Act is  
9 amended by adding Section 16.2 as follows:

10 (730 ILCS 110/16.2 new)

11 Sec. 16.2. Verification of sex offender's address. A  
12 probation officer supervising a person who has been placed on  
13 probation for a sex offense as defined in the Sex Offender  
14 Management Board Act shall periodically, but not less than once  
15 a month, verify that the person is in compliance with paragraph  
16 (8.6) of subsection (a) of Section 5-6-3 of the Unified Code of  
17 Corrections.

18 Section 15. The Sex Offender and Child Murderer Community  
19 Notification Law is amended by changing Section 120 as follows:

20 (730 ILCS 152/120)

21 Sec. 120. Community notification of sex offenders.

22 (a) The sheriff of the county, except Cook County, shall  
23 disclose to the following the name, address, date of birth,  
24 place of employment, school attended, and offense or  
25 adjudication of all sex offenders required to register under  
26 Section 3 of the Sex Offender Registration Act:

27 (1) The boards of institutions of higher education or  
28 other appropriate administrative offices of each  
29 non-public institution of higher education located in the  
30 county where the sex offender is required to register,  
31 resides, is employed, or is attending an institution of  
32 higher education; and

1           (2) School boards of public school districts and the  
2           principal or other appropriate administrative officer of  
3           each nonpublic school located in the county where the sex  
4           offender is required to register or is employed; and

5           (3) Child care facilities located in the county where  
6           the sex offender is required to register or is employed.

7           (a-2) The sheriff of Cook County shall disclose to the  
8           following the name, address, date of birth, place of  
9           employment, school attended, and offense or adjudication of all  
10          sex offenders required to register under Section 3 of the Sex  
11          Offender Registration Act:

12          (1) School boards of public school districts and the  
13          principal or other appropriate administrative officer of  
14          each nonpublic school located within the region of Cook  
15          County, as those public school districts and nonpublic  
16          schools are identified in LEADS, other than the City of  
17          Chicago, where the sex offender is required to register or  
18          is employed; and

19          (2) Child care facilities located within the region of  
20          Cook County, as those child care facilities are identified  
21          in LEADS, other than the City of Chicago, where the sex  
22          offender is required to register or is employed; and

23          (3) The boards of institutions of higher education or  
24          other appropriate administrative offices of each  
25          non-public institution of higher education located in the  
26          county, other than the City of Chicago, where the sex  
27          offender is required to register, resides, is employed, or  
28          attending an institution of higher education.

29          (a-3) The Chicago Police Department shall disclose to the  
30          following the name, address, date of birth, place of  
31          employment, school attended, and offense or adjudication of all  
32          sex offenders required to register under Section 3 of the Sex  
33          Offender Registration Act:

34          (1) School boards of public school districts and the  
35          principal or other appropriate administrative officer of  
36          each nonpublic school located in the police district where

1 the sex offender is required to register or is employed if  
2 the offender is required to register or is employed in the  
3 City of Chicago; and

4 (2) Child care facilities located in the police  
5 district where the sex offender is required to register or  
6 is employed if the offender is required to register or is  
7 employed in the City of Chicago; and

8 (3) The boards of institutions of higher education or  
9 other appropriate administrative offices of each  
10 non-public institution of higher education located in the  
11 police district where the sex offender is required to  
12 register, resides, is employed, or attending an  
13 institution of higher education in the City of Chicago.

14 (a-4) The Department of State Police shall provide a list  
15 of sex offenders required to register to the Illinois  
16 Department of Children and Family Services.

17 (b) The Department of State Police and any law enforcement  
18 agency may disclose, in the Department's or agency's  
19 discretion, the following information to any person likely to  
20 encounter a sex offender, or sexual predator:

21 (1) The offender's name, address, and date of birth.

22 (2) The offense for which the offender was convicted.

23 (3) Adjudication as a sexually dangerous person.

24 (4) The offender's photograph or other such  
25 information that will help identify the sex offender.

26 (5) Offender employment information, to protect public  
27 safety.

28 (c) The name, address, date of birth, and offense or  
29 adjudication for sex offenders required to register under  
30 Section 3 of the Sex Offender Registration Act shall be open to  
31 inspection by the public as provided in this Section. Every  
32 municipal police department shall make available at its  
33 headquarters the information on all sex offenders who are  
34 required to register in the municipality under the Sex Offender  
35 Registration Act. The sheriff shall also make available at his  
36 or her headquarters the information on all sex offenders who

1 are required to register under that Act and who live in  
2 unincorporated areas of the county. Sex offender information  
3 must be made available for public inspection to any person, no  
4 later than 72 hours or 3 business days from the date of the  
5 request. The request must be made in person, in writing, or by  
6 telephone. Availability must include giving the inquirer  
7 access to a facility where the information may be copied. A  
8 department or sheriff may charge a fee, but the fee may not  
9 exceed the actual costs of copying the information. An inquirer  
10 must be allowed to copy this information in his or her own  
11 handwriting. A department or sheriff must allow access to the  
12 information during normal public working hours. The sheriff or  
13 a municipal police department may publish the photographs of  
14 sex offenders where any victim was 13 years of age or younger  
15 and who are required to register in the municipality or county  
16 under the Sex Offender Registration Act in a newspaper or  
17 magazine of general circulation in the municipality or county  
18 or may disseminate the photographs of those sex offenders on  
19 the Internet or on television. The law enforcement agency may  
20 make available the information on all sex offenders residing  
21 within any county.

22 (d) The Department of State Police and any law enforcement  
23 agency having jurisdiction may, in the Department's or agency's  
24 discretion, place the information specified in subsection (b)  
25 on the Internet or in other media.

26 (e) The Department of State Police and any law enforcement  
27 agency having jurisdiction may, in the Department's or agency's  
28 discretion, only provide the information specified in  
29 subsection (b), with respect to an adjudicated juvenile  
30 delinquent, to any person when that person's safety may be  
31 compromised for some reason related to the juvenile sex  
32 offender.

33 (f) The administrator of a transitional housing facility  
34 for sex offenders shall comply with the notification procedures  
35 established in paragraph (4) of subsection (b) of Section  
36 3-17-5 of the Unified Code of Corrections.

1 (Source: P.A. 91-48, eff. 7-1-99; 91-221, eff. 7-22-99; 91-224,  
2 eff. 7-1-00; 91-357, eff. 7-29-99; 91-394, eff. 1-1-00; 92-16,  
3 6-28-01; 92-828, eff. 8-22-02.)

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