



Rep. Suzanne Bassi

Filed: 4/9/2008

09500HB3038ham001

LRB095 06600 RLC 49228 a

1 AMENDMENT TO HOUSE BILL 3038

2 AMENDMENT NO. _____. Amend House Bill 3038 by replacing
3 the title with the following:

4 "AN ACT concerning domestic violence, which may be referred
5 to as the Cindy Bischof Law."; and

6 by replacing everything after the enacting clause with the
7 following:

8 "Section 5. The Department of State Police Law of the Civil
9 Administrative Code of Illinois is amended by adding Section
10 2605-585 as follows:

11 (20 ILCS 2605/2605-585 new)

12 Sec. 2605-585. Protocols for domestic violence
13 surveillance. The Department of State Police shall develop a
14 protocol to coordinate actions of the courts and law
15 enforcement agencies to implement the domestic violence

1 surveillance program established in Section 5-8A-7 of the
2 Unified Code of Corrections, including the deposit and
3 administration of fines provided for in Section 5-9-1.16 of the
4 Unified Code of Corrections.

5 Section 10. The State Finance Act is amended by adding
6 Section 5.710 as follows:

7 (30 ILCS 105/5.710 new)

8 Sec. 5.710. The Domestic Violence Surveillance Fund.

9 Section 15. The Criminal Code of 1961 is amended by
10 changing Section 12-30 as follows:

11 (720 ILCS 5/12-30) (from Ch. 38, par. 12-30)

12 Sec. 12-30. Violation of an order of protection.

13 (a) A person commits violation of an order of protection
14 if:

15 (1) He or she commits an act which was prohibited by a
16 court or fails to commit an act which was ordered by a
17 court in violation of:

18 (i) a remedy in a valid order of protection
19 authorized under paragraphs (1), (2), (3), (14), ~~or~~
20 (14.5), or (18) of subsection (b) of Section 214 of the
21 Illinois Domestic Violence Act of 1986,

22 (ii) a remedy, which is substantially similar to

1 the remedies authorized under paragraphs (1), (2),
2 (3), (14), ~~or (14.5)~~, or (18) of subsection (b) of
3 Section 214 of the Illinois Domestic Violence Act of
4 1986, in a valid order of protection, which is
5 authorized under the laws of another state, tribe or
6 United States territory,

7 (iii) any other remedy when the act constitutes a
8 crime against the protected parties as the term
9 protected parties is defined in Section 112A-4 of the
10 Code of Criminal Procedure of 1963; and

11 (2) Such violation occurs after the offender has been
12 served notice of the contents of the order, pursuant to the
13 Illinois Domestic Violence Act of 1986 or any substantially
14 similar statute of another state, tribe or United States
15 territory, or otherwise has acquired actual knowledge of
16 the contents of the order.

17 An order of protection issued by a state, tribal or
18 territorial court related to domestic or family violence shall
19 be deemed valid if the issuing court had jurisdiction over the
20 parties and matter under the law of the state, tribe or
21 territory. There shall be a presumption of validity where an
22 order is certified and appears authentic on its face.

23 (a-5) Failure to provide reasonable notice and opportunity
24 to be heard shall be an affirmative defense to any charge or
25 process filed seeking enforcement of a foreign order of
26 protection.

1 (b) For purposes of this Section, an "order of protection"
2 may have been issued in a criminal or civil proceeding.

3 (c) Nothing in this Section shall be construed to diminish
4 the inherent authority of the courts to enforce their lawful
5 orders through civil or criminal contempt proceedings.

6 (d) Violation of an order of protection under subsection
7 (a) of this Section is a Class A misdemeanor. Violation of an
8 order of protection under subsection (a) of this Section is a
9 Class 4 felony if the defendant has any prior conviction under
10 this Code for domestic battery (Section 12-3.2) or violation of
11 an order of protection (Section 12-30). Violation of an order
12 of protection is a Class 4 felony if the defendant has any
13 prior conviction under this Code for first degree murder
14 (Section 9-1), attempt to commit first degree murder (Section
15 8-4), aggravated domestic battery (Section 12-3.3), aggravated
16 battery (Section 12-4), heinous battery (Section 12-4.1),
17 aggravated battery with a firearm (Section 12-4.2), aggravated
18 battery of a child (Section 12-4.3), aggravated battery of an
19 unborn child (Section 12-4.4), aggravated battery of a senior
20 citizen (Section 12-4.6), stalking (Section 12-7.3),
21 aggravated stalking (Section 12-7.4), criminal sexual assault
22 (Section 12-13), aggravated criminal sexual assault (12-14),
23 kidnapping (Section 10-1), aggravated kidnapping (Section
24 10-2), predatory criminal sexual assault of a child (Section
25 12-14.1), aggravated criminal sexual abuse (Section 12-16),
26 unlawful restraint (Section 10-3), aggravated unlawful

1 restraint (Section 10-3.1), aggravated arson (Section 20-1.1),
2 or aggravated discharge of a firearm (Section 24-1.2), when any
3 of these offenses have been committed against a family or
4 household member as defined in Section 112A-3 of the Code of
5 Criminal Procedure of 1963. The court shall impose a minimum
6 penalty of 24 hours imprisonment for defendant's second or
7 subsequent violation of any order of protection; unless the
8 court explicitly finds that an increased penalty or such period
9 of imprisonment would be manifestly unjust. In addition to any
10 other penalties, the court may order the defendant to pay a
11 fine as authorized under Section 5-9-1 of the Unified Code of
12 Corrections or to make restitution to the victim under Section
13 5-5-6 of the Unified Code of Corrections. In addition to any
14 other penalties, including those imposed by Section 5-9-1.5 of
15 the Unified Code of Corrections, the court shall impose an
16 additional fine of \$20 as authorized by Section 5-9-1.11 of the
17 Unified Code of Corrections upon any person convicted of or
18 placed on supervision for a violation of this Section. The
19 additional fine shall be imposed for each violation of this
20 Section.

21 (e) The limitations placed on law enforcement liability by
22 Section 305 of the Illinois Domestic Violence Act of 1986 apply
23 to actions taken under this Section.

24 (Source: P.A. 91-112, eff. 10-1-99; 91-357, eff. 7-29-99;
25 92-827, eff. 8-22-02.)

1 Section 20. The Code of Criminal Procedure of 1963 is
2 amended by changing Sections 110-5 and 112A-14 as follows:

3 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

4 Sec. 110-5. Determining the amount of bail and conditions
5 of release.

6 (a) In determining the amount of monetary bail or
7 conditions of release, if any, which will reasonably assure the
8 appearance of a defendant as required or the safety of any
9 other person or the community and the likelihood of compliance
10 by the defendant with all the conditions of bail, the court
11 shall, on the basis of available information, take into account
12 such matters as the nature and circumstances of the offense
13 charged, whether the evidence shows that as part of the offense
14 there was a use of violence or threatened use of violence,
15 whether the offense involved corruption of public officials or
16 employees, whether there was physical harm or threats of
17 physical harm to any public official, public employee, judge,
18 prosecutor, juror or witness, senior citizen, child or
19 handicapped person, whether evidence shows that during the
20 offense or during the arrest the defendant possessed or used a
21 firearm, machine gun, explosive or metal piercing ammunition or
22 explosive bomb device or any military or paramilitary armament,
23 whether the evidence shows that the offense committed was
24 related to or in furtherance of the criminal activities of an
25 organized gang or was motivated by the defendant's membership

1 in or allegiance to an organized gang, the condition of the
2 victim, any written statement submitted by the victim or
3 proffer or representation by the State regarding the impact
4 which the alleged criminal conduct has had on the victim and
5 the victim's concern, if any, with further contact with the
6 defendant if released on bail, whether the offense was based on
7 racial, religious, sexual orientation or ethnic hatred, the
8 likelihood of the filing of a greater charge, the likelihood of
9 conviction, the sentence applicable upon conviction, the
10 weight of the evidence against such defendant, whether there
11 exists motivation or ability to flee, whether there is any
12 verification as to prior residence, education, or family ties
13 in the local jurisdiction, in another county, state or foreign
14 country, the defendant's employment, financial resources,
15 character and mental condition, past conduct, prior use of
16 alias names or dates of birth, and length of residence in the
17 community, the consent of the defendant to periodic drug
18 testing in accordance with Section 110-6.5, whether a foreign
19 national defendant is lawfully admitted in the United States of
20 America, whether the government of the foreign national
21 maintains an extradition treaty with the United States by which
22 the foreign government will extradite to the United States its
23 national for a trial for a crime allegedly committed in the
24 United States, whether the defendant is currently subject to
25 deportation or exclusion under the immigration laws of the
26 United States, whether the defendant, although a United States

1 citizen, is considered under the law of any foreign state a
2 national of that state for the purposes of extradition or
3 non-extradition to the United States, the amount of unrecovered
4 proceeds lost as a result of the alleged offense, the source of
5 bail funds tendered or sought to be tendered for bail, whether
6 from the totality of the court's consideration, the loss of
7 funds posted or sought to be posted for bail will not deter the
8 defendant from flight, whether the evidence shows that the
9 defendant is engaged in significant possession, manufacture,
10 or delivery of a controlled substance or cannabis, either
11 individually or in consort with others, whether at the time of
12 the offense charged he was on bond or pre-trial release pending
13 trial, probation, periodic imprisonment or conditional
14 discharge pursuant to this Code or the comparable Code of any
15 other state or federal jurisdiction, whether the defendant is
16 on bond or pre-trial release pending the imposition or
17 execution of sentence or appeal of sentence for any offense
18 under the laws of Illinois or any other state or federal
19 jurisdiction, whether the defendant is under parole or
20 mandatory supervised release or work release from the Illinois
21 Department of Corrections or any penal institution or
22 corrections department of any state or federal jurisdiction,
23 the defendant's record of convictions, whether the defendant
24 has been convicted of a misdemeanor or ordinance offense in
25 Illinois or similar offense in other state or federal
26 jurisdiction within the 10 years preceding the current charge

1 or convicted of a felony in Illinois, whether the defendant was
2 convicted of an offense in another state or federal
3 jurisdiction that would be a felony if committed in Illinois
4 within the 20 years preceding the current charge or has been
5 convicted of such felony and released from the penitentiary
6 within 20 years preceding the current charge if a penitentiary
7 sentence was imposed in Illinois or other state or federal
8 jurisdiction, the defendant's records of juvenile adjudication
9 of delinquency in any jurisdiction, any record of appearance or
10 failure to appear by the defendant at court proceedings,
11 whether there was flight to avoid arrest or prosecution,
12 whether the defendant escaped or attempted to escape to avoid
13 arrest, whether the defendant refused to identify himself, or
14 whether there was a refusal by the defendant to be
15 fingerprinted as required by law. Information used by the court
16 in its findings or stated in or offered in connection with this
17 Section may be by way of proffer based upon reliable
18 information offered by the State or defendant. All evidence
19 shall be admissible if it is relevant and reliable regardless
20 of whether it would be admissible under the rules of evidence
21 applicable at criminal trials. If the State presents evidence
22 that the offense committed by the defendant was related to or
23 in furtherance of the criminal activities of an organized gang
24 or was motivated by the defendant's membership in or allegiance
25 to an organized gang, and if the court determines that the
26 evidence may be substantiated, the court shall prohibit the

1 defendant from associating with other members of the organized
2 gang as a condition of bail or release. For the purposes of
3 this Section, "organized gang" has the meaning ascribed to it
4 in Section 10 of the Illinois Streetgang Terrorism Omnibus
5 Prevention Act.

6 (b) The amount of bail shall be:

7 (1) Sufficient to assure compliance with the
8 conditions set forth in the bail bond, which shall include
9 the defendant's current address with a written
10 admonishment to the defendant that he or she must comply
11 with the provisions of Section 110-12 regarding any change
12 in his or her address. The defendant's address shall at all
13 times remain a matter of public record with the clerk of
14 the court.

15 (2) Not oppressive.

16 (3) Considerate of the financial ability of the
17 accused.

18 (4) When a person is charged with a drug related
19 offense involving possession or delivery of cannabis or
20 possession or delivery of a controlled substance as defined
21 in the Cannabis Control Act, the Illinois Controlled
22 Substances Act, or the Methamphetamine Control and
23 Community Protection Act, the full street value of the
24 drugs seized shall be considered. "Street value" shall be
25 determined by the court on the basis of a proffer by the
26 State based upon reliable information of a law enforcement

1 official contained in a written report as to the amount
2 seized and such proffer may be used by the court as to the
3 current street value of the smallest unit of the drug
4 seized.

5 (b-5) Upon the filing of a written request demonstrating
6 reasonable cause, the State's Attorney may request a source of
7 bail hearing either before or after the posting of any funds.
8 If the hearing is granted, before the posting of any bail, the
9 accused must file a written notice requesting that the court
10 conduct a source of bail hearing. The notice must be
11 accompanied by justifying affidavits stating the legitimate
12 and lawful source of funds for bail. At the hearing, the court
13 shall inquire into any matters stated in any justifying
14 affidavits, and may also inquire into matters appropriate to
15 the determination which shall include, but are not limited to,
16 the following:

17 (1) the background, character, reputation, and
18 relationship to the accused of any surety; and

19 (2) the source of any money or property deposited by
20 any surety, and whether any such money or property
21 constitutes the fruits of criminal or unlawful conduct; and

22 (3) the source of any money posted as cash bail, and
23 whether any such money constitutes the fruits of criminal
24 or unlawful conduct; and

25 (4) the background, character, reputation, and
26 relationship to the accused of the person posting cash

1 bail.

2 Upon setting the hearing, the court shall examine, under
3 oath, any persons who may possess material information.

4 The State's Attorney has a right to attend the hearing, to
5 call witnesses and to examine any witness in the proceeding.
6 The court shall, upon request of the State's Attorney, continue
7 the proceedings for a reasonable period to allow the State's
8 Attorney to investigate the matter raised in any testimony or
9 affidavit. If the hearing is granted after the accused has
10 posted bail, the court shall conduct a hearing consistent with
11 this subsection (b-5). At the conclusion of the hearing, the
12 court must issue an order either approving or disapproving the
13 bail.

14 (c) When a person is charged with an offense punishable by
15 fine only the amount of the bail shall not exceed double the
16 amount of the maximum penalty.

17 (d) When a person has been convicted of an offense and only
18 a fine has been imposed the amount of the bail shall not exceed
19 double the amount of the fine.

20 (e) The State may appeal any order granting bail or setting
21 a given amount for bail.

22 (f) When a person is charged with a violation of an order
23 of protection under Section 12-30 of the Criminal Code of 1961,
24 the court may order that the person, as a condition of bail, be
25 placed under electronic surveillance as provided in Section
26 5-8A-7 of the Unified Code of Corrections.

1 (Source: P.A. 93-254, eff. 1-1-04; 93-817, eff. 7-27-04;
2 94-556, eff. 9-11-05.)

3 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

4 Sec. 112A-14. Order of protection; remedies.

5 (a) Issuance of order. If the court finds that petitioner
6 has been abused by a family or household member, as defined in
7 this Article, an order of protection prohibiting such abuse
8 shall issue; provided that petitioner must also satisfy the
9 requirements of one of the following Sections, as appropriate:
10 Section 112A-17 on emergency orders, Section 112A-18 on interim
11 orders, or Section 112A-19 on plenary orders. Petitioner shall
12 not be denied an order of protection because petitioner or
13 respondent is a minor. The court, when determining whether or
14 not to issue an order of protection, shall not require physical
15 manifestations of abuse on the person of the victim.
16 Modification and extension of prior orders of protection shall
17 be in accordance with this Article.

18 (b) Remedies and standards. The remedies to be included in
19 an order of protection shall be determined in accordance with
20 this Section and one of the following Sections, as appropriate:
21 Section 112A-17 on emergency orders, Section 112A-18 on interim
22 orders, and Section 112A-19 on plenary orders. The remedies
23 listed in this subsection shall be in addition to other civil
24 or criminal remedies available to petitioner. The remedy
25 provided in paragraph (18) of this subsection (b) shall be

1 included in every order of protection issued on or after the
2 effective date of this amendatory Act of the 95th General
3 Assembly.

4 (1) Prohibition of abuse. Prohibit respondent's
5 harassment, interference with personal liberty,
6 intimidation of a dependent, physical abuse or willful
7 deprivation, as defined in this Article, if such abuse has
8 occurred or otherwise appears likely to occur if not
9 prohibited.

10 (2) Grant of exclusive possession of residence.
11 Prohibit respondent from entering or remaining in any
12 residence or household of the petitioner, including one
13 owned or leased by respondent, if petitioner has a right to
14 occupancy thereof. The grant of exclusive possession of the
15 residence shall not affect title to real property, nor
16 shall the court be limited by the standard set forth in
17 Section 701 of the Illinois Marriage and Dissolution of
18 Marriage Act.

19 (A) Right to occupancy. A party has a right to
20 occupancy of a residence or household if it is solely
21 or jointly owned or leased by that party, that party's
22 spouse, a person with a legal duty to support that
23 party or a minor child in that party's care, or by any
24 person or entity other than the opposing party that
25 authorizes that party's occupancy (e.g., a domestic
26 violence shelter). Standards set forth in subparagraph

1 (B) shall not preclude equitable relief.

2 (B) Presumption of hardships. If petitioner and
3 respondent each has the right to occupancy of a
4 residence or household, the court shall balance (i) the
5 hardships to respondent and any minor child or
6 dependent adult in respondent's care resulting from
7 entry of this remedy with (ii) the hardships to
8 petitioner and any minor child or dependent adult in
9 petitioner's care resulting from continued exposure to
10 the risk of abuse (should petitioner remain at the
11 residence or household) or from loss of possession of
12 the residence or household (should petitioner leave to
13 avoid the risk of abuse). When determining the balance
14 of hardships, the court shall also take into account
15 the accessibility of the residence or household.
16 Hardships need not be balanced if respondent does not
17 have a right to occupancy.

18 The balance of hardships is presumed to favor
19 possession by petitioner unless the presumption is
20 rebutted by a preponderance of the evidence, showing
21 that the hardships to respondent substantially
22 outweigh the hardships to petitioner and any minor
23 child or dependent adult in petitioner's care. The
24 court, on the request of petitioner or on its own
25 motion, may order respondent to provide suitable,
26 accessible, alternate housing for petitioner instead

1 of excluding respondent from a mutual residence or
2 household.

3 (3) Stay away order and additional prohibitions. Order
4 respondent to stay away from petitioner or any other person
5 protected by the order of protection, or prohibit
6 respondent from entering or remaining present at
7 petitioner's school, place of employment, or other
8 specified places at times when petitioner is present, or
9 both, if reasonable, given the balance of hardships.
10 Hardships need not be balanced for the court to enter a
11 stay away order or prohibit entry if respondent has no
12 right to enter the premises.

13 If an order of protection grants petitioner exclusive
14 possession of the residence, or prohibits respondent from
15 entering the residence, or orders respondent to stay away
16 from petitioner or other protected persons, then the court
17 may allow respondent access to the residence to remove
18 items of clothing and personal adornment used exclusively
19 by respondent, medications, and other items as the court
20 directs. The right to access shall be exercised on only one
21 occasion as the court directs and in the presence of an
22 agreed-upon adult third party or law enforcement officer.

23 (4) Counseling. Require or recommend the respondent to
24 undergo counseling for a specified duration with a social
25 worker, psychologist, clinical psychologist, psychiatrist,
26 family service agency, alcohol or substance abuse program,

1 mental health center guidance counselor, agency providing
2 services to elders, program designed for domestic violence
3 abusers or any other guidance service the court deems
4 appropriate.

5 (5) Physical care and possession of the minor child. In
6 order to protect the minor child from abuse, neglect, or
7 unwarranted separation from the person who has been the
8 minor child's primary caretaker, or to otherwise protect
9 the well-being of the minor child, the court may do either
10 or both of the following: (i) grant petitioner physical
11 care or possession of the minor child, or both, or (ii)
12 order respondent to return a minor child to, or not remove
13 a minor child from, the physical care of a parent or person
14 in loco parentis.

15 If a court finds, after a hearing, that respondent has
16 committed abuse (as defined in Section 112A-3) of a minor
17 child, there shall be a rebuttable presumption that
18 awarding physical care to respondent would not be in the
19 minor child's best interest.

20 (6) Temporary legal custody. Award temporary legal
21 custody to petitioner in accordance with this Section, the
22 Illinois Marriage and Dissolution of Marriage Act, the
23 Illinois Parentage Act of 1984, and this State's Uniform
24 Child-Custody Jurisdiction and Enforcement Act.

25 If a court finds, after a hearing, that respondent has
26 committed abuse (as defined in Section 112A-3) of a minor

1 child, there shall be a rebuttable presumption that
2 awarding temporary legal custody to respondent would not be
3 in the child's best interest.

4 (7) Visitation. Determine the visitation rights, if
5 any, of respondent in any case in which the court awards
6 physical care or temporary legal custody of a minor child
7 to petitioner. The court shall restrict or deny
8 respondent's visitation with a minor child if the court
9 finds that respondent has done or is likely to do any of
10 the following: (i) abuse or endanger the minor child during
11 visitation; (ii) use the visitation as an opportunity to
12 abuse or harass petitioner or petitioner's family or
13 household members; (iii) improperly conceal or detain the
14 minor child; or (iv) otherwise act in a manner that is not
15 in the best interests of the minor child. The court shall
16 not be limited by the standards set forth in Section 607.1
17 of the Illinois Marriage and Dissolution of Marriage Act.
18 If the court grants visitation, the order shall specify
19 dates and times for the visitation to take place or other
20 specific parameters or conditions that are appropriate. No
21 order for visitation shall refer merely to the term
22 "reasonable visitation".

23 Petitioner may deny respondent access to the minor
24 child if, when respondent arrives for visitation,
25 respondent is under the influence of drugs or alcohol and
26 constitutes a threat to the safety and well-being of

1 petitioner or petitioner's minor children or is behaving in
2 a violent or abusive manner.

3 If necessary to protect any member of petitioner's
4 family or household from future abuse, respondent shall be
5 prohibited from coming to petitioner's residence to meet
6 the minor child for visitation, and the parties shall
7 submit to the court their recommendations for reasonable
8 alternative arrangements for visitation. A person may be
9 approved to supervise visitation only after filing an
10 affidavit accepting that responsibility and acknowledging
11 accountability to the court.

12 (8) Removal or concealment of minor child. Prohibit
13 respondent from removing a minor child from the State or
14 concealing the child within the State.

15 (9) Order to appear. Order the respondent to appear in
16 court, alone or with a minor child, to prevent abuse,
17 neglect, removal or concealment of the child, to return the
18 child to the custody or care of the petitioner or to permit
19 any court-ordered interview or examination of the child or
20 the respondent.

21 (10) Possession of personal property. Grant petitioner
22 exclusive possession of personal property and, if
23 respondent has possession or control, direct respondent to
24 promptly make it available to petitioner, if:

25 (i) petitioner, but not respondent, owns the
26 property; or

1 (ii) the parties own the property jointly; sharing
2 it would risk abuse of petitioner by respondent or is
3 impracticable; and the balance of hardships favors
4 temporary possession by petitioner.

5 If petitioner's sole claim to ownership of the property
6 is that it is marital property, the court may award
7 petitioner temporary possession thereof under the
8 standards of subparagraph (ii) of this paragraph only if a
9 proper proceeding has been filed under the Illinois
10 Marriage and Dissolution of Marriage Act, as now or
11 hereafter amended.

12 No order under this provision shall affect title to
13 property.

14 (11) Protection of property. Forbid the respondent
15 from taking, transferring, encumbering, concealing,
16 damaging or otherwise disposing of any real or personal
17 property, except as explicitly authorized by the court, if:

18 (i) petitioner, but not respondent, owns the
19 property; or

20 (ii) the parties own the property jointly, and the
21 balance of hardships favors granting this remedy.

22 If petitioner's sole claim to ownership of the property
23 is that it is marital property, the court may grant
24 petitioner relief under subparagraph (ii) of this
25 paragraph only if a proper proceeding has been filed under
26 the Illinois Marriage and Dissolution of Marriage Act, as

1 now or hereafter amended.

2 The court may further prohibit respondent from
3 improperly using the financial or other resources of an
4 aged member of the family or household for the profit or
5 advantage of respondent or of any other person.

6 (11.5) Protection of animals. Grant the petitioner the
7 exclusive care, custody, or control of any animal owned,
8 possessed, leased, kept, or held by either the petitioner
9 or the respondent or a minor child residing in the
10 residence or household of either the petitioner or the
11 respondent and order the respondent to stay away from the
12 animal and forbid the respondent from taking,
13 transferring, encumbering, concealing, harming, or
14 otherwise disposing of the animal.

15 (12) Order for payment of support. Order respondent to
16 pay temporary support for the petitioner or any child in
17 the petitioner's care or custody, when the respondent has a
18 legal obligation to support that person, in accordance with
19 the Illinois Marriage and Dissolution of Marriage Act,
20 which shall govern, among other matters, the amount of
21 support, payment through the clerk and withholding of
22 income to secure payment. An order for child support may be
23 granted to a petitioner with lawful physical care or
24 custody of a child, or an order or agreement for physical
25 care or custody, prior to entry of an order for legal
26 custody. Such a support order shall expire upon entry of a

1 valid order granting legal custody to another, unless
2 otherwise provided in the custody order.

3 (13) Order for payment of losses. Order respondent to
4 pay petitioner for losses suffered as a direct result of
5 the abuse. Such losses shall include, but not be limited
6 to, medical expenses, lost earnings or other support,
7 repair or replacement of property damaged or taken,
8 reasonable attorney's fees, court costs and moving or other
9 travel expenses, including additional reasonable expenses
10 for temporary shelter and restaurant meals.

11 (i) Losses affecting family needs. If a party is
12 entitled to seek maintenance, child support or
13 property distribution from the other party under the
14 Illinois Marriage and Dissolution of Marriage Act, as
15 now or hereafter amended, the court may order
16 respondent to reimburse petitioner's actual losses, to
17 the extent that such reimbursement would be
18 "appropriate temporary relief", as authorized by
19 subsection (a) (3) of Section 501 of that Act.

20 (ii) Recovery of expenses. In the case of an
21 improper concealment or removal of a minor child, the
22 court may order respondent to pay the reasonable
23 expenses incurred or to be incurred in the search for
24 and recovery of the minor child, including but not
25 limited to legal fees, court costs, private
26 investigator fees, and travel costs.

1 (14) Prohibition of entry. Prohibit the respondent
2 from entering or remaining in the residence or household
3 while the respondent is under the influence of alcohol or
4 drugs and constitutes a threat to the safety and well-being
5 of the petitioner or the petitioner's children.

6 (14.5) Prohibition of firearm possession.

7 (a) When a complaint is made under a request for an
8 order of protection, that the respondent has
9 threatened or is likely to use firearms illegally
10 against the petitioner, and the respondent is present
11 in court, or has failed to appear after receiving
12 actual notice, the court shall examine on oath the
13 petitioner, and any witnesses who may be produced. If
14 the court is satisfied that there is any danger of the
15 illegal use of firearms, it shall include in the order
16 of protection the requirement that any firearms in the
17 possession of the respondent, except as provided in
18 subsection (b), be turned over to the local law
19 enforcement agency for safekeeping. If the respondent
20 fails to appear, or refuses or fails to surrender his
21 or her firearms, the court shall issue a warrant for
22 seizure of any firearm in the possession of the
23 respondent. The period of safekeeping shall be for a
24 stated period of time not to exceed 2 years. The
25 firearm or firearms shall be returned to the respondent
26 at the end of the stated period or at expiration of the

1 order of protection, whichever is sooner.

2 (b) If the respondent is a peace officer as defined
3 in Section 2-13 of the Criminal Code of 1961, the court
4 shall order that any firearms used by the respondent in
5 the performance of his or her duties as a peace officer
6 be surrendered to the chief law enforcement executive
7 of the agency in which the respondent is employed, who
8 shall retain the firearms for safekeeping for the
9 stated period not to exceed 2 years as set forth in the
10 court order.

11 (15) Prohibition of access to records. If an order of
12 protection prohibits respondent from having contact with
13 the minor child, or if petitioner's address is omitted
14 under subsection (b) of Section 112A-5, or if necessary to
15 prevent abuse or wrongful removal or concealment of a minor
16 child, the order shall deny respondent access to, and
17 prohibit respondent from inspecting, obtaining, or
18 attempting to inspect or obtain, school or any other
19 records of the minor child who is in the care of
20 petitioner.

21 (16) Order for payment of shelter services. Order
22 respondent to reimburse a shelter providing temporary
23 housing and counseling services to the petitioner for the
24 cost of the services, as certified by the shelter and
25 deemed reasonable by the court.

26 (17) Order for injunctive relief. Enter injunctive

1 relief necessary or appropriate to prevent further abuse of
2 a family or household member or to effectuate one of the
3 granted remedies, if supported by the balance of hardships.
4 If the harm to be prevented by the injunction is abuse or
5 any other harm that one of the remedies listed in
6 paragraphs (1) through (16) of this subsection is designed
7 to prevent, no further evidence is necessary to establish
8 that the harm is an irreparable injury.

9 (18) Order for attendance at partner abuse
10 intervention programs. Order the respondent to attend and
11 complete partner abuse intervention programs per protocols
12 set by the Illinois Department of Human Services under such
13 terms and conditions as the court may direct.

14 (c) Relevant factors; findings.

15 (1) In determining whether to grant a specific remedy,
16 other than payment of support, the court shall consider
17 relevant factors, including but not limited to the
18 following:

19 (i) the nature, frequency, severity, pattern and
20 consequences of the respondent's past abuse of the
21 petitioner or any family or household member,
22 including the concealment of his or her location in
23 order to evade service of process or notice, and the
24 likelihood of danger of future abuse to petitioner or
25 any member of petitioner's or respondent's family or
26 household; and

1 (ii) the danger that any minor child will be abused
2 or neglected or improperly removed from the
3 jurisdiction, improperly concealed within the State or
4 improperly separated from the child's primary
5 caretaker.

6 (2) In comparing relative hardships resulting to the
7 parties from loss of possession of the family home, the
8 court shall consider relevant factors, including but not
9 limited to the following:

10 (i) availability, accessibility, cost, safety,
11 adequacy, location and other characteristics of
12 alternate housing for each party and any minor child or
13 dependent adult in the party's care;

14 (ii) the effect on the party's employment; and

15 (iii) the effect on the relationship of the party,
16 and any minor child or dependent adult in the party's
17 care, to family, school, church and community.

18 (3) Subject to the exceptions set forth in paragraph
19 (4) of this subsection, the court shall make its findings
20 in an official record or in writing, and shall at a minimum
21 set forth the following:

22 (i) That the court has considered the applicable
23 relevant factors described in paragraphs (1) and (2) of
24 this subsection.

25 (ii) Whether the conduct or actions of respondent,
26 unless prohibited, will likely cause irreparable harm

1 or continued abuse.

2 (iii) Whether it is necessary to grant the
3 requested relief in order to protect petitioner or
4 other alleged abused persons.

5 (4) For purposes of issuing an ex parte emergency order
6 of protection, the court, as an alternative to or as a
7 supplement to making the findings described in paragraphs
8 (c) (3) (i) through (c) (3) (iii) of this subsection, may use
9 the following procedure:

10 When a verified petition for an emergency order of
11 protection in accordance with the requirements of Sections
12 112A-5 and 112A-17 is presented to the court, the court
13 shall examine petitioner on oath or affirmation. An
14 emergency order of protection shall be issued by the court
15 if it appears from the contents of the petition and the
16 examination of petitioner that the averments are
17 sufficient to indicate abuse by respondent and to support
18 the granting of relief under the issuance of the emergency
19 order of protection.

20 (5) Never married parties. No rights or
21 responsibilities for a minor child born outside of marriage
22 attach to a putative father until a father and child
23 relationship has been established under the Illinois
24 Parentage Act of 1984. Absent such an adjudication, no
25 putative father shall be granted temporary custody of the
26 minor child, visitation with the minor child, or physical

1 care and possession of the minor child, nor shall an order
2 of payment for support of the minor child be entered.

3 (d) Balance of hardships; findings. If the court finds that
4 the balance of hardships does not support the granting of a
5 remedy governed by paragraph (2), (3), (10), (11), or (16) of
6 subsection (b) of this Section, which may require such
7 balancing, the court's findings shall so indicate and shall
8 include a finding as to whether granting the remedy will result
9 in hardship to respondent that would substantially outweigh the
10 hardship to petitioner from denial of the remedy. The findings
11 shall be an official record or in writing.

12 (e) Denial of remedies. Denial of any remedy shall not be
13 based, in whole or in part, on evidence that:

14 (1) Respondent has cause for any use of force, unless
15 that cause satisfies the standards for justifiable use of
16 force provided by Article VII of the Criminal Code of 1961;

17 (2) Respondent was voluntarily intoxicated;

18 (3) Petitioner acted in self-defense or defense of
19 another, provided that, if petitioner utilized force, such
20 force was justifiable under Article VII of the Criminal
21 Code of 1961;

22 (4) Petitioner did not act in self-defense or defense
23 of another;

24 (5) Petitioner left the residence or household to avoid
25 further abuse by respondent;

26 (6) Petitioner did not leave the residence or household

1 to avoid further abuse by respondent;

2 (7) Conduct by any family or household member excused
3 the abuse by respondent, unless that same conduct would
4 have excused such abuse if the parties had not been family
5 or household members.

6 (Source: P.A. 95-234, eff. 1-1-08.)

7 Section 25. The Unified Code of Corrections is amended by
8 changing Sections 3-3-7, 3-6-3, and 5-6-3 and by adding
9 Sections 5-8A-7 and 5-9-1.16 as follows:

10 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

11 (Text of Section after amendment by P.A. 95-464, 95-579,
12 and 95-640)

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

15 (a) The conditions of parole or mandatory supervised
16 release shall be such as the Prisoner Review Board deems
17 necessary to assist the subject in leading a law-abiding life.
18 The conditions of every parole and mandatory supervised release
19 are that the subject:

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

22 (2) refrain from possessing a firearm or other
23 dangerous weapon;

24 (3) report to an agent of the Department of

1 Corrections;

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

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

8 (6) secure permission before visiting or writing a
9 committed person in an Illinois Department of Corrections
10 facility;

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

15 (7.5) if convicted of a sex offense as defined in the
16 Sex Offender Management Board Act, the individual shall
17 undergo and successfully complete sex offender treatment
18 conducted in conformance with the standards developed by
19 the Sex Offender Management Board Act by a treatment
20 provider approved by the Board;

21 (7.6) if convicted of a sex offense as defined in the
22 Sex Offender Management Board Act, refrain from residing at
23 the same address or in the same condominium unit or
24 apartment unit or in the same condominium complex or
25 apartment complex with another person he or she knows or
26 reasonably should know is a convicted sex offender or has

1 been placed on supervision for a sex offense; the
2 provisions of this paragraph do not apply to a person
3 convicted of a sex offense who is placed in a Department of
4 Corrections licensed transitional housing facility for sex
5 offenders, or is in any facility operated or licensed by
6 the Department of Children and Family Services or by the
7 Department of Human Services, or is in any licensed medical
8 facility;

9 (7.7) if convicted for an offense that would qualify
10 the accused as a sexual predator under the Sex Offender
11 Registration Act on or after the effective date of this
12 amendatory Act of the 94th General Assembly, wear an
13 approved electronic monitoring device as defined in
14 Section 5-8A-2 for the duration of the person's parole,
15 mandatory supervised release term, or extended mandatory
16 supervised release term;

17 (7.8) if convicted for an offense committed on or after
18 the effective date of this amendatory Act of the 95th
19 General Assembly that would qualify the accused as a child
20 sex offender as defined in Section 11-9.3 or 11-9.4 of the
21 Criminal Code of 1961, refrain from communicating with or
22 contacting, by means of the Internet, a person who is not
23 related to the accused and whom the accused reasonably
24 believes to be under 18 years of age; for purposes of this
25 paragraph (7.8), "Internet" has the meaning ascribed to it
26 in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~

1 ~~Public Act 94-179~~; and a person is not related to the
2 accused if the person is not: (i) the spouse, brother, or
3 sister of the accused; (ii) a descendant of the accused;
4 (iii) a first or second cousin of the accused; or (iv) a
5 step-child or adopted child of the accused;

6 (7.9) ~~(7.8)~~ if convicted under Section 11-6, 11-20.1,
7 11-20.3, or 11-21 of the Criminal Code of 1961, consent to
8 search of computers, PDAs, cellular phones, and other
9 devices under his or her control that are capable of
10 accessing the Internet or storing electronic files, in
11 order to confirm Internet protocol addresses reported in
12 accordance with the Sex Offender Registration Act and
13 compliance with conditions in this Act;

14 (7.10) ~~(7.8)~~ if convicted for an offense that would
15 qualify the accused as a sex offender or sexual predator
16 under the Sex Offender Registration Act on or after the
17 effective date of this amendatory Act of the 95th General
18 Assembly, not possess prescription drugs for erectile
19 dysfunction;

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

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

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

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

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

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

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

19 (15) follow any specific instructions provided by the
20 parole agent that are consistent with furthering
21 conditions set and approved by the Prisoner Review Board or
22 by law, exclusive of placement on electronic detention, to
23 achieve the goals and objectives of his or her parole or
24 mandatory supervised release or to protect the public.
25 These instructions by the parole agent may be modified at
26 any time, as the agent deems appropriate; ~~and~~

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

11 (17) if convicted of a violation of an order of
12 protection under Section 12-30 of the Criminal Code of
13 1961, be placed under electronic surveillance as provided
14 in Section 5-8A-7 of this Code.

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

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

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

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

23 (4) support his dependents;

24 (5) (blank);

25 (6) (blank);

26 (7) comply with the terms and conditions of an order of

1 protection issued pursuant to the Illinois Domestic
2 Violence Act of 1986, enacted by the 84th General Assembly,
3 or an order of protection issued by the court of another
4 state, tribe, or United States territory;

5 (7.5) if convicted for an offense committed on or after
6 the effective date of this amendatory Act of the 95th
7 General Assembly that would qualify the accused as a child
8 sex offender as defined in Section 11-9.3 or 11-9.4 of the
9 Criminal Code of 1961, refrain from communicating with or
10 contacting, by means of the Internet, a person who is
11 related to the accused and whom the accused reasonably
12 believes to be under 18 years of age; for purposes of this
13 paragraph (7.5), "Internet" has the meaning ascribed to it
14 in Section 16J-5 of the Criminal Code of 1961,~~as added by~~
15 ~~Public Act 94-179~~; and a person is related to the accused
16 if the person is: (i) the spouse, brother, or sister of the
17 accused; (ii) a descendant of the accused; (iii) a first or
18 second cousin of the accused; or (iv) a step-child or
19 adopted child of the accused; and

20 (8) in addition, if a minor:

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

22 (ii) attend school;

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

24 or

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

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

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

8 (2) comply with all requirements of the Sex Offender
9 Registration Act;

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

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

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

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

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

1 and others accompanying the person;

2 (8) refrain from having any contact, including written
3 or oral communications, directly or indirectly, personally
4 or by telephone, letter, or through a third party with
5 certain specified persons including, but not limited to,
6 the victim or the victim's family without the prior written
7 approval of an agent of the Department of Corrections;

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

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

21 (11) not patronize any business providing sexually
22 stimulating or sexually oriented entertainment nor utilize
23 "900" or adult telephone numbers;

24 (12) not reside near, visit, or be in or about parks,
25 schools, day care centers, swimming pools, beaches,
26 theaters, or any other places where minor children

1 congregate without advance approval of an agent of the
2 Department of Corrections and immediately report any
3 incidental contact with minor children to the Department;

4 (13) not possess or have under his or her control
5 certain specified items of contraband related to the
6 incidence of sexually offending as determined by an agent
7 of the Department of Corrections;

8 (14) may be required to provide a written daily log of
9 activities if directed by an agent of the Department of
10 Corrections;

11 (15) comply with all other special conditions that the
12 Department may impose that restrict the person from
13 high-risk situations and limit access to potential
14 victims;

15 (16) take an annual polygraph exam;

16 (17) maintain a log of his or her travel; or

17 (18) obtain prior approval of his or her parole officer
18 before driving alone in a motor vehicle.

19 (c) The conditions under which the parole or mandatory
20 supervised release is to be served shall be communicated to the
21 person in writing prior to his release, and he shall sign the
22 same before release. A signed copy of these conditions,
23 including a copy of an order of protection where one had been
24 issued by the criminal court, shall be retained by the person
25 and another copy forwarded to the officer in charge of his
26 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 (f) When the subject is in compliance with all conditions
9 of his or her parole or mandatory supervised release, the
10 subject shall receive a reduction of the period of his or her
11 parole or mandatory supervised release of 90 days upon passage
12 of the high school level Test of General Educational
13 Development during the period of his or her parole or mandatory
14 supervised release. This reduction in the period of a subject's
15 term of parole or mandatory supervised release shall be
16 available only to subjects who have not previously earned a
17 high school diploma or who have not previously passed the high
18 school level Test of General Educational Development.

19 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
20 94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;
21 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; revised 12-26-07.)

22 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

23 (Text of Section after amendment by P.A. 95-585, 95-625,
24 and 95-640)

25 Sec. 3-6-3. Rules and Regulations for Early Release.

1 (a) (1) The Department of Corrections shall prescribe
2 rules and regulations for the early release on account of
3 good conduct of persons committed to the Department which
4 shall be subject to review by the Prisoner Review Board.

5 (2) The rules and regulations on early release shall
6 provide, with respect to offenses listed in clause (i),
7 (ii), or (iii) of this paragraph (2) committed on or after
8 June 19, 1998 or with respect to the offense listed in
9 clause (iv) of this paragraph (2) committed on or after
10 June 23, 2005 (the effective date of Public Act 94-71) or
11 with respect to offense listed in clause (vi) ~~(v)~~ committed
12 on or after June 1, 2008 (the effective date of Public Act
13 95-625) ~~this amendatory Act of the 95th General Assembly~~ or
14 with respect to the offense of being an armed habitual
15 criminal committed on or after August 2, 2005 (the
16 effective date of Public Act 94-398) or with respect to the
17 offenses listed in clause (v) of this paragraph (2)
18 committed on or after August 13, 2007 (the effective date
19 of Public Act 95-134) ~~this amendatory Act of the 95th~~
20 ~~General Assembly~~, the following:

21 (i) that a prisoner who is serving a term of
22 imprisonment for first degree murder or for the offense
23 of terrorism shall receive no good conduct credit and
24 shall serve the entire sentence imposed by the court;

25 (ii) that a prisoner serving a sentence for attempt
26 to commit first degree murder, solicitation of murder,

1 solicitation of murder for hire, intentional homicide
2 of an unborn child, predatory criminal sexual assault
3 of a child, aggravated criminal sexual assault,
4 criminal sexual assault, aggravated kidnapping,
5 aggravated battery with a firearm, heinous battery,
6 being an armed habitual criminal, aggravated battery
7 of a senior citizen, or aggravated battery of a child
8 shall receive no more than 4.5 days of good conduct
9 credit for each month of his or her sentence of
10 imprisonment;

11 (iii) that a prisoner serving a sentence for home
12 invasion, armed robbery, aggravated vehicular
13 hijacking, aggravated discharge of a firearm, or armed
14 violence with a category I weapon or category II
15 weapon, when the court has made and entered a finding,
16 pursuant to subsection (c-1) of Section 5-4-1 of this
17 Code, that the conduct leading to conviction for the
18 enumerated offense resulted in great bodily harm to a
19 victim, shall receive no more than 4.5 days of good
20 conduct credit for each month of his or her sentence of
21 imprisonment;

22 (iv) that a prisoner serving a sentence for
23 aggravated discharge of a firearm, whether or not the
24 conduct leading to conviction for the offense resulted
25 in great bodily harm to the victim, shall receive no
26 more than 4.5 days of good conduct credit for each

1 month of his or her sentence of imprisonment; ~~and~~

2 (v) that a person serving a sentence for
3 gunrunning, narcotics racketeering, controlled
4 substance trafficking, methamphetamine trafficking,
5 drug-induced homicide, aggravated
6 methamphetamine-related child endangerment, money
7 laundering pursuant to clause (c) (4) or (5) of Section
8 29B-1 of the Criminal Code of 1961, or a Class X felony
9 conviction for delivery of a controlled substance,
10 possession of a controlled substance with intent to
11 manufacture or deliver, calculated criminal drug
12 conspiracy, criminal drug conspiracy, street gang
13 criminal drug conspiracy, participation in
14 methamphetamine manufacturing, aggravated
15 participation in methamphetamine manufacturing,
16 delivery of methamphetamine, possession with intent to
17 deliver methamphetamine, aggravated delivery of
18 methamphetamine, aggravated possession with intent to
19 deliver methamphetamine, methamphetamine conspiracy
20 when the substance containing the controlled substance
21 or methamphetamine is 100 grams or more shall receive
22 no more than 7.5 days good conduct credit for each
23 month of his or her sentence of imprisonment; and.

24 (vi) ~~(v)~~ that a prisoner serving a sentence for a
25 second or subsequent offense of luring a minor shall
26 receive no more than 4.5 days of good conduct credit

1 for each month of his or her sentence of imprisonment.

2 (2.1) For all offenses, other than those enumerated in
3 subdivision (a) (2) (i), (ii), or (iii) committed on or after
4 June 19, 1998 or subdivision (a) (2) (iv) committed on or
5 after June 23, 2005 (the effective date of Public Act
6 94-71) or subdivision (a) (2) (v) committed on or after
7 August 13, 2007 (the effective date of Public Act 95-134)
8 ~~this amendatory Act of the 95th General Assembly~~ or
9 subdivision (a) (2) (vi) ~~(v)~~ committed on or after June 1,
10 2008 (the effective date of Public Act 95-625) ~~this~~
11 ~~amendatory Act of the 95th General Assembly~~, and other than
12 the offense of reckless homicide as defined in subsection
13 (e) of Section 9-3 of the Criminal Code of 1961 committed
14 on or after January 1, 1999, or aggravated driving under
15 the influence of alcohol, other drug or drugs, or
16 intoxicating compound or compounds, or any combination
17 thereof as defined in subparagraph (F) of paragraph (1) of
18 subsection (d) of Section 11-501 of the Illinois Vehicle
19 Code, the rules and regulations shall provide that a
20 prisoner who is serving a term of imprisonment shall
21 receive one day of good conduct credit for each day of his
22 or her sentence of imprisonment or recommitment under
23 Section 3-3-9. Each day of good conduct credit shall reduce
24 by one day the prisoner's period of imprisonment or
25 recommitment under Section 3-3-9.

26 (2.2) A prisoner serving a term of natural life

1 imprisonment or a prisoner who has been sentenced to death
2 shall receive no good conduct credit.

3 (2.3) The rules and regulations on early release shall
4 provide that a prisoner who is serving a sentence for
5 reckless homicide as defined in subsection (e) of Section
6 9-3 of the Criminal Code of 1961 committed on or after
7 January 1, 1999, or aggravated driving under the influence
8 of alcohol, other drug or drugs, or intoxicating compound
9 or compounds, or any combination thereof as defined in
10 subparagraph (F) of paragraph (1) of subsection (d) of
11 Section 11-501 of the Illinois Vehicle Code, shall receive
12 no more than 4.5 days of good conduct credit for each month
13 of his or her sentence of imprisonment.

14 (2.4) The rules and regulations on early release shall
15 provide with respect to the offenses of aggravated battery
16 with a machine gun or a firearm equipped with any device or
17 attachment designed or used for silencing the report of a
18 firearm or aggravated discharge of a machine gun or a
19 firearm equipped with any device or attachment designed or
20 used for silencing the report of a firearm, committed on or
21 after July 15, 1999 (the effective date of Public Act
22 91-121), that a prisoner serving a sentence for any of
23 these offenses shall receive no more than 4.5 days of good
24 conduct credit for each month of his or her sentence of
25 imprisonment.

26 (2.5) The rules and regulations on early release shall

1 provide that a prisoner who is serving a sentence for
2 aggravated arson committed on or after July 27, 2001 (the
3 effective date of Public Act 92-176) shall receive no more
4 than 4.5 days of good conduct credit for each month of his
5 or her sentence of imprisonment.

6 (3) The rules and regulations shall also provide that
7 the Director may award up to 180 days additional good
8 conduct credit for meritorious service in specific
9 instances as the Director deems proper; except that no more
10 than 90 days of good conduct credit for meritorious service
11 shall be awarded to any prisoner who is serving a sentence
12 for conviction of first degree murder, reckless homicide
13 while under the influence of alcohol or any other drug, or
14 aggravated driving under the influence of alcohol, other
15 drug or drugs, or intoxicating compound or compounds, or
16 any combination thereof as defined in subparagraph (F) of
17 paragraph (1) of subsection (d) of Section 11-501 of the
18 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
19 predatory criminal sexual assault of a child, aggravated
20 criminal sexual assault, criminal sexual assault, deviate
21 sexual assault, aggravated criminal sexual abuse,
22 aggravated indecent liberties with a child, indecent
23 liberties with a child, child pornography, heinous
24 battery, aggravated battery of a spouse, aggravated
25 battery of a spouse with a firearm, stalking, aggravated
26 stalking, aggravated battery of a child, endangering the

1 life or health of a child, or cruelty to a child.
2 Notwithstanding the foregoing, good conduct credit for
3 meritorious service shall not be awarded on a sentence of
4 imprisonment imposed for conviction of: (i) one of the
5 offenses enumerated in subdivision (a)(2)(i), (ii), or
6 (iii) when the offense is committed on or after June 19,
7 1998 or subdivision (a)(2)(iv) when the offense is
8 committed on or after June 23, 2005 (the effective date of
9 Public Act 94-71) or subdivision (a)(2)(v) when the offense
10 is committed on or after August 13, 2007 (the effective
11 date of Public Act 95-134) ~~this amendatory Act of the 95th~~
12 ~~General Assembly~~ or subdivision (a)(2)(vi)~~(v)~~ when the
13 offense is committed on or after June 1, 2008 (the
14 effective date of Public Act 95-625) ~~this amendatory Act of~~
15 ~~the 95th General Assembly~~, (ii) reckless homicide as
16 defined in subsection (e) of Section 9-3 of the Criminal
17 Code of 1961 when the offense is committed on or after
18 January 1, 1999, or aggravated driving under the influence
19 of alcohol, other drug or drugs, or intoxicating compound
20 or compounds, or any combination thereof as defined in
21 subparagraph (F) of paragraph (1) of subsection (d) of
22 Section 11-501 of the Illinois Vehicle Code, (iii) one of
23 the offenses enumerated in subdivision (a)(2.4) when the
24 offense is committed on or after July 15, 1999 (the
25 effective date of Public Act 91-121), or (iv) aggravated
26 arson when the offense is committed on or after July 27,

1 2001 (the effective date of Public Act 92-176).

2 (4) The rules and regulations shall also provide that
3 the good conduct credit accumulated and retained under
4 paragraph (2.1) of subsection (a) of this Section by any
5 inmate during specific periods of time in which such inmate
6 is engaged full-time in substance abuse programs,
7 correctional industry assignments, or educational programs
8 provided by the Department under this paragraph (4) and
9 satisfactorily completes the assigned program as
10 determined by the standards of the Department, shall be
11 multiplied by a factor of 1.25 for program participation
12 before August 11, 1993 and 1.50 for program participation
13 on or after that date. However, no inmate shall be eligible
14 for the additional good conduct credit under this paragraph
15 (4) or (4.1) of this subsection (a) while assigned to a
16 boot camp or electronic detention, or if convicted of an
17 offense enumerated in subdivision (a)(2)(i), (ii), or
18 (iii) of this Section that is committed on or after June
19 19, 1998 or subdivision (a)(2)(iv) of this Section that is
20 committed on or after June 23, 2005 (the effective date of
21 Public Act 94-71) or subdivision (a)(2)(v) of this Section
22 that is committed on or after August 13, 2007 (the
23 effective date of Public Act 95-134) ~~this amendatory Act of~~
24 ~~the 95th General Assembly~~ or subdivision (a)(2)(vi)(~~v~~)
25 when the offense is committed on or after June 1, 2008 (the
26 effective date of Public Act 95-625) ~~this amendatory Act of~~

1 ~~the 95th General Assembly~~, or if convicted of reckless
2 homicide as defined in subsection (e) of Section 9-3 of the
3 Criminal Code of 1961 if the offense is committed on or
4 after January 1, 1999, or aggravated driving under the
5 influence of alcohol, other drug or drugs, or intoxicating
6 compound or compounds, or any combination thereof as
7 defined in subparagraph (F) of paragraph (1) of subsection
8 (d) of Section 11-501 of the Illinois Vehicle Code, or if
9 convicted of an offense enumerated in paragraph (a) (2.4) of
10 this Section that is committed on or after July 15, 1999
11 (the effective date of Public Act 91-121), or first degree
12 murder, a Class X felony, criminal sexual assault, felony
13 criminal sexual abuse, aggravated criminal sexual abuse,
14 aggravated battery with a firearm, or any predecessor or
15 successor offenses with the same or substantially the same
16 elements, or any inchoate offenses relating to the
17 foregoing offenses. No inmate shall be eligible for the
18 additional good conduct credit under this paragraph (4) who
19 (i) has previously received increased good conduct credit
20 under this paragraph (4) and has subsequently been
21 convicted of a felony, or (ii) has previously served more
22 than one prior sentence of imprisonment for a felony in an
23 adult correctional facility.

24 Educational, vocational, substance abuse and
25 correctional industry programs under which good conduct
26 credit may be increased under this paragraph (4) and

1 paragraph (4.1) of this subsection (a) shall be evaluated
2 by the Department on the basis of documented standards. The
3 Department shall report the results of these evaluations to
4 the Governor and the General Assembly by September 30th of
5 each year. The reports shall include data relating to the
6 recidivism rate among program participants.

7 Availability of these programs shall be subject to the
8 limits of fiscal resources appropriated by the General
9 Assembly for these purposes. Eligible inmates who are
10 denied immediate admission shall be placed on a waiting
11 list under criteria established by the Department. The
12 inability of any inmate to become engaged in any such
13 programs by reason of insufficient program resources or for
14 any other reason established under the rules and
15 regulations of the Department shall not be deemed a cause
16 of action under which the Department or any employee or
17 agent of the Department shall be liable for damages to the
18 inmate.

19 (4.1) The rules and regulations shall also provide that
20 an additional 60 days of good conduct credit shall be
21 awarded to any prisoner who passes the high school level
22 Test of General Educational Development (GED) while the
23 prisoner is incarcerated. The good conduct credit awarded
24 under this paragraph (4.1) shall be in addition to, and
25 shall not affect, the award of good conduct under any other
26 paragraph of this Section, but shall also be pursuant to

1 the guidelines and restrictions set forth in paragraph (4)
2 of subsection (a) of this Section. The good conduct credit
3 provided for in this paragraph shall be available only to
4 those prisoners who have not previously earned a high
5 school diploma or a GED. If, after an award of the GED good
6 conduct credit has been made and the Department determines
7 that the prisoner was not eligible, then the award shall be
8 revoked.

9 (4.5) The rules and regulations on early release shall
10 also provide that when the court's sentencing order
11 recommends a prisoner for substance abuse treatment and the
12 crime was committed on or after September 1, 2003 (the
13 effective date of Public Act 93-354), the prisoner shall
14 receive no good conduct credit awarded under clause (3) of
15 this subsection (a) unless he or she participates in and
16 completes a substance abuse treatment program. The
17 Director may waive the requirement to participate in or
18 complete a substance abuse treatment program and award the
19 good conduct credit in specific instances if the prisoner
20 is not a good candidate for a substance abuse treatment
21 program for medical, programming, or operational reasons.
22 Availability of substance abuse treatment shall be subject
23 to the limits of fiscal resources appropriated by the
24 General Assembly for these purposes. If treatment is not
25 available and the requirement to participate and complete
26 the treatment has not been waived by the Director, the

1 prisoner shall be placed on a waiting list under criteria
2 established by the Department. The Director may allow a
3 prisoner placed on a waiting list to participate in and
4 complete a substance abuse education class or attend
5 substance abuse self-help meetings in lieu of a substance
6 abuse treatment program. A prisoner on a waiting list who
7 is not placed in a substance abuse program prior to release
8 may be eligible for a waiver and receive good conduct
9 credit under clause (3) of this subsection (a) at the
10 discretion of the Director.

11 (4.6) The rules and regulations on early release shall
12 also provide that a prisoner who has been convicted of a
13 sex offense as defined in Section 2 of the Sex Offender
14 Registration Act shall receive no good conduct credit
15 unless he or she either has successfully completed or is
16 participating in sex offender treatment as defined by the
17 Sex Offender Management Board. However, prisoners who are
18 waiting to receive such treatment, but who are unable to do
19 so due solely to the lack of resources on the part of the
20 Department, may, at the Director's sole discretion, be
21 awarded good conduct credit at such rate as the Director
22 shall determine.

23 (5) Whenever the Department is to release any inmate
24 earlier than it otherwise would because of a grant of good
25 conduct credit for meritorious service given at any time
26 during the term, the Department shall give reasonable

1 advance notice of the impending release to the State's
2 Attorney of the county where the prosecution of the inmate
3 took place.

4 (b) Whenever a person is or has been committed under
5 several convictions, with separate sentences, the sentences
6 shall be construed under Section 5-8-4 in granting and
7 forfeiting of good time.

8 (c) The Department shall prescribe rules and regulations
9 for revoking good conduct credit, or suspending or reducing the
10 rate of accumulation of good conduct credit for specific rule
11 violations, during imprisonment. These rules and regulations
12 shall provide that no inmate may be penalized more than one
13 year of good conduct credit for any one infraction.

14 When the Department seeks to revoke, suspend or reduce the
15 rate of accumulation of any good conduct credits for an alleged
16 infraction of its rules, it shall bring charges therefor
17 against the prisoner sought to be so deprived of good conduct
18 credits before the Prisoner Review Board as provided in
19 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
20 amount of credit at issue exceeds 30 days or when during any 12
21 month period, the cumulative amount of credit revoked exceeds
22 30 days except where the infraction is committed or discovered
23 within 60 days of scheduled release. In those cases, the
24 Department of Corrections may revoke up to 30 days of good
25 conduct credit. The Board may subsequently approve the
26 revocation of additional good conduct credit, if the Department

1 seeks to revoke good conduct credit in excess of 30 days.
2 However, the Board shall not be empowered to review the
3 Department's decision with respect to the loss of 30 days of
4 good conduct credit within any calendar year for any prisoner
5 or to increase any penalty beyond the length requested by the
6 Department.

7 The Director of the Department of Corrections, in
8 appropriate cases, may restore up to 30 days good conduct
9 credits which have been revoked, suspended or reduced. Any
10 restoration of good conduct credits in excess of 30 days shall
11 be subject to review by the Prisoner Review Board. However, the
12 Board may not restore good conduct credit in excess of the
13 amount requested by the Director.

14 Nothing contained in this Section shall prohibit the
15 Prisoner Review Board from ordering, pursuant to Section
16 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
17 sentence imposed by the court that was not served due to the
18 accumulation of good conduct credit.

19 (d) If a lawsuit is filed by a prisoner in an Illinois or
20 federal court against the State, the Department of Corrections,
21 or the Prisoner Review Board, or against any of their officers
22 or employees, and the court makes a specific finding that a
23 pleading, motion, or other paper filed by the prisoner is
24 frivolous, the Department of Corrections shall conduct a
25 hearing to revoke up to 180 days of good conduct credit by
26 bringing charges against the prisoner sought to be deprived of

1 the good conduct credits before the Prisoner Review Board as
2 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.
3 If the prisoner has not accumulated 180 days of good conduct
4 credit at the time of the finding, then the Prisoner Review
5 Board may revoke all good conduct credit accumulated by the
6 prisoner.

7 For purposes of this subsection (d):

8 (1) "Frivolous" means that a pleading, motion, or other
9 filing which purports to be a legal document filed by a
10 prisoner in his or her lawsuit meets any or all of the
11 following criteria:

12 (A) it lacks an arguable basis either in law or in
13 fact;

14 (B) it is being presented for any improper purpose,
15 such as to harass or to cause unnecessary delay or
16 needless increase in the cost of litigation;

17 (C) the claims, defenses, and other legal
18 contentions therein are not warranted by existing law
19 or by a nonfrivolous argument for the extension,
20 modification, or reversal of existing law or the
21 establishment of new law;

22 (D) the allegations and other factual contentions
23 do not have evidentiary support or, if specifically so
24 identified, are not likely to have evidentiary support
25 after a reasonable opportunity for further
26 investigation or discovery; or

1 (E) the denials of factual contentions are not
2 warranted on the evidence, or if specifically so
3 identified, are not reasonably based on a lack of
4 information or belief.

5 (2) "Lawsuit" means a motion pursuant to Section 116-3
6 of the Code of Criminal Procedure of 1963, a habeas corpus
7 action under Article X of the Code of Civil Procedure or
8 under federal law (28 U.S.C. 2254), a petition for claim
9 under the Court of Claims Act, an action under the federal
10 Civil Rights Act (42 U.S.C. 1983), or a second or
11 subsequent petition for post-conviction relief under
12 Article 122 of the Code of Criminal Procedure of 1963
13 whether filed with or without leave of court or a second or
14 subsequent petition for relief from judgment under Section
15 2-1401 of the Code of Civil Procedure.

16 (e) Nothing in Public Act 90-592 or 90-593 affects the
17 validity of Public Act 89-404.

18 (f) Whenever the Department is to release any inmate who
19 has been convicted of a violation of an order of protection
20 under Section 12-30 of the Criminal Code of 1961, earlier than
21 it otherwise would because of a grant of good conduct credit,
22 the Department, as a condition of such early release, shall
23 require that the person, upon release, be placed under
24 electronic surveillance as provided in Section 5-8A-7 of this
25 Code.

26 (Source: P.A. 94-71, eff. 6-23-05; 94-128, eff. 7-7-05; 94-156,

1 eff. 7-8-05; 94-398, eff. 8-2-05; 94-491, eff. 8-8-05; 94-744,
2 eff. 5-8-06; 95-134, eff. 8-13-07; 95-585, eff. 6-1-08; 95-625,
3 eff. 6-1-08; 95-640, eff. 6-1-08; revised 11-19-07.)

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

5 (Text of Section after amendment by P.A. 95-464, 95-578,
6 and 95-696)

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

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

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

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

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

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

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

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

22 (8) if convicted of possession of a substance
23 prohibited by the Cannabis Control Act, the Illinois
24 Controlled Substances Act, or the Methamphetamine Control
25 and Community Protection Act after a previous conviction or
26 disposition of supervision for possession of a substance

1 prohibited by the Cannabis Control Act or Illinois
2 Controlled Substances Act or after a sentence of probation
3 under Section 10 of the Cannabis Control Act, Section 410
4 of the Illinois Controlled Substances Act, or Section 70 of
5 the Methamphetamine Control and Community Protection Act
6 and upon a finding by the court that the person is
7 addicted, undergo treatment at a substance abuse program
8 approved by the court;

9 (8.5) if convicted of a felony sex offense as defined
10 in the Sex Offender Management Board Act, the person shall
11 undergo and successfully complete sex offender treatment
12 by a treatment provider approved by the Board and conducted
13 in conformance with the standards developed under the Sex
14 Offender Management Board Act;

15 (8.6) if convicted of a sex offense as defined in the
16 Sex Offender Management Board Act, refrain from residing at
17 the same address or in the same condominium unit or
18 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
21 been placed on supervision for a sex offense; the
22 provisions of this paragraph do not apply to a person
23 convicted of a sex offense who is placed in a Department of
24 Corrections licensed transitional housing facility for sex
25 offenders;

26 (8.7) if convicted for an offense committed on or after

1 the effective date of this amendatory Act of the 95th
2 General Assembly that would qualify the accused as a child
3 sex offender as defined in Section 11-9.3 or 11-9.4 of the
4 Criminal Code of 1961, refrain from communicating with or
5 contacting, by means of the Internet, a person who is not
6 related to the accused and whom the accused reasonably
7 believes to be under 18 years of age; for purposes of this
8 paragraph (8.7), "Internet" has the meaning ascribed to it
9 in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~
10 ~~Public Act 94-179~~; and a person is not related to the
11 accused if the person is not: (i) the spouse, brother, or
12 sister of the accused; (ii) a descendant of the accused;
13 (iii) a first or second cousin of the accused; or (iv) a
14 step-child or adopted child of the accused;

15 (9) if convicted of a felony, physically surrender at a
16 time and place designated by the court, his or her Firearm
17 Owner's Identification Card and any and all firearms in his
18 or her possession; and

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

1 a department store Santa Claus, or wearing an Easter Bunny
2 costume on or preceding Easter.

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

8 (1) serve a term of periodic imprisonment under Article
9 7 for a period not to exceed that specified in paragraph
10 (d) of Section 5-7-1;

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) and in addition, if a minor:

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

21 (ii) attend school;

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

23 (iv) contribute to his own support at home or in a
24 foster home;

25 (v) with the consent of the superintendent of the
26 facility, attend an educational program at a facility

1 other than the school in which the offense was
2 committed if he or she is convicted of a crime of
3 violence as defined in Section 2 of the Crime Victims
4 Compensation Act committed in a school, on the real
5 property comprising a school, or within 1,000 feet of
6 the real property comprising a school;

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

9 (9) perform some reasonable public or community
10 service;

11 (10) serve a term of home confinement. In addition to
12 any other applicable condition of probation or conditional
13 discharge, the conditions of home confinement shall be that
14 the offender:

15 (i) remain within the interior premises of the
16 place designated for his confinement during the hours
17 designated by the court;

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

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

26 (iv) for persons convicted of any alcohol,

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

16 (v) for persons convicted of offenses other than
17 those referenced in clause (iv) above and who are
18 placed on an approved monitoring device as a condition
19 of probation or conditional discharge, the court shall
20 impose a reasonable fee for each day of the use of the
21 device, as established by the county board in
22 subsection (g) of this Section, unless after
23 determining the inability of the defendant to pay the
24 fee, the court assesses a lesser fee or no fee as the
25 case may be. This fee shall be imposed in addition to
26 the fees imposed under subsections (g) and (i) of this

1 Section. The fee shall be collected by the clerk of the
2 circuit court. The clerk of the circuit court shall pay
3 all monies collected from this fee to the county
4 treasurer who shall use the monies collected to defray
5 the costs of corrections. The county treasurer shall
6 deposit the fee collected in the county working cash
7 fund under Section 6-27001 or Section 6-29002 of the
8 Counties Code, as the case may be.

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

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

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

1 the jurisdiction of the Department of Natural Resources, to
2 the fund established by the Department of Natural Resources
3 for the purchase of evidence for investigation purposes and
4 to conduct investigations as outlined in Section 805-105 of
5 the Department of Natural Resources (Conservation) Law;

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

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

18 (16) refrain from having in his or her body the
19 presence of any illicit drug prohibited by the Cannabis
20 Control Act, the Illinois Controlled Substances Act, or the
21 Methamphetamine Control and Community Protection Act,
22 unless prescribed by a physician, and submit samples of his
23 or her blood or urine or both for tests to determine the
24 presence of any illicit drug; and

25 (17) if convicted for an offense committed on or after
26 the effective date of this amendatory Act of the 95th

1 General Assembly that would qualify the accused as a child
2 sex offender as defined in Section 11-9.3 or 11-9.4 of the
3 Criminal Code of 1961, refrain from communicating with or
4 contacting, by means of the Internet, a person who is
5 related to the accused and whom the accused reasonably
6 believes to be under 18 years of age; for purposes of this
7 paragraph (17), "Internet" has the meaning ascribed to it
8 in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~
9 ~~Public Act 94-179~~; and a person is related to the accused
10 if the person is: (i) the spouse, brother, or sister of the
11 accused; (ii) a descendant of the accused; (iii) a first or
12 second cousin of the accused; or (iv) a step-child or
13 adopted child of the accused.

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

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

1 (e) Except where the offender has committed a fourth or
2 subsequent violation of subsection (c) of Section 6-303 of the
3 Illinois Vehicle Code, the court shall not require as a
4 condition of the sentence of probation or conditional discharge
5 that the offender be committed to a period of imprisonment in
6 excess of 6 months. This 6 month limit shall not include
7 periods of confinement given pursuant to a sentence of county
8 impact incarceration under Section 5-8-1.2.

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

1 to the mandatory drug or alcohol testing, or both, and all
2 costs incidental to approved electronic monitoring, involved
3 in a successful probation program for the county. The
4 concurrence of the Chief Judge shall be in the form of an
5 administrative order. The fees shall be collected by the clerk
6 of the circuit court. The clerk of the circuit court shall pay
7 all moneys collected from these fees to the county treasurer
8 who shall use the moneys collected to defray the costs of drug
9 testing, alcohol testing, and electronic monitoring. The
10 county treasurer shall deposit the fees collected in the county
11 working cash fund under Section 6-27001 or Section 6-29002 of
12 the Counties Code, as the case may be.

13 (h) Jurisdiction over an offender may be transferred from
14 the sentencing court to the court of another circuit with the
15 concurrence of both courts. Further transfers or retransfers of
16 jurisdiction are also authorized in the same manner. The court
17 to which jurisdiction has been transferred shall have the same
18 powers as the sentencing court.

19 (i) The court shall impose upon an offender sentenced to
20 probation after January 1, 1989 or to conditional discharge
21 after January 1, 1992 or to community service under the
22 supervision of a probation or court services department after
23 January 1, 2004, as a condition of such probation or
24 conditional discharge or supervised community service, a fee of
25 \$50 for each month of probation or conditional discharge
26 supervision or supervised community service ordered by the

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

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

26 This amendatory Act of the 93rd General Assembly deletes

1 the \$10 increase in the fee under this subsection that was
2 imposed by Public Act 93-616. This deletion is intended to
3 control over any other Act of the 93rd General Assembly that
4 retains or incorporates that fee increase.

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

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

22 (k) Any offender who is sentenced to probation or
23 conditional discharge for a felony sex offense as defined in
24 the Sex Offender Management Board Act or any offense that the
25 court or probation department has determined to be sexually
26 motivated as defined in the Sex Offender Management Board Act

1 shall be required to refrain from any contact, directly or
2 indirectly, with any persons specified by the court and shall
3 be available for all evaluations and treatment programs
4 required by the court or the probation department.

5 (1) The court may order an offender who is sentenced to
6 probation or conditional discharge for a violation of an order
7 of protection be placed under electronic surveillance as
8 provided in Section 5-8A-7 of this Code.

9 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
10 94-556, eff. 9-11-05; 95-331, eff. 8-21-07; 95-464, eff.
11 6-1-08; 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; revised
12 12-26-07.)

13 (730 ILCS 5/5-8A-7 new)

14 Sec. 5-8A-7. Domestic violence surveillance program. If
15 the Prisoner Review Board, Department of Corrections, or court
16 orders electronic surveillance as a condition of parole,
17 mandatory supervised release, early release, probation, or
18 conditional discharge for a violation of an order of protection
19 or as a condition of bail for a person charged with a violation
20 of an order of protection, the supervising authority must use a
21 system that requires the defendant to carry or wear a global
22 positioning system device, provides the victim with an
23 electronic receptor device, and actively monitors and
24 identifies the offender's current location and timely reports
25 or records the offender's presence and alerts the supervising

1 authority and the victim of the offender's presence in a place
2 prohibited in the order of protection and the offender's
3 departure from specified geographic limitations.

4 (730 ILCS 5/5-9-1.16 new)

5 Sec. 5-9-1.16. Protective order violation fines.

6 (a) There shall be added to every penalty imposed in
7 sentencing for a violation of an order of protection under
8 Section 12-30 of the Criminal Code of 1961 an additional fine
9 to be set in an amount not less than \$200 to be imposed upon a
10 plea of guilty or finding of guilty resulting in a judgment of
11 conviction.

12 (b) Such additional amount shall be assessed by the court
13 imposing sentence and shall be collected by the Circuit Clerk
14 in addition to the fine, if any, and costs in the case to be
15 used by the Illinois State Police in implementing the domestic
16 violence surveillance program. Each such additional penalty
17 shall be remitted by the Circuit Clerk within one month after
18 receipt to the State Treasurer for deposit into the Domestic
19 Violence Surveillance Fund. The Circuit Clerk shall retain 10%
20 of such penalty to cover the costs incurred in administering
21 and enforcing this Section. Such additional penalty shall not
22 be considered a part of the fine for purposes of any reduction
23 in the fine for time served either before or after sentencing.

24 (c) Not later than March 1 of each year the Clerk of the
25 Circuit Court shall submit to the State Comptroller a report of

1 the amount of funds remitted by him or her to the State
2 Treasurer under this Section during the preceding calendar
3 year. Except as otherwise provided by Supreme Court Rules, if a
4 court in sentencing an offender levies a gross amount for fine,
5 costs, fees and penalties, the amount of the additional penalty
6 provided for herein shall be collected from the amount
7 remaining after deducting from the gross amount levied all fees
8 of the Circuit Clerk, the State's Attorney and the Sheriff.
9 After deducting from the gross amount levied the fees and
10 additional penalty provided for herein, less any other
11 additional penalties provided by law, the clerk shall remit the
12 net balance remaining to the State Treasurer for deposit into
13 the Domestic Violence Surveillance Fund.

14 (d) Moneys in the Domestic Violence Surveillance Fund shall
15 be used by the supervising authority of a respondent ordered to
16 carry or wear a global positioning system device for a
17 violation of an order of protection under Section 12-30 of the
18 Criminal Code of 1961 to offset the costs of such surveillance
19 of the respondent.

20 (e) For purposes of this Section "fees of the Circuit
21 Clerk" shall include, if applicable, the fee provided for under
22 Section 27.3a of the Clerks of Courts Act and the fee, if
23 applicable, payable to the county in which the violation
24 occurred under Section 5-1101 of the Counties Code.

25 Section 30. The Illinois Domestic Violence Act of 1986 is

1 amended by changing Section 214 as follows:

2 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

3 Sec. 214. Order of protection; remedies.

4 (a) Issuance of order. If the court finds that petitioner
5 has been abused by a family or household member or that
6 petitioner is a high-risk adult who has been abused, neglected,
7 or exploited, as defined in this Act, an order of protection
8 prohibiting the abuse, neglect, or exploitation shall issue;
9 provided that petitioner must also satisfy the requirements of
10 one of the following Sections, as appropriate: Section 217 on
11 emergency orders, Section 218 on interim orders, or Section 219
12 on plenary orders. Petitioner shall not be denied an order of
13 protection because petitioner or respondent is a minor. The
14 court, when determining whether or not to issue an order of
15 protection, shall not require physical manifestations of abuse
16 on the person of the victim. Modification and extension of
17 prior orders of protection shall be in accordance with this
18 Act.

19 (b) Remedies and standards. The remedies to be included in
20 an order of protection shall be determined in accordance with
21 this Section and one of the following Sections, as appropriate:
22 Section 217 on emergency orders, Section 218 on interim orders,
23 and Section 219 on plenary orders. The remedies listed in this
24 subsection shall be in addition to other civil or criminal
25 remedies available to petitioner. The remedy provided in

1 paragraph (18) of this subsection (b) shall be included in
2 every order of protection issued on or after the effective date
3 of this amendatory Act of the 95th General Assembly.

4 (1) Prohibition of abuse, neglect, or exploitation.

5 Prohibit respondent's harassment, interference with
6 personal liberty, intimidation of a dependent, physical
7 abuse, or willful deprivation, neglect or exploitation, as
8 defined in this Act, or stalking of the petitioner, as
9 defined in Section 12-7.3 of the Criminal Code of 1961, if
10 such abuse, neglect, exploitation, or stalking has
11 occurred or otherwise appears likely to occur if not
12 prohibited.

13 (2) Grant of exclusive possession of residence.

14 Prohibit respondent from entering or remaining in any
15 residence or household of the petitioner, including one
16 owned or leased by respondent, if petitioner has a right to
17 occupancy thereof. The grant of exclusive possession of the
18 residence shall not affect title to real property, nor
19 shall the court be limited by the standard set forth in
20 Section 701 of the Illinois Marriage and Dissolution of
21 Marriage Act.

22 (A) Right to occupancy. A party has a right to

23 occupancy of a residence or household if it is solely
24 or jointly owned or leased by that party, that party's
25 spouse, a person with a legal duty to support that
26 party or a minor child in that party's care, or by any

1 person or entity other than the opposing party that
2 authorizes that party's occupancy (e.g., a domestic
3 violence shelter). Standards set forth in subparagraph
4 (B) shall not preclude equitable relief.

5 (B) Presumption of hardships. If petitioner and
6 respondent each has the right to occupancy of a
7 residence or household, the court shall balance (i) the
8 hardships to respondent and any minor child or
9 dependent adult in respondent's care resulting from
10 entry of this remedy with (ii) the hardships to
11 petitioner and any minor child or dependent adult in
12 petitioner's care resulting from continued exposure to
13 the risk of abuse (should petitioner remain at the
14 residence or household) or from loss of possession of
15 the residence or household (should petitioner leave to
16 avoid the risk of abuse). When determining the balance
17 of hardships, the court shall also take into account
18 the accessibility of the residence or household.
19 Hardships need not be balanced if respondent does not
20 have a right to occupancy.

21 The balance of hardships is presumed to favor
22 possession by petitioner unless the presumption is
23 rebutted by a preponderance of the evidence, showing
24 that the hardships to respondent substantially
25 outweigh the hardships to petitioner and any minor
26 child or dependent adult in petitioner's care. The

1 court, on the request of petitioner or on its own
2 motion, may order respondent to provide suitable,
3 accessible, alternate housing for petitioner instead
4 of excluding respondent from a mutual residence or
5 household.

6 (3) Stay away order and additional prohibitions. Order
7 respondent to stay away from petitioner or any other person
8 protected by the order of protection, or prohibit
9 respondent from entering or remaining present at
10 petitioner's school, place of employment, or other
11 specified places at times when petitioner is present, or
12 both, if reasonable, given the balance of hardships.
13 Hardships need not be balanced for the court to enter a
14 stay away order or prohibit entry if respondent has no
15 right to enter the premises.

16 If an order of protection grants petitioner exclusive
17 possession of the residence, or prohibits respondent from
18 entering the residence, or orders respondent to stay away
19 from petitioner or other protected persons, then the court
20 may allow respondent access to the residence to remove
21 items of clothing and personal adornment used exclusively
22 by respondent, medications, and other items as the court
23 directs. The right to access shall be exercised on only one
24 occasion as the court directs and in the presence of an
25 agreed-upon adult third party or law enforcement officer.

26 (4) Counseling. Require or recommend the respondent to

1 undergo counseling for a specified duration with a social
2 worker, psychologist, clinical psychologist, psychiatrist,
3 family service agency, alcohol or substance abuse program,
4 mental health center guidance counselor, agency providing
5 services to elders, program designed for domestic violence
6 abusers or any other guidance service the court deems
7 appropriate.

8 (5) Physical care and possession of the minor child. In
9 order to protect the minor child from abuse, neglect, or
10 unwarranted separation from the person who has been the
11 minor child's primary caretaker, or to otherwise protect
12 the well-being of the minor child, the court may do either
13 or both of the following: (i) grant petitioner physical
14 care or possession of the minor child, or both, or (ii)
15 order respondent to return a minor child to, or not remove
16 a minor child from, the physical care of a parent or person
17 in loco parentis.

18 If a court finds, after a hearing, that respondent has
19 committed abuse (as defined in Section 103) of a minor
20 child, there shall be a rebuttable presumption that
21 awarding physical care to respondent would not be in the
22 minor child's best interest.

23 (6) Temporary legal custody. Award temporary legal
24 custody to petitioner in accordance with this Section, the
25 Illinois Marriage and Dissolution of Marriage Act, the
26 Illinois Parentage Act of 1984, and this State's Uniform

1 Child-Custody Jurisdiction and Enforcement Act.

2 If a court finds, after a hearing, that respondent has
3 committed abuse (as defined in Section 103) of a minor
4 child, there shall be a rebuttable presumption that
5 awarding temporary legal custody to respondent would not be
6 in the child's best interest.

7 (7) Visitation. Determine the visitation rights, if
8 any, of respondent in any case in which the court awards
9 physical care or temporary legal custody of a minor child
10 to petitioner. The court shall restrict or deny
11 respondent's visitation with a minor child if the court
12 finds that respondent has done or is likely to do any of
13 the following: (i) abuse or endanger the minor child during
14 visitation; (ii) use the visitation as an opportunity to
15 abuse or harass petitioner or petitioner's family or
16 household members; (iii) improperly conceal or detain the
17 minor child; or (iv) otherwise act in a manner that is not
18 in the best interests of the minor child. The court shall
19 not be limited by the standards set forth in Section 607.1
20 of the Illinois Marriage and Dissolution of Marriage Act.
21 If the court grants visitation, the order shall specify
22 dates and times for the visitation to take place or other
23 specific parameters or conditions that are appropriate. No
24 order for visitation shall refer merely to the term
25 "reasonable visitation".

26 Petitioner may deny respondent access to the minor

1 child if, when respondent arrives for visitation,
2 respondent is under the influence of drugs or alcohol and
3 constitutes a threat to the safety and well-being of
4 petitioner or petitioner's minor children or is behaving in
5 a violent or abusive manner.

6 If necessary to protect any member of petitioner's
7 family or household from future abuse, respondent shall be
8 prohibited from coming to petitioner's residence to meet
9 the minor child for visitation, and the parties shall
10 submit to the court their recommendations for reasonable
11 alternative arrangements for visitation. A person may be
12 approved to supervise visitation only after filing an
13 affidavit accepting that responsibility and acknowledging
14 accountability to the court.

15 (8) Removal or concealment of minor child. Prohibit
16 respondent from removing a minor child from the State or
17 concealing the child within the State.

18 (9) Order to appear. Order the respondent to appear in
19 court, alone or with a minor child, to prevent abuse,
20 neglect, removal or concealment of the child, to return the
21 child to the custody or care of the petitioner or to permit
22 any court-ordered interview or examination of the child or
23 the respondent.

24 (10) Possession of personal property. Grant petitioner
25 exclusive possession of personal property and, if
26 respondent has possession or control, direct respondent to

1 promptly make it available to petitioner, if:

2 (i) petitioner, but not respondent, owns the
3 property; or

4 (ii) the parties own the property jointly; sharing
5 it would risk abuse of petitioner by respondent or is
6 impracticable; and the balance of hardships favors
7 temporary possession by petitioner.

8 If petitioner's sole claim to ownership of the property
9 is that it is marital property, the court may award
10 petitioner temporary possession thereof under the
11 standards of subparagraph (ii) of this paragraph only if a
12 proper proceeding has been filed under the Illinois
13 Marriage and Dissolution of Marriage Act, as now or
14 hereafter amended.

15 No order under this provision shall affect title to
16 property.

17 (11) Protection of property. Forbid the respondent
18 from taking, transferring, encumbering, concealing,
19 damaging or otherwise disposing of any real or personal
20 property, except as explicitly authorized by the court, if:

21 (i) petitioner, but not respondent, owns the
22 property; or

23 (ii) the parties own the property jointly, and the
24 balance of hardships favors granting this remedy.

25 If petitioner's sole claim to ownership of the property
26 is that it is marital property, the court may grant

1 petitioner relief under subparagraph (ii) of this
2 paragraph only if a proper proceeding has been filed under
3 the Illinois Marriage and Dissolution of Marriage Act, as
4 now or hereafter amended.

5 The court may further prohibit respondent from
6 improperly using the financial or other resources of an
7 aged member of the family or household for the profit or
8 advantage of respondent or of any other person.

9 (11.5) Protection of animals. Grant the petitioner the
10 exclusive care, custody, or control of any animal owned,
11 possessed, leased, kept, or held by either the petitioner
12 or the respondent or a minor child residing in the
13 residence or household of either the petitioner or the
14 respondent and order the respondent to stay away from the
15 animal and forbid the respondent from taking,
16 transferring, encumbering, concealing, harming, or
17 otherwise disposing of the animal.

18 (12) Order for payment of support. Order respondent to
19 pay temporary support for the petitioner or any child in
20 the petitioner's care or custody, when the respondent has a
21 legal obligation to support that person, in accordance with
22 the Illinois Marriage and Dissolution of Marriage Act,
23 which shall govern, among other matters, the amount of
24 support, payment through the clerk and withholding of
25 income to secure payment. An order for child support may be
26 granted to a petitioner with lawful physical care or

1 custody of a child, or an order or agreement for physical
2 care or custody, prior to entry of an order for legal
3 custody. Such a support order shall expire upon entry of a
4 valid order granting legal custody to another, unless
5 otherwise provided in the custody order.

6 (13) Order for payment of losses. Order respondent to
7 pay petitioner for losses suffered as a direct result of
8 the abuse, neglect, or exploitation. Such losses shall
9 include, but not be limited to, medical expenses, lost
10 earnings or other support, repair or replacement of
11 property damaged or taken, reasonable attorney's fees,
12 court costs and moving or other travel expenses, including
13 additional reasonable expenses for temporary shelter and
14 restaurant meals.

15 (i) Losses affecting family needs. If a party is
16 entitled to seek maintenance, child support or
17 property distribution from the other party under the
18 Illinois Marriage and Dissolution of Marriage Act, as
19 now or hereafter amended, the court may order
20 respondent to reimburse petitioner's actual losses, to
21 the extent that such reimbursement would be
22 "appropriate temporary relief", as authorized by
23 subsection (a) (3) of Section 501 of that Act.

24 (ii) Recovery of expenses. In the case of an
25 improper concealment or removal of a minor child, the
26 court may order respondent to pay the reasonable

1 expenses incurred or to be incurred in the search for
2 and recovery of the minor child, including but not
3 limited to legal fees, court costs, private
4 investigator fees, and travel costs.

5 (14) Prohibition of entry. Prohibit the respondent
6 from entering or remaining in the residence or household
7 while the respondent is under the influence of alcohol or
8 drugs and constitutes a threat to the safety and well-being
9 of the petitioner or the petitioner's children.

10 (14.5) Prohibition of firearm possession.

11 (a) When a complaint is made under a request for an
12 order of protection, that the respondent has
13 threatened or is likely to use firearms illegally
14 against the petitioner, and the respondent is present
15 in court, or has failed to appear after receiving
16 actual notice, the court shall examine on oath the
17 petitioner, and any witnesses who may be produced. If
18 the court is satisfied that there is any danger of the
19 illegal use of firearms, it shall issue an order that
20 any firearms in the possession of the respondent,
21 except as provided in subsection (b), be turned over to
22 the local law enforcement agency for safekeeping. If
23 the respondent has failed to appear, the court shall
24 issue a warrant for seizure of any firearm in the
25 possession of the respondent. The period of
26 safekeeping shall be for a stated period of time not to

1 exceed 2 years. The firearm or firearms shall be
2 returned to the respondent at the end of the stated
3 period or at expiration of the order of protection,
4 whichever is sooner.

5 (b) If the respondent is a peace officer as defined
6 in Section 2-13 of the Criminal Code of 1961, the court
7 shall order that any firearms used by the respondent in
8 the performance of his or her duties as a peace officer
9 be surrendered to the chief law enforcement executive
10 of the agency in which the respondent is employed, who
11 shall retain the firearms for safekeeping for the
12 stated period not to exceed 2 years as set forth in the
13 court order.

14 (15) Prohibition of access to records. If an order of
15 protection prohibits respondent from having contact with
16 the minor child, or if petitioner's address is omitted
17 under subsection (b) of Section 203, or if necessary to
18 prevent abuse or wrongful removal or concealment of a minor
19 child, the order shall deny respondent access to, and
20 prohibit respondent from inspecting, obtaining, or
21 attempting to inspect or obtain, school or any other
22 records of the minor child who is in the care of
23 petitioner.

24 (16) Order for payment of shelter services. Order
25 respondent to reimburse a shelter providing temporary
26 housing and counseling services to the petitioner for the

1 cost of the services, as certified by the shelter and
2 deemed reasonable by the court.

3 (17) Order for injunctive relief. Enter injunctive
4 relief necessary or appropriate to prevent further abuse of
5 a family or household member or further abuse, neglect, or
6 exploitation of a high-risk adult with disabilities or to
7 effectuate one of the granted remedies, if supported by the
8 balance of hardships. If the harm to be prevented by the
9 injunction is abuse or any other harm that one of the
10 remedies listed in paragraphs (1) through (16) of this
11 subsection is designed to prevent, no further evidence is
12 necessary that the harm is an irreparable injury.

13 (18) Order for attendance at partner abuse
14 intervention programs. Order the respondent to attend and
15 complete partner abuse intervention programs per protocols
16 set by the Illinois Department of Human Services under such
17 terms and conditions as the court may direct.

18 (c) Relevant factors; findings.

19 (1) In determining whether to grant a specific remedy,
20 other than payment of support, the court shall consider
21 relevant factors, including but not limited to the
22 following:

23 (i) the nature, frequency, severity, pattern and
24 consequences of the respondent's past abuse, neglect
25 or exploitation of the petitioner or any family or
26 household member, including the concealment of his or

1 her location in order to evade service of process or
2 notice, and the likelihood of danger of future abuse,
3 neglect, or exploitation to petitioner or any member of
4 petitioner's or respondent's family or household; and

5 (ii) the danger that any minor child will be abused
6 or neglected or improperly removed from the
7 jurisdiction, improperly concealed within the State or
8 improperly separated from the child's primary
9 caretaker.

10 (2) In comparing relative hardships resulting to the
11 parties from loss of possession of the family home, the
12 court shall consider relevant factors, including but not
13 limited to the following:

14 (i) availability, accessibility, cost, safety,
15 adequacy, location and other characteristics of
16 alternate housing for each party and any minor child or
17 dependent adult in the party's care;

18 (ii) the effect on the party's employment; and

19 (iii) the effect on the relationship of the party,
20 and any minor child or dependent adult in the party's
21 care, to family, school, church and community.

22 (3) Subject to the exceptions set forth in paragraph
23 (4) of this subsection, the court shall make its findings
24 in an official record or in writing, and shall at a minimum
25 set forth the following:

26 (i) That the court has considered the applicable

1 relevant factors described in paragraphs (1) and (2) of
2 this subsection.

3 (ii) Whether the conduct or actions of respondent,
4 unless prohibited, will likely cause irreparable harm
5 or continued abuse.

6 (iii) Whether it is necessary to grant the
7 requested relief in order to protect petitioner or
8 other alleged abused persons.

9 (4) For purposes of issuing an ex parte emergency order
10 of protection, the court, as an alternative to or as a
11 supplement to making the findings described in paragraphs
12 (c) (3) (i) through (c) (3) (iii) of this subsection, may use
13 the following procedure:

14 When a verified petition for an emergency order of
15 protection in accordance with the requirements of Sections
16 203 and 217 is presented to the court, the court shall
17 examine petitioner on oath or affirmation. An emergency
18 order of protection shall be issued by the court if it
19 appears from the contents of the petition and the
20 examination of petitioner that the averments are
21 sufficient to indicate abuse by respondent and to support
22 the granting of relief under the issuance of the emergency
23 order of protection.

24 (5) Never married parties. No rights or
25 responsibilities for a minor child born outside of marriage
26 attach to a putative father until a father and child

1 relationship has been established under the Illinois
2 Parentage Act of 1984, the Illinois Public Aid Code,
3 Section 12 of the Vital Records Act, the Juvenile Court Act
4 of 1987, the Probate Act of 1985, the Revised Uniform
5 Reciprocal Enforcement of Support Act, the Uniform
6 Interstate Family Support Act, the Expedited Child Support
7 Act of 1990, any judicial, administrative, or other act of
8 another state or territory, any other Illinois statute, or
9 by any foreign nation establishing the father and child
10 relationship, any other proceeding substantially in
11 conformity with the Personal Responsibility and Work
12 Opportunity Reconciliation Act of 1996 (Pub. L. 104-193),
13 or where both parties appeared in open court or at an
14 administrative hearing acknowledging under oath or
15 admitting by affirmation the existence of a father and
16 child relationship. Absent such an adjudication, finding,
17 or acknowledgement, no putative father shall be granted
18 temporary custody of the minor child, visitation with the
19 minor child, or physical care and possession of the minor
20 child, nor shall an order of payment for support of the
21 minor child be entered.

22 (d) Balance of hardships; findings. If the court finds that
23 the balance of hardships does not support the granting of a
24 remedy governed by paragraph (2), (3), (10), (11), or (16) of
25 subsection (b) of this Section, which may require such
26 balancing, the court's findings shall so indicate and shall

1 include a finding as to whether granting the remedy will result
2 in hardship to respondent that would substantially outweigh the
3 hardship to petitioner from denial of the remedy. The findings
4 shall be an official record or in writing.

5 (e) Denial of remedies. Denial of any remedy shall not be
6 based, in whole or in part, on evidence that:

7 (1) Respondent has cause for any use of force, unless
8 that cause satisfies the standards for justifiable use of
9 force provided by Article VII of the Criminal Code of 1961;

10 (2) Respondent was voluntarily intoxicated;

11 (3) Petitioner acted in self-defense or defense of
12 another, provided that, if petitioner utilized force, such
13 force was justifiable under Article VII of the Criminal
14 Code of 1961;

15 (4) Petitioner did not act in self-defense or defense
16 of another;

17 (5) Petitioner left the residence or household to avoid
18 further abuse, neglect, or exploitation by respondent;

19 (6) Petitioner did not leave the residence or household
20 to avoid further abuse, neglect, or exploitation by
21 respondent;

22 (7) Conduct by any family or household member excused
23 the abuse, neglect, or exploitation by respondent, unless
24 that same conduct would have excused such abuse, neglect,
25 or exploitation if the parties had not been family or
26 household members.

1 (Source: P.A. 95-234, eff. 1-1-08.)".