



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4630

by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-7	from Ch. 38, par. 1003-3-7
730 ILCS 5/5-6-3	from Ch. 38, par. 1005-6-3
730 ILCS 5/5-6-3.1	from Ch. 38, par. 1005-6-3.1

Amends the Unified Code of Corrections. Provides that a person serving a mandatory supervised release term, probation, or supervision for an offense that would qualify the offender as a sex offender under the Sex Offender Registration Act committed on or after the effective date of the amendatory Act, where the trier of fact at the offender's trial made a finding that a computer or any other device with Internet capability was used to facilitate the commission of the offense shall: (1) not access or use a computer or any other device with Internet capability without the prior written approval of specified officials; (2) submit to periodic unannounced examinations of the offender's computer or any other device with Internet capability by certain specified officials; (3) submit to the installation on the offender's computer or device with Internet capability, at the offender's expense, of one or more hardware or software systems to monitor the Internet use; and (4) submit to any other appropriate restrictions concerning the offender's use of or access to a computer or any other device with Internet capability.

LRB095 16729 RLC 42763 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning criminal law.

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

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

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

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

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

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

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

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

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

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

1 the agent to discharge his or her duties;

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

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

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

12 (7.5) if convicted of a sex offense as defined in the
13 Sex Offender Management Board Act, the individual shall
14 undergo and successfully complete sex offender treatment
15 conducted in conformance with the standards developed by
16 the Sex Offender Management Board Act by a treatment
17 provider approved by the Board;

18 (7.6) if convicted of a sex offense as defined in the
19 Sex Offender Management Board Act, refrain from residing at
20 the same address or in the same condominium unit or
21 apartment unit or in the same condominium complex or
22 apartment complex with another person he or she knows or
23 reasonably should know is a convicted sex offender or has
24 been placed on supervision for a sex offense; the
25 provisions of this paragraph do not apply to a person
26 convicted of a sex offense who is placed in a Department of

1 Corrections licensed transitional housing facility for sex
2 offenders, or is in any facility operated or licensed by
3 the Department of Children and Family Services or by the
4 Department of Human Services, or is in any licensed medical
5 facility;

6 (7.7) if convicted for an offense that would qualify
7 the accused as a sexual predator under the Sex Offender
8 Registration Act on or after the effective date of this
9 amendatory Act of the 94th General Assembly, wear an
10 approved electronic monitoring device as defined in
11 Section 5-8A-2 for the duration of the person's parole,
12 mandatory supervised release term, or extended mandatory
13 supervised release term;

14 (7.8) if convicted for an offense committed on or after
15 the effective date of this amendatory Act of the 95th
16 General Assembly that would qualify the accused as a child
17 sex offender as defined in Section 11-9.3 or 11-9.4 of the
18 Criminal Code of 1961, refrain from communicating with or
19 contacting, by means of the Internet, a person who is not
20 related to the accused and whom the accused reasonably
21 believes to be under 18 years of age; for purposes of this
22 paragraph (7.8), "Internet" has the meaning ascribed to it
23 in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~
24 ~~Public Act 94-179~~; and a person is not related to the
25 accused if the person is not: (i) the spouse, brother, or
26 sister of the accused; (ii) a descendant of the accused;

1 (iii) a first or second cousin of the accused; or (iv) a
2 step-child or adopted child of the accused;

3 (7.9) ~~(7.8)~~ if convicted under Section 11-6, 11-20.1,
4 11-20.3, or 11-21 of the Criminal Code of 1961, consent to
5 search of computers, PDAs, cellular phones, and other
6 devices under his or her control that are capable of
7 accessing the Internet or storing electronic files, in
8 order to confirm Internet protocol addresses reported in
9 accordance with the Sex Offender Registration Act and
10 compliance with conditions in this Act;

11 (7.10) ~~(7.8)~~ if convicted for an offense that would
12 qualify the accused as a sex offender or sexual predator
13 under the Sex Offender Registration Act on or after the
14 effective date of this amendatory Act of the 95th General
15 Assembly, not possess prescription drugs for erectile
16 dysfunction;

17 (7.11) if convicted for an offense that would qualify
18 the subject as a sex offender or sexual predator under the
19 Sex Offender Registration Act committed on or after the
20 effective date of this amendatory Act of the 95th General
21 Assembly, where the trier of fact at the subject's trial
22 made a finding that a computer or any other device with
23 Internet capability was used to facilitate the commission
24 of the offense:

25 (i) not access or use a computer or any other
26 device with Internet capability without the prior

1 written approval of the Board; except the subject may
2 use a computer or any other device with Internet
3 capability in connection with that subject's
4 employment or search for employment with the prior
5 approval of the person's supervising officer;

6 (ii) submit to periodic unannounced examinations
7 of the person's computer or any other device with
8 Internet capability by the subject's supervising
9 officer, a law enforcement officer, or assigned
10 computer or information technology specialist,
11 including the retrieval and copying of all data from
12 the computer or device and any internal or external
13 peripherals and removal of such information,
14 equipment, or device to conduct a more thorough
15 inspection;

16 (iii) submit to the installation on the subject's
17 computer or device with Internet capability, at the
18 subject's expense, of one or more hardware or software
19 systems to monitor the Internet use; and

20 (iv) submit to any other appropriate restrictions
21 concerning the subject's use of or access to a computer
22 or any other device with Internet capability imposed by
23 the Board.

24 For purposes of this paragraph (7.11):

25 "Computer" has the meaning ascribed to it in
26 Section 16J-5 of the Criminal Code of 1961.

1 "Internet" means the global information system
2 that is logically linked together by a globally unique
3 address space based on the Internet Protocol (IP), or
4 its subsequent extensions, and that is able to support
5 communications using the Transmission Control
6 Protocol/Internet Protocol (TCP/IP) suite, or its
7 subsequent extensions, or other IP-compatible
8 protocols, and that provides, uses, or makes
9 accessible, either publicly or privately, high level
10 services layered on the communications and related
11 infrastructure;

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

14 (9) obtain permission of an agent of the Department of
15 Corrections before changing his or her residence or
16 employment;

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

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

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

26 (13) not knowingly associate with other persons on

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

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

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

19 (16) 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 Board may in addition to other conditions require
4 that the subject:

5 (1) work or pursue a course of study or vocational
6 training;

7 (2) undergo medical or psychiatric treatment, or
8 treatment for drug addiction or alcoholism;

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

11 (4) support his dependents;

12 (5) (blank);

13 (6) (blank);

14 (7) comply with the terms and conditions of an order of
15 protection issued pursuant to the Illinois Domestic
16 Violence Act of 1986, enacted by the 84th General Assembly,
17 or an order of protection issued by the court of another
18 state, tribe, or United States territory;

19 (7.5) if convicted for an offense committed on or after
20 the effective date of this amendatory Act of the 95th
21 General Assembly that would qualify the accused as a child
22 sex offender as defined in Section 11-9.3 or 11-9.4 of the
23 Criminal Code of 1961, refrain from communicating with or
24 contacting, by means of the Internet, a person who is
25 related to the accused and whom the accused reasonably
26 believes to be under 18 years of age; for purposes of this

1 paragraph (7.5), "Internet" has the meaning ascribed to it
2 in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~
3 ~~Public Act 94-179~~; and a person is related to the accused
4 if the person is: (i) the spouse, brother, or sister of the
5 accused; (ii) a descendant of the accused; (iii) a first or
6 second cousin of the accused; or (iv) a step-child or
7 adopted child of the accused; and

8 (8) in addition, if a minor:

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

10 (ii) attend school;

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

12 or

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

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

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

22 (2) comply with all requirements of the Sex Offender
23 Registration Act;

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

26 (4) obtain the approval of an agent of the Department

1 of Corrections prior to accepting employment or pursuing a
2 course of study or vocational training and notify the
3 Department prior to any change in employment, study, or
4 training;

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

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

11 (7) refrain from entering into a designated geographic
12 area except upon terms approved in advance by an agent of
13 the Department of Corrections. The terms may include
14 consideration of the purpose of the entry, the time of day,
15 and others accompanying the person;

16 (8) refrain from having any contact, including written
17 or oral communications, directly or indirectly, personally
18 or by telephone, letter, or through a third party with
19 certain specified persons including, but not limited to,
20 the victim or the victim's family without the prior written
21 approval of an agent of the Department of Corrections;

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

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

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

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

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

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

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

25 (15) comply with all other special conditions that the
26 Department may impose that restrict the person from

1 high-risk situations and limit access to potential
2 victims;

3 (16) take an annual polygraph exam;

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

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

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

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

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

22 (f) When the subject is in compliance with all conditions
23 of his or her parole or mandatory supervised release, the
24 subject shall receive a reduction of the period of his or her
25 parole or mandatory supervised release of 90 days upon passage
26 of the high school level Test of General Educational

1 Development during the period of his or her parole or mandatory
2 supervised release. This reduction in the period of a subject's
3 term of parole or mandatory supervised release shall be
4 available only to subjects who have not previously earned a
5 high school diploma or who have not previously passed the high
6 school level Test of General Educational Development.

7 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
8 94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;
9 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; revised 12-26-07.)

10 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

13 Sec. 5-6-3. Conditions of Probation and of Conditional
14 Discharge.

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

17 (1) not violate any criminal statute of any
18 jurisdiction;

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

21 (3) refrain from possessing a firearm or other
22 dangerous weapon;

23 (4) not leave the State without the consent of the
24 court or, in circumstances in which the reason for the
25 absence is of such an emergency nature that prior consent

1 by the court is not possible, without the prior
2 notification and approval of the person's probation
3 officer. Transfer of a person's probation or conditional
4 discharge supervision to another state is subject to
5 acceptance by the other state pursuant to the Interstate
6 Compact for Adult Offender Supervision;

7 (5) permit the probation officer to visit him at his
8 home or elsewhere to the extent necessary to discharge his
9 duties;

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

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

1 or vocational program;

2 (8) if convicted of possession of a substance
3 prohibited by the Cannabis Control Act, the Illinois
4 Controlled Substances Act, or the Methamphetamine Control
5 and Community Protection Act after a previous conviction or
6 disposition of supervision for possession of a substance
7 prohibited by the Cannabis Control Act or Illinois
8 Controlled Substances Act or after a sentence of probation
9 under Section 10 of the Cannabis Control Act, Section 410
10 of the Illinois Controlled Substances Act, or Section 70 of
11 the Methamphetamine Control and Community Protection Act
12 and upon a finding by the court that the person is
13 addicted, undergo treatment at a substance abuse program
14 approved by the court;

15 (8.5) if convicted of a felony sex offense as defined
16 in the Sex Offender Management Board Act, the person shall
17 undergo and successfully complete sex offender treatment
18 by a treatment provider approved by the Board and conducted
19 in conformance with the standards developed under the Sex
20 Offender Management Board Act;

21 (8.6) 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;

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

21 (8.8) if convicted for an offense that would qualify
22 the person as a sex offender or sexual predator under the
23 Sex Offender Registration Act committed on or after the
24 effective date of this amendatory Act of the 95th General
25 Assembly, where the trier of fact at the person's trial
26 made a finding that a computer or any other device with

1 Internet capability was used to facilitate the commission
2 of the offense:

3 (i) not access or use a computer or any other
4 device with Internet capability without the prior
5 written approval of the person's probation officer;
6 except the person may use a computer or any other
7 device with Internet capability in connection with
8 that person's employment or search for employment with
9 the prior approval of the person's probation officer;

10 (ii) submit to periodic unannounced examinations
11 of the person's computer or any other device with
12 Internet capability by the person's probation officer,
13 a law enforcement officer, or assigned computer or
14 information technology specialist, including the
15 retrieval and copying of all data from the computer or
16 device and any internal or external peripherals and
17 removal of such information, equipment, or device to
18 conduct a more thorough inspection;

19 (iii) submit to the installation on the person's
20 computer or device with Internet capability, at the
21 person's expense, of one or more hardware or software
22 systems to monitor the Internet use; and

23 (iv) submit to any other appropriate restrictions
24 concerning the person's use of or access to a computer
25 or any other device with Internet capability imposed by
26 the person's probation officer.

1 For purposes of this paragraph (8.8):

2 "Computer" has the meaning ascribed to it in
3 Section 16J-5 of the Criminal Code of 1961.

4 "Internet" means the global information system
5 that is logically linked together by a globally unique
6 address space based on the Internet Protocol (IP), or
7 its subsequent extensions, and that is able to support
8 communications using the Transmission Control
9 Protocol/Internet Protocol (TCP/IP) suite, or its
10 subsequent extensions, or other IP-compatible
11 protocols, and that provides, uses, or makes
12 accessible, either publicly or privately, high level
13 services layered on the communications and related
14 infrastructure;

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

9 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

10 (Text of Section after amendment by P.A. 95-464 and 95-696)
11 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

12 (a) When a defendant is placed on supervision, the court
13 shall enter an order for supervision specifying the period of
14 such supervision, and shall defer further proceedings in the
15 case until the conclusion of the period.

16 (b) The period of supervision shall be reasonable under all
17 of the circumstances of the case, but may not be longer than 2
18 years, unless the defendant has failed to pay the assessment
19 required by Section 10.3 of the Cannabis Control Act, Section
20 411.2 of the Illinois Controlled Substances Act, or Section 80
21 of the Methamphetamine Control and Community Protection Act, in
22 which case the court may extend supervision beyond 2 years.
23 Additionally, the court shall order the defendant to perform no
24 less than 30 hours of community service and not more than 120
25 hours of community service, if community service is available

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

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

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

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

- 1 (2) pay a fine and costs;
- 2 (3) work or pursue a course of study or vocational
3 training;
- 4 (4) undergo medical, psychological or psychiatric
5 treatment; or treatment for drug addiction or alcoholism;
- 6 (5) attend or reside in a facility established for the
7 instruction or residence of defendants on probation;
- 8 (6) support his dependents;
- 9 (7) refrain from possessing a firearm or other
10 dangerous weapon;
- 11 (8) and in addition, if a minor:
 - 12 (i) reside with his parents or in a foster home;
 - 13 (ii) attend school;
 - 14 (iii) attend a non-residential program for youth;
 - 15 (iv) contribute to his own support at home or in a
16 foster home; or
 - 17 (v) with the consent of the superintendent of the
18 facility, attend an educational program at a facility
19 other than the school in which the offense was
20 committed if he or she is placed on supervision for a
21 crime of violence as defined in Section 2 of the Crime
22 Victims Compensation Act committed in a school, on the
23 real property comprising a school, or within 1,000 feet
24 of the real property comprising a school;
- 25 (9) make restitution or reparation in an amount not to
26 exceed actual loss or damage to property and pecuniary loss

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

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

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

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

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

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

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

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

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

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

1 employer that is not equipped with an ignition interlock
2 device in the course and scope of the defendant's
3 employment; and

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

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

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

22 (f) Discharge and dismissal upon a successful conclusion of
23 a disposition of supervision shall be deemed without
24 adjudication of guilt and shall not be termed a conviction for
25 purposes of disqualification or disabilities imposed by law
26 upon conviction of a crime. Two years after the discharge and

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

18 (g) A defendant placed on supervision and who during the
19 period of supervision undergoes mandatory drug or alcohol
20 testing, or both, or is assigned to be placed on an approved
21 electronic monitoring device, shall be ordered to pay the costs
22 incidental to such mandatory drug or alcohol testing, or both,
23 and costs incidental to such approved electronic monitoring in
24 accordance with the defendant's ability to pay those costs. The
25 county board with the concurrence of the Chief Judge of the
26 judicial circuit in which the county is located shall establish

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

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

16 (i) The court shall impose upon a defendant placed on
17 supervision after January 1, 1992 or to community service under
18 the supervision of a probation or court services department
19 after January 1, 2004, as a condition of supervision or
20 supervised community service, a fee of \$50 for each month of
21 supervision or supervised community service ordered by the
22 court, unless after determining the inability of the person
23 placed on supervision or supervised community service to pay
24 the fee, the court assesses a lesser fee. The court may not
25 impose the fee on a minor who is made a ward of the State under
26 the Juvenile Court Act of 1987 while the minor is in placement.

1 The fee shall be imposed only upon a defendant who is actively
2 supervised by the probation and court services department. The
3 fee shall be collected by the clerk of the circuit court. The
4 clerk of the circuit court shall pay all monies collected from
5 this fee to the county treasurer for deposit in the probation
6 and court services fund pursuant to Section 15.1 of the
7 Probation and Probation Officers Act.

8 A circuit court may not impose a probation fee in excess of
9 \$25 per month unless: (1) the circuit court has adopted, by
10 administrative order issued by the chief judge, a standard
11 probation fee guide determining an offender's ability to pay,
12 under guidelines developed by the Administrative Office of the
13 Illinois Courts; and (2) the circuit court has authorized, by
14 administrative order issued by the chief judge, the creation of
15 a Crime Victim's Services Fund, to be administered by the Chief
16 Judge or his or her designee, for services to crime victims and
17 their families. Of the amount collected as a probation fee, not
18 to exceed \$5 of that fee collected per month may be used to
19 provide services to crime victims and their families.

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

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

26 (l) The court shall require a defendant placed on

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

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

26 (n) Any offender placed on supervision for any offense that

1 the court or probation department has determined to be sexually
2 motivated as defined in the Sex Offender Management Board Act
3 shall be required to refrain from any contact, directly or
4 indirectly, with any persons specified by the court and shall
5 be available for all evaluations and treatment programs
6 required by the court or the probation department.

7 (o) An offender placed on supervision for a sex offense as
8 defined in the Sex Offender Management Board Act shall refrain
9 from residing at the same address or in the same condominium
10 unit or apartment unit or in the same condominium complex or
11 apartment complex with another person he or she knows or
12 reasonably should know is a convicted sex offender or has been
13 placed on supervision for a sex offense. The provisions of this
14 subsection (o) do not apply to a person convicted of a sex
15 offense who is placed in a Department of Corrections licensed
16 transitional housing facility for sex offenders.

17 (p) An offender placed on supervision for an offense
18 committed on or after June 1, 2008 (the effective date of
19 Public Act 95-464) ~~this amendatory Act of the 95th General~~
20 ~~Assembly~~ that would qualify the accused as a child sex offender
21 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
22 1961 shall refrain from communicating with or contacting, by
23 means of the Internet, a person who is not related to the
24 accused and whom the accused reasonably believes to be under 18
25 years of age. For purposes of this subsection (p), "Internet"
26 has the meaning ascribed to it in Section 16J-5 of the Criminal

1 Code of 1961, ~~as added by Public Act 94-179~~; and a person is
2 not related to the accused if the person is not: (i) the
3 spouse, brother, or sister of the accused; (ii) a descendant of
4 the accused; (iii) a first or second cousin of the accused; or
5 (iv) a step-child or adopted child of the accused.

6 (q) An offender placed on supervision for an offense
7 committed on or after June 1, 2008 (the effective date of
8 Public Act 95-464) ~~this amendatory Act of the 95th General~~
9 ~~Assembly~~ that would qualify the accused as a child sex offender
10 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
11 1961 shall, if so ordered by the court, refrain from
12 communicating with or contacting, by means of the Internet, a
13 person who is related to the accused and whom the accused
14 reasonably believes to be under 18 years of age. For purposes
15 of this subsection (q), "Internet" has the meaning ascribed to
16 it in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~
17 ~~Public Act 94-179~~; and a person is related to the accused if
18 the person is: (i) the spouse, brother, or sister of the
19 accused; (ii) a descendant of the accused; (iii) a first or
20 second cousin of the accused; or (iv) a step-child or adopted
21 child of the accused.

22 (r) An offender placed on supervision for an offense that
23 would qualify the offender as a sex offender under the Sex
24 Offender Registration Act committed on or after the effective
25 date of this amendatory Act of the 95th General Assembly, where
26 the trier of fact at the offender's trial made a finding that a

1 computer or any other device with Internet capability was used
2 to facilitate the commission of the offense shall:

3 (i) not access or use a computer or any other
4 device with Internet capability without the prior
5 written approval of the court; except the offender may
6 use a computer or any other device with Internet
7 capability in connection with that offender's
8 employment or search for employment with the prior
9 approval of the court;

10 (ii) submit to periodic unannounced examinations
11 of the offender's computer or any other device with
12 Internet capability by the offender's probation
13 officer, a law enforcement officer, or assigned
14 computer or information technology specialist,
15 including the retrieval and copying of all data from
16 the computer or device and any internal or external
17 peripherals and removal of such information,
18 equipment, or device to conduct a more thorough
19 inspection;

20 (iii) submit to the installation on the offender's
21 computer or device with Internet capability, at the
22 offender's expense, of one or more hardware or software
23 systems to monitor the Internet use; and

24 (iv) submit to any other appropriate restrictions
25 concerning the offender's use of or access to a
26 computer or any other device with Internet capability

1 imposed by the court.

2 For purposes of this subsection (r):

3 "Computer" has the meaning ascribed to it in Section
4 16J-5 of the Criminal Code of 1961.

5 "Internet" means the global information system that is
6 logically linked together by a globally unique address
7 space based on the Internet Protocol (IP), or its
8 subsequent extensions, and that is able to support
9 communications using the Transmission Control
10 Protocol/Internet Protocol (TCP/IP) suite, or its
11 subsequent extensions, or other IP-compatible protocols,
12 and that provides, uses, or makes accessible, either
13 publicly or privately, high level services layered on the
14 communications and related infrastructure.

15 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
16 94-556, eff. 9-11-05; 95-211, eff. 1-1-08; 95-331, eff.
17 8-21-07; 95-464, eff. 6-1-08; 95-696, eff. 6-1-08; revised
18 11-19-07.)