



Rep. John E. Bradley

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09500HB5469ham003

LRB095 19333 RLC 49922 a

1 AMENDMENT TO HOUSE BILL 5469

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5469, AS AMENDED,  
3 with reference to page and line numbers of House Amendment No.  
4 1, on page 1, line 14, by inserting after "entity," the  
5 following:

6 "subject to the reporting requirements of 42 U.S.C. 13032,";  
7 and

8 on page 2, line 2, by replacing "Tip Line" with "Tipline"; and

9 on page 2, by replacing lines 6 through 19 with the following:

10 "(a) the agent's name, phone number, and email address; and

11 (b) the name of the agent's employer."; and

12 on page 4, by replacing lines 18 through 24 with the following:

13 "shall report or cause a report to be made pursuant to  
14 subsections (b) and (c) such instance to a peace officer  
15 ~~immediately or~~ as soon as reasonably possible. Failure to make

1 such report shall be a business offense with a fine of \$1,000.

2 (b) Commercial film and photographic film processors shall  
3 report or cause a report to be made to the local law  
4 enforcement agency of the jurisdiction in which the image or  
5 images described in subsection (a) are discovered.

6 (c) Computer technicians shall report or cause the report  
7 to be made to the local law enforcement agency of the  
8 jurisdiction in which the image or images described in  
9 subsection (a) are discovered or to the Illinois Child  
10 Exploitation e-Tipline at reportchildporn@atg.state.il.us.

11 (d) Reports required by this Act shall include the  
12 following information: (i) name, address, and telephone number  
13 of the person filing the report; (ii) the employer of the  
14 person filing the report, if any; (iii) the name, address and  
15 telephone number of the person whose property is the subject of  
16 the report, if known; (iv) the circumstances which led to the  
17 filing of the report, including a description of the reported  
18 content.

19 (e) If a report is filed with the Cyber Tipline at the  
20 National Center for Missing and Exploited Children or in  
21 accordance with the requirements of 42 U.S.C. 13032, the  
22 requirements of this Act will be deemed to have been met.

23 (f) A computer technician or an employer caused to report  
24 child pornography under this Section is immune from any  
25 criminal, civil, or administrative liability in connection  
26 with making the report, except for willful or wanton

1 misconduct.

2 (g) For the purposes of this Section, a "computer"; and

3 on page 5, by replacing line 6 with the following:

4 "changing Sections 3-3-7, 5-6-3, 5-6-3.1, and 5-8-1 as follows:

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

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

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

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

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

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

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

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

24 (5) attend or reside in a facility established for the

1 instruction or residence of persons on parole or mandatory  
2 supervised release;

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

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

10 (7.5) if convicted of a sex offense as defined in the  
11 Sex Offender Management Board Act, the individual shall  
12 undergo and successfully complete sex offender treatment  
13 conducted in conformance with the standards developed by  
14 the Sex Offender Management Board Act by a treatment  
15 provider approved by the Board;

16 (7.6) if convicted of a sex offense as defined in the  
17 Sex Offender Management Board Act, refrain from residing at  
18 the same address or in the same condominium unit or  
19 apartment unit or in the same condominium complex or  
20 apartment complex with another person he or she knows or  
21 reasonably should know is a convicted sex offender or has  
22 been placed on supervision for a sex offense; the  
23 provisions of this paragraph do not apply to a person  
24 convicted of a sex offense who is placed in a Department of  
25 Corrections licensed transitional housing facility for sex  
26 offenders, or is in any facility operated or licensed by

1 the Department of Children and Family Services or by the  
2 Department of Human Services, or is in any licensed medical  
3 facility;

4 (7.7) if convicted for an offense that would qualify  
5 the accused as a sexual predator under the Sex Offender  
6 Registration Act on or after the effective date of this  
7 amendatory Act of the 94th General Assembly, wear an  
8 approved electronic monitoring device as defined in  
9 Section 5-8A-2 for the duration of the person's parole,  
10 mandatory supervised release term, or extended mandatory  
11 supervised release term;

12 (7.8) if convicted for an offense committed on or after  
13 the effective date of this amendatory Act of the 95th  
14 General Assembly that would qualify the accused as a child  
15 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
16 Criminal Code of 1961, refrain from communicating with or  
17 contacting, by means of the Internet, a person who is not  
18 related to the accused and whom the accused reasonably  
19 believes to be under 18 years of age; for purposes of this  
20 paragraph (7.8), "Internet" has the meaning ascribed to it  
21 in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~  
22 ~~Public Act 94-179~~; and a person is not related to the  
23 accused if the person is not: (i) the spouse, brother, or  
24 sister of the accused; (ii) a descendant of the accused;  
25 (iii) a first or second cousin of the accused; or (iv) a  
26 step-child or adopted child of the accused;

1           (7.9) ~~(7.8)~~ if convicted under Section 11-6, 11-20.1,  
2           11-20.3, or 11-21 of the Criminal Code of 1961, consent to  
3           search of computers, PDAs, cellular phones, and other  
4           devices under his or her control that are capable of  
5           accessing the Internet or storing electronic files, in  
6           order to confirm Internet protocol addresses reported in  
7           accordance with the Sex Offender Registration Act and  
8           compliance with conditions in this Act;

9           (7.10) ~~(7.8)~~ if convicted for an offense that would  
10          qualify the accused as a sex offender or sexual predator  
11          under the Sex Offender Registration Act on or after the  
12          effective date of this amendatory Act of the 95th General  
13          Assembly, not possess prescription drugs for erectile  
14          dysfunction;

15          (7.11) if convicted for an offense under Section 11-6,  
16          11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal  
17          Code of 1961, or any attempt to commit any of these  
18          offenses, committed on or after the effective date of this  
19          amendatory Act of the 95th General Assembly:

20                 (i) not access or use a computer or any other  
21                 device with Internet capability without the prior  
22                 written approval of the Department;

23                 (ii) submit to periodic unannounced examinations  
24                 of the offender's computer or any other device with  
25                 Internet capability by the offender's supervising  
26                 agent, a law enforcement officer, or assigned computer

1           or information technology specialist, including the  
2           retrieval and copying of all data from the computer or  
3           device and any internal or external peripherals and  
4           removal of such information, equipment, or device to  
5           conduct a more thorough inspection;

6           (iii) submit to the installation on the offender's  
7           computer or device with Internet capability, at the  
8           offender's expense, of one or more hardware or software  
9           systems to monitor the Internet use; and

10           (iv) submit to any other appropriate restrictions  
11           concerning the offender's use of or access to a  
12           computer or any other device with Internet capability  
13           imposed by the Board, the Department or the offender's  
14           supervising agent;

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

17           (9) obtain permission of an agent of the Department of  
18           Corrections before changing his or her residence or  
19           employment;

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

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

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

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

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

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

22           (16) if convicted of a sex offense as defined in  
23 subsection (a-5) of Section 3-1-2 of this Code, unless the  
24 offender is a parent or guardian of the person under 18  
25 years of age present in the home and no non-familial minors  
26 are present, not participate in a holiday event involving



1 children under 18 years of age, such as distributing candy  
2 or other items to children on Halloween, wearing a Santa  
3 Claus costume on or preceding Christmas, being employed as  
4 a department store Santa Claus, or wearing an Easter Bunny  
5 costume on or preceding Easter.

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

8 (1) work or pursue a course of study or vocational  
9 training;

10 (2) undergo medical or psychiatric treatment, or  
11 treatment for drug addiction or alcoholism;

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

14 (4) support his dependents;

15 (5) (blank);

16 (6) (blank);

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

22 (7.5) if convicted for an offense committed on or after  
23 the effective date of this amendatory Act of the 95th  
24 General Assembly that would qualify the accused as a child  
25 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
26 Criminal Code of 1961, refrain from communicating with or

1       contacting, by means of the Internet, a person who is  
2       related to the accused and whom the accused reasonably  
3       believes to be under 18 years of age; for purposes of this  
4       paragraph (7.5), "Internet" has the meaning ascribed to it  
5       in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~  
6       ~~Public Act 94-179~~; and a person is related to the accused  
7       if the person is: (i) the spouse, brother, or sister of the  
8       accused; (ii) a descendant of the accused; (iii) a first or  
9       second cousin of the accused; or (iv) a step-child or  
10      adopted child of the accused;

11       (7.6) if convicted for an offense committed on or after  
12      the effective date of this amendatory Act of the 95th  
13      General Assembly that would qualify as a sex offense as  
14      defined in the Sex Offender Registration Act:

15       (i) not access or use a computer or any other  
16      device with Internet capability without the prior  
17      written approval of the Department;

18       (ii) submit to periodic unannounced examinations  
19      of the offender's computer or any other device with  
20      Internet capability by the offender's supervising  
21      agent, a law enforcement officer, or assigned computer  
22      or information technology specialist, including the  
23      retrieval and copying of all data from the computer or  
24      device and any internal or external peripherals and  
25      removal of such information, equipment, or device to  
26      conduct a more thorough inspection;

1           (iii) submit to the installation on the offender's  
2           computer or device with Internet capability, at the  
3           offender's expense, of one or more hardware or software  
4           systems to monitor the Internet use; and

5           (iv) submit to any other appropriate restrictions  
6           concerning the offender's use of or access to a  
7           computer or any other device with Internet capability  
8           imposed by the Board, the Department or the offender's  
9           supervising agent; and

10          (8) in addition, if a minor:

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

12                 (ii) attend school;

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

14          or

15                 (iv) contribute to his own support at home or in a  
16          foster home.

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

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

24                 (2) comply with all requirements of the Sex Offender  
25          Registration Act;

26                 (3) notify third parties of the risks that may be

1 occasioned by his or her criminal record;

2 (4) obtain the approval of an agent of the Department  
3 of Corrections prior to accepting employment or pursuing a  
4 course of study or vocational training and notify the  
5 Department prior to any change in employment, study, or  
6 training;

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

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

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

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

24 (9) refrain from all contact, directly or indirectly,  
25 personally, by telephone, letter, or through a third party,  
26 with minor children without prior identification and

1 approval of an agent of the Department of Corrections;

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

11 (11) not patronize any business providing sexually  
12 stimulating or sexually oriented entertainment nor utilize  
13 "900" or adult telephone numbers;

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

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

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

1           (15) comply with all other special conditions that the  
2           Department may impose that restrict the person from  
3           high-risk situations and limit access to potential  
4           victims;

5           (16) take an annual polygraph exam;

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

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

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

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

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

24          (f) When the subject is in compliance with all conditions  
25          of his or her parole or mandatory supervised release, the  
26          subject shall receive a reduction of the period of his or her

1 parole or mandatory supervised release of 90 days upon passage  
2 of the high school level Test of General Educational  
3 Development during the period of his or her parole or mandatory  
4 supervised release. This reduction in the period of a subject's  
5 term of parole or mandatory supervised release shall be  
6 available only to subjects who have not previously earned a  
7 high school diploma or who have not previously passed the high  
8 school level Test of General Educational Development.

9 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
10 94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;  
11 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; revised 12-26-07.)

12 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

15 Sec. 5-6-3. Conditions of Probation and of Conditional  
16 Discharge.

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

19 (1) not violate any criminal statute of any  
20 jurisdiction;

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

23 (3) refrain from possessing a firearm or other  
24 dangerous weapon;

25 (4) not leave the State without the consent of the

1 court or, in circumstances in which the reason for the  
2 absence is of such an emergency nature that prior consent  
3 by the court is not possible, without the prior  
4 notification and approval of the person's probation  
5 officer. Transfer of a person's probation or conditional  
6 discharge supervision to another state is subject to  
7 acceptance by the other state pursuant to the Interstate  
8 Compact for Adult Offender Supervision;

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

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



1 gang" has the meaning ascribed to it in Section 10 of the  
2 Illinois Streetgang Terrorism Omnibus Prevention Act;

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

1 determined by the court to be developmentally disabled or  
2 otherwise mentally incapable of completing the educational  
3 or vocational program;

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

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

23 (8.6) if convicted of a sex offense as defined in the  
24 Sex Offender Management Board Act, refrain from residing at  
25 the same address or in the same condominium unit or  
26 apartment unit or in the same condominium complex or

1 apartment complex with another person he or she knows or  
2 reasonably should know is a convicted sex offender or has  
3 been placed on supervision for a sex offense; the  
4 provisions of this paragraph do not apply to a person  
5 convicted of a sex offense who is placed in a Department of  
6 Corrections licensed transitional housing facility for sex  
7 offenders;

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

23 (8.8) if convicted for an offense under Section 11-6,  
24 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal  
25 Code of 1961, or any attempt to commit any of these  
26 offenses, committed on or after the effective date of this

1 amendatory Act of the 95th General Assembly:

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

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

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

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

26 (9) if convicted of a felony, physically surrender at a

1 time and place designated by the court, his or her Firearm  
2 Owner's Identification Card and any and all firearms in his  
3 or her possession; and

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

14 (b) The Court may in addition to other reasonable  
15 conditions relating to the nature of the offense or the  
16 rehabilitation of the defendant as determined for each  
17 defendant in the proper discretion of the Court require that  
18 the person:

19 (1) serve a term of periodic imprisonment under Article  
20 7 for a period not to exceed that specified in paragraph  
21 (d) of Section 5-7-1;

22 (2) pay a fine and costs;

23 (3) work or pursue a course of study or vocational  
24 training;

25 (4) undergo medical, psychological or psychiatric  
26 treatment; or treatment for drug addiction or alcoholism;

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

3           (6) support his dependents;

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

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

6                 (ii) attend school;

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

8                 (iv) contribute to his own support at home or in a  
9 foster home;

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

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

20           (9) perform some reasonable public or community  
21 service;

22           (10) serve a term of home confinement. In addition to  
23 any other applicable condition of probation or conditional  
24 discharge, the conditions of home confinement shall be that  
25 the offender:

26                 (i) remain within the interior premises of the

1 place designated for his confinement during the hours  
2 designated by the court;

3 (ii) admit any person or agent designated by the  
4 court into the offender's place of confinement at any  
5 time for purposes of verifying the offender's  
6 compliance with the conditions of his confinement; and

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

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

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

20           (11) comply with the terms and conditions of an order  
21 of protection issued by the court pursuant to the Illinois  
22 Domestic Violence Act of 1986, as now or hereafter amended,  
23 or an order of protection issued by the court of another  
24 state, tribe, or United States territory. A copy of the  
25 order of protection shall be transmitted to the probation  
26 officer or agency having responsibility for the case;



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

7           (13) contribute a reasonable sum of money, not to  
8 exceed the maximum amount of the fine authorized for the  
9 offense for which the defendant was sentenced, (i) to a  
10 "local anti-crime program", as defined in Section 7 of the  
11 Anti-Crime Advisory Council Act, or (ii) for offenses under  
12 the jurisdiction of the Department of Natural Resources, to  
13 the fund established by the Department of Natural Resources  
14 for the purchase of evidence for investigation purposes and  
15 to conduct investigations as outlined in Section 805-105 of  
16 the Department of Natural Resources (Conservation) Law;

17           (14) refrain from entering into a designated  
18 geographic area except upon such terms as the court finds  
19 appropriate. Such terms may include consideration of the  
20 purpose of the entry, the time of day, other persons  
21 accompanying the defendant, and advance approval by a  
22 probation officer, if the defendant has been placed on  
23 probation or advance approval by the court, if the  
24 defendant was placed on conditional discharge;

25           (15) refrain from having any contact, directly or  
26 indirectly, with certain specified persons or particular

1 types of persons, including but not limited to members of  
2 street gangs and drug users or dealers;

3 (16) refrain from having in his or her body the  
4 presence of any illicit drug prohibited by the Cannabis  
5 Control Act, the Illinois Controlled Substances Act, or the  
6 Methamphetamine Control and Community Protection Act,  
7 unless prescribed by a physician, and submit samples of his  
8 or her blood or urine or both for tests to determine the  
9 presence of any illicit drug; ~~and~~

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

25 (18) 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 as a sex offense as  
2       defined in the Sex Offender Registration Act:

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

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

19          (iii) submit to the installation on the offender's  
20          computer or device with Internet capability, at the  
21          subject'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 offender's use of or access to a  
25          computer or any other device with Internet capability  
26          imposed by the offender's probation officer.

1           (c) The court may as a condition of probation or of  
2 conditional discharge require that a person under 18 years of  
3 age found guilty of any alcohol, cannabis or controlled  
4 substance violation, refrain from acquiring a driver's license  
5 during the period of probation or conditional discharge. If  
6 such person is in possession of a permit or license, the court  
7 may require that the minor refrain from driving or operating  
8 any motor vehicle during the period of probation or conditional  
9 discharge, except as may be necessary in the course of the  
10 minor's lawful employment.

11           (d) An offender sentenced to probation or to conditional  
12 discharge shall be given a certificate setting forth the  
13 conditions thereof.

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

22           Persons committed to imprisonment as a condition of  
23 probation or conditional discharge shall not be committed to  
24 the Department of Corrections.

25           (f) The court may combine a sentence of periodic  
26 imprisonment under Article 7 or a sentence to a county impact

1 incarceration program under Article 8 with a sentence of  
2 probation or conditional discharge.

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

26 (h) Jurisdiction over an offender may be transferred from

1 the sentencing court to the court of another circuit with the  
2 concurrence of both courts. Further transfers or retransfers of  
3 jurisdiction are also authorized in the same manner. The court  
4 to which jurisdiction has been transferred shall have the same  
5 powers as the sentencing court.

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

26 A circuit court may not impose a probation fee under this

1 subsection (i) in excess of \$25 per month unless: (1) the  
2 circuit court has adopted, by administrative order issued by  
3 the chief judge, a standard probation fee guide determining an  
4 offender's ability to pay, under guidelines developed by the  
5 Administrative Office of the Illinois Courts; and (2) the  
6 circuit court has authorized, by administrative order issued by  
7 the chief judge, the creation of a Crime Victim's Services  
8 Fund, to be administered by the Chief Judge or his or her  
9 designee, for services to crime victims and their families. Of  
10 the amount collected as a probation fee, up to \$5 of that fee  
11 collected per month may be used to provide services to crime  
12 victims and their families.

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

18 (i-5) In addition to the fees imposed under subsection (i)  
19 of this Section, in the case of an offender convicted of a  
20 felony sex offense (as defined in the Sex Offender Management  
21 Board Act) or an offense that the court or probation department  
22 has determined to be sexually motivated (as defined in the Sex  
23 Offender Management Board Act), the court or the probation  
24 department shall assess additional fees to pay for all costs of  
25 treatment, assessment, evaluation for risk and treatment, and  
26 monitoring the offender, based on that offender's ability to

1 pay those costs either as they occur or under a payment plan.

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

9 (k) Any offender who is sentenced to probation or  
10 conditional discharge for a felony sex offense as defined in  
11 the Sex Offender Management Board Act or any offense that the  
12 court or probation department has determined to be sexually  
13 motivated as defined in the Sex Offender Management Board Act  
14 shall be required to refrain from any contact, directly or  
15 indirectly, with any persons specified by the court and shall  
16 be available for all evaluations and treatment programs  
17 required by the court or the probation department.

18 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
19 94-556, eff. 9-11-05; 95-331, eff. 8-21-07; 95-464, eff.  
20 6-1-08; 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; revised  
21 12-26-07.)

22 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

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

25 (a) When a defendant is placed on supervision, the court



1 shall enter an order for supervision specifying the period of  
2 such supervision, and shall defer further proceedings in the  
3 case until the conclusion of the period.

4 (b) The period of supervision shall be reasonable under all  
5 of the circumstances of the case, but may not be longer than 2  
6 years, unless the defendant has failed to pay the assessment  
7 required by Section 10.3 of the Cannabis Control Act, Section  
8 411.2 of the Illinois Controlled Substances Act, or Section 80  
9 of the Methamphetamine Control and Community Protection Act, in  
10 which case the court may extend supervision beyond 2 years.  
11 Additionally, the court shall order the defendant to perform no  
12 less than 30 hours of community service and not more than 120  
13 hours of community service, if community service is available  
14 in the jurisdiction and is funded and approved by the county  
15 board where the offense was committed, when the offense (1) was  
16 related to or in furtherance of the criminal activities of an  
17 organized gang or was motivated by the defendant's membership  
18 in or allegiance to an organized gang; or (2) is a violation of  
19 any Section of Article 24 of the Criminal Code of 1961 where a  
20 disposition of supervision is not prohibited by Section 5-6-1  
21 of this Code. The community service shall include, but not be  
22 limited to, the cleanup and repair of any damage caused by  
23 violation of Section 21-1.3 of the Criminal Code of 1961 and  
24 similar damages to property located within the municipality or  
25 county in which the violation occurred. Where possible and  
26 reasonable, the community service should be performed in the

1 offender's neighborhood.

2 For the purposes of this Section, "organized gang" has the  
3 meaning ascribed to it in Section 10 of the Illinois Streetgange  
4 Terrorism Omnibus Prevention Act.

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

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

14 (2) pay a fine and costs;

15 (3) work or pursue a course of study or vocational  
16 training;

17 (4) undergo medical, psychological or psychiatric  
18 treatment; or treatment for drug addiction or alcoholism;

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

21 (6) support his dependents;

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

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

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

26 (ii) attend school;

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

2 (iv) contribute to his own support at home or in a  
3 foster home; or

4 (v) with the consent of the superintendent of the  
5 facility, attend an educational program at a facility  
6 other than the school in which the offense was  
7 committed if he or she is placed on supervision for a  
8 crime of violence as defined in Section 2 of the Crime  
9 Victims Compensation Act committed in a school, on the  
10 real property comprising a school, or within 1,000 feet  
11 of the real property comprising a school;

12 (9) make restitution or reparation in an amount not to  
13 exceed actual loss or damage to property and pecuniary loss  
14 or make restitution under Section 5-5-6 to a domestic  
15 violence shelter. The court shall determine the amount and  
16 conditions of payment;

17 (10) perform some reasonable public or community  
18 service;

19 (11) comply with the terms and conditions of an order  
20 of protection issued by the court pursuant to the Illinois  
21 Domestic Violence Act of 1986 or an order of protection  
22 issued by the court of another state, tribe, or United  
23 States territory. If the court has ordered the defendant to  
24 make a report and appear in person under paragraph (1) of  
25 this subsection, a copy of the order of protection shall be  
26 transmitted to the person or agency so designated by the

1 court;

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

8 (13) contribute a reasonable sum of money, not to  
9 exceed the maximum amount of the fine authorized for the  
10 offense for which the defendant was sentenced, (i) to a  
11 "local anti-crime program", as defined in Section 7 of the  
12 Anti-Crime Advisory Council Act, or (ii) for offenses under  
13 the jurisdiction of the Department of Natural Resources, to  
14 the fund established by the Department of Natural Resources  
15 for the purchase of evidence for investigation purposes and  
16 to conduct investigations as outlined in Section 805-105 of  
17 the Department of Natural Resources (Conservation) Law;

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

24 (15) refrain from having any contact, directly or  
25 indirectly, with certain specified persons or particular  
26 types of person, including but not limited to members of

1 street gangs and drug users or dealers;

2 (16) refrain from having in his or her body the  
3 presence of any illicit drug prohibited by the Cannabis  
4 Control Act, the Illinois Controlled Substances Act, or the  
5 Methamphetamine Control and Community Protection Act,  
6 unless prescribed by a physician, and submit samples of his  
7 or her blood or urine or both for tests to determine the  
8 presence of any illicit drug;

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

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

1 Easter.

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

4 (e) At the conclusion of the period of supervision, if the  
5 court determines that the defendant has successfully complied  
6 with all of the conditions of supervision, the court shall  
7 discharge the defendant and enter a judgment dismissing the  
8 charges.

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

1 Identification Act or for a violation of Section 11-501 of the  
2 Illinois Vehicle Code or a similar provision of a local  
3 ordinance shall not have his or her record of arrest sealed or  
4 expunged.

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

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

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

21           A circuit court may not impose a probation fee in excess of  
22 \$25 per month unless: (1) the circuit court has adopted, by  
23 administrative order issued by the chief judge, a standard  
24 probation fee guide determining an offender's ability to pay,  
25 under guidelines developed by the Administrative Office of the  
26 Illinois Courts; and (2) the circuit court has authorized, by



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

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

14 (k) A defendant at least 17 years of age who is placed on  
15 supervision for a misdemeanor in a county of 3,000,000 or more  
16 inhabitants and who has not been previously convicted of a  
17 misdemeanor or felony may as a condition of his or her  
18 supervision be required by the court to attend educational  
19 courses designed to prepare the defendant for a high school  
20 diploma and to work toward a high school diploma or to work  
21 toward passing the high school level Test of General  
22 Educational Development (GED) or to work toward completing a  
23 vocational training program approved by the court. The  
24 defendant placed on supervision must attend a public  
25 institution of education to obtain the educational or  
26 vocational training required by this subsection (k). The

1 defendant placed on supervision shall be required to pay for  
2 the cost of the educational courses or GED test, if a fee is  
3 charged for those courses or test. The court shall revoke the  
4 supervision of a person who wilfully fails to comply with this  
5 subsection (k). The court shall resentence the defendant upon  
6 revocation of supervision as provided in Section 5-6-4. This  
7 subsection (k) does not apply to a defendant who has a high  
8 school diploma or has successfully passed the GED test. This  
9 subsection (k) does not apply to a defendant who is determined  
10 by the court to be developmentally disabled or otherwise  
11 mentally incapable of completing the educational or vocational  
12 program.

13 (l) The court shall require a defendant placed on  
14 supervision for possession of a substance prohibited by the  
15 Cannabis Control Act, the Illinois Controlled Substances Act,  
16 or the Methamphetamine Control and Community Protection Act  
17 after a previous conviction or disposition of supervision for  
18 possession of a substance prohibited by the Cannabis Control  
19 Act, the Illinois Controlled Substances Act, or the  
20 Methamphetamine Control and Community Protection Act or a  
21 sentence of probation under Section 10 of the Cannabis Control  
22 Act or Section 410 of the Illinois Controlled Substances Act  
23 and after a finding by the court that the person is addicted,  
24 to undergo treatment at a substance abuse program approved by  
25 the court.

26 (m) The Secretary of State shall require anyone placed on

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

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

20 (o) An offender placed on supervision for a sex offense as  
21 defined in the Sex Offender Management Board Act shall refrain  
22 from residing at the same address or in the same condominium  
23 unit or apartment unit or in the same condominium complex or  
24 apartment complex with another person he or she knows or  
25 reasonably should know is a convicted sex offender or has been  
26 placed on supervision for a sex offense. The provisions of this

1 subsection (o) do not apply to a person convicted of a sex  
2 offense who is placed in a Department of Corrections licensed  
3 transitional housing facility for sex offenders.

4 (p) An offender placed on supervision for an offense  
5 committed on or after June 1, 2008 (the effective date of  
6 Public Act 95-464) ~~this amendatory Act of the 95th General~~  
7 ~~Assembly~~ that would qualify the accused as a child sex offender  
8 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
9 1961 shall refrain from communicating with or contacting, by  
10 means of the Internet, a person who is not related to the  
11 accused and whom the accused reasonably believes to be under 18  
12 years of age. For purposes of this subsection (p), "Internet"  
13 has the meaning ascribed to it in Section 16J-5 of the Criminal  
14 Code of 1961, ~~as added by Public Act 94-179~~; and a person is  
15 not related to the accused if the person is not: (i) the  
16 spouse, brother, or sister of the accused; (ii) a descendant of  
17 the accused; (iii) a first or second cousin of the accused; or  
18 (iv) a step-child or adopted child of the accused.

19 (q) An offender placed on supervision for an offense  
20 committed on or after June 1, 2008 (the effective date of  
21 Public Act 95-464) ~~this amendatory Act of the 95th General~~  
22 ~~Assembly~~ that would qualify the accused as a child sex offender  
23 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
24 1961 shall, if so ordered by the court, refrain from  
25 communicating with or contacting, by means of the Internet, a  
26 person who is related to the accused and whom the accused

1 reasonably believes to be under 18 years of age. For purposes  
2 of this subsection (q), "Internet" has the meaning ascribed to  
3 it in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~  
4 ~~Public Act 94-179~~; and a person is related to the accused if  
5 the person is: (i) the spouse, brother, or sister of the  
6 accused; (ii) a descendant of the accused; (iii) a first or  
7 second cousin of the accused; or (iv) a step-child or adopted  
8 child of the accused.

9 (r) An offender placed on supervision for an offense under  
10 Section 11-6, 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of  
11 the Criminal Code of 1961, or any attempt to commit any of  
12 these offenses, committed on or after the effective date of  
13 this amendatory Act of the 95th General Assembly shall:

14 (i) not access or use a computer or any other device  
15 with Internet capability without the prior written  
16 approval of the court, except in connection with the  
17 offender's employment or search for employment with the  
18 prior approval of the court;

19 (ii) submit to periodic unannounced examinations of  
20 the offender's computer or any other device with Internet  
21 capability by the offender's probation officer, a law  
22 enforcement officer, or assigned computer or information  
23 technology specialist, including the retrieval and copying  
24 of all data from the computer or device and any internal or  
25 external peripherals and removal of such information,  
26 equipment, or device to conduct a more thorough inspection;

1           (iii) submit to the installation on the offender's  
2           computer or device with Internet capability, at the  
3           offender's expense, of one or more hardware or software  
4           systems to monitor the Internet use; and

5           (iv) submit to any other appropriate restrictions  
6           concerning the offender's use of or access to a computer or  
7           any other device with Internet capability imposed by the  
8           court.

9           (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
10          94-556, eff. 9-11-05; 95-211, eff. 1-1-08; 95-331, eff.  
11          8-21-07; 95-464, eff. 6-1-08; 95-696, eff. 6-1-08; revised  
12          11-19-07.)"; and

13          on page 14, line 5, by replacing "94-715, eff. 12-13-05.)" with  
14          the following:

15          "94-715, eff. 12-13-05.)

16          Section 99. Effective date. Sections 1, 5, 10, 15, 20, and  
17          this Section take effect upon becoming law."