



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0435

Introduced 2/4/2009, by Rep. Bill Mitchell

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 the conditions of parole, mandatory supervised release, probation, conditional discharge, or supervision that a sex offender not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter, extend during the period that the sex offender is required to be registered as a sex offender under the Sex Offender Registration Act.

LRB096 02008 RLC 12020 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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. 95-983)

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;

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

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

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

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

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

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

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

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

1 the accused;

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

10 (7.10) if convicted for an offense that would qualify
11 the accused as a sex offender or sexual predator under the
12 Sex Offender Registration Act on or after the effective
13 date of this amendatory Act of the 95th General Assembly,
14 not possess prescription drugs for erectile 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 June 1, 2009 (the effective
19 date of Public Act 95-983) ~~this amendatory Act of the 95th~~
20 ~~General Assembly:~~

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

24 (ii) submit to periodic unannounced examinations
25 of the offender's computer or any other device with
26 Internet capability by the offender's supervising

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

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

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

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

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

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

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

1 Department of Corrections;

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

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

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

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

23 (16) during the period that he or she is required to be
24 registered as a sex offender under the Sex Offender
25 Registration Act, if convicted of a sex offense as defined
26 in subsection (a-5) of Section 3-1-2 of this Code, unless

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

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

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

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

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

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

21 (4) support his dependents;

22 (5) (blank);

23 (6) (blank);

24 (7) comply with the terms and conditions of an order of
25 protection issued pursuant to the Illinois Domestic
26 Violence Act of 1986, enacted by the 84th General Assembly,

1 or an order of protection issued by the court of another
2 state, tribe, or United States territory;

3 (7.5) if convicted for an offense committed on or after
4 the effective date of this amendatory Act of the 95th
5 General Assembly that would qualify the accused as a child
6 sex offender as defined in Section 11-9.3 or 11-9.4 of the
7 Criminal Code of 1961, refrain from communicating with or
8 contacting, by means of the Internet, a person who is
9 related to the accused and whom the accused reasonably
10 believes to be under 18 years of age; for purposes of this
11 paragraph (7.5), "Internet" has the meaning ascribed to it
12 in Section 16J-5 of the Criminal Code of 1961; and a person
13 is related to the accused if the person is: (i) the spouse,
14 brother, or sister of the accused; (ii) a descendant of the
15 accused; (iii) a first or second cousin of the accused; or
16 (iv) a step-child or adopted child of the accused;

17 (7.6) if convicted for an offense committed on or after
18 June 1, 2009 (the effective date of Public Act 95-983) ~~this~~
19 ~~amendatory Act of the 95th General Assembly~~ that would
20 qualify as a sex offense as defined in the Sex Offender
21 Registration Act:

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

25 (ii) submit to periodic unannounced examinations
26 of the offender's computer or any other device with

1 Internet capability by the offender's supervising
2 agent, a law enforcement officer, or assigned computer
3 or information technology specialist, including the
4 retrieval and copying of all data from the computer or
5 device and any internal or external peripherals and
6 removal of such information, equipment, or device to
7 conduct a more thorough inspection;

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

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

17 (8) in addition, if a minor:

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

19 (ii) attend school;

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

21 or

22 (iv) contribute to his own support at home or in a
23 foster home.

24 (b-1) In addition to the conditions set forth in
25 subsections (a) and (b), persons required to register as sex
26 offenders pursuant to the Sex Offender Registration Act, upon

1 release from the custody of the Illinois Department of
2 Corrections, may be required by the Board to comply with the
3 following specific conditions of release:

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

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

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

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

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

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

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

25 (8) refrain from having any contact, including written
26 or oral communications, directly or indirectly, personally

1 or by telephone, letter, or through a third party with
2 certain specified persons including, but not limited to,
3 the victim or the victim's family without the prior written
4 approval of an agent of the Department of Corrections;

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

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

18 (11) not patronize any business providing sexually
19 stimulating or sexually oriented entertainment nor utilize
20 "900" or adult telephone numbers;

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

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

5 (14) may be required to provide a written daily log of
6 activities if directed by an agent of the Department of
7 Corrections;

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

12 (16) take an annual polygraph exam;

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

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

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

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

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

5 (f) When the subject is in compliance with all conditions
6 of his or her parole or mandatory supervised release, the
7 subject shall receive a reduction of the period of his or her
8 parole or mandatory supervised release of 90 days upon passage
9 of the high school level Test of General Educational
10 Development during the period of his or her parole or mandatory
11 supervised release. This reduction in the period of a subject's
12 term of parole or mandatory supervised release shall be
13 available only to subjects who have not previously earned a
14 high school diploma or who have not previously passed the high
15 school level Test of General Educational Development.

16 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
17 94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;
18 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
19 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; revised 10-20-08.)

20 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

21 (Text of Section after amendment by P.A. 95-983)

22 Sec. 5-6-3. Conditions of Probation and of Conditional
23 Discharge.

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

1 (1) not violate any criminal statute of any
2 jurisdiction;

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

5 (3) refrain from possessing a firearm or other
6 dangerous weapon;

7 (4) not leave the State without the consent of the
8 court or, in circumstances in which the reason for the
9 absence is of such an emergency nature that prior consent
10 by the court is not possible, without the prior
11 notification and approval of the person's probation
12 officer. Transfer of a person's probation or conditional
13 discharge supervision to another state is subject to
14 acceptance by the other state pursuant to the Interstate
15 Compact for Adult Offender Supervision;

16 (5) permit the probation officer to visit him at his
17 home or elsewhere to the extent necessary to discharge his
18 duties;

19 (6) perform no less than 30 hours of community service
20 and not more than 120 hours of community service, if
21 community service is available in the jurisdiction and is
22 funded and approved by the county board where the offense
23 was committed, where the offense was related to or in
24 furtherance of the criminal activities of an organized gang
25 and was motivated by the offender's membership in or
26 allegiance to an organized gang. The community service

1 shall include, but not be limited to, the cleanup and
2 repair of any damage caused by a violation of Section
3 21-1.3 of the Criminal Code of 1961 and similar damage to
4 property located within the municipality or county in which
5 the violation occurred. When possible and reasonable, the
6 community service should be performed in the offender's
7 neighborhood. For purposes of this Section, "organized
8 gang" has the meaning ascribed to it in Section 10 of the
9 Illinois Streetgang Terrorism Omnibus Prevention Act;

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

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

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

24 (8.5) if convicted of a felony sex offense as defined
25 in the Sex Offender Management Board Act, the person shall
26 undergo and successfully complete sex offender treatment

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

4 (8.6) if convicted of a sex offense as defined in the
5 Sex Offender Management Board Act, refrain from residing at
6 the same address or in the same condominium unit or
7 apartment unit or in the same condominium complex or
8 apartment complex with another person he or she knows or
9 reasonably should know is a convicted sex offender or has
10 been placed on supervision for a sex offense; the
11 provisions of this paragraph do not apply to a person
12 convicted of a sex offense who is placed in a Department of
13 Corrections licensed transitional housing facility for sex
14 offenders;

15 (8.7) if convicted for an offense committed on or after
16 June 1, 2008 (the effective date of Public Act 95-464) ~~this~~
17 ~~amendatory Act of the 95th General Assembly~~ that would
18 qualify the accused as a child sex offender as defined in
19 Section 11-9.3 or 11-9.4 of the Criminal Code of 1961,
20 refrain from communicating with or contacting, by means of
21 the Internet, a person who is not related to the accused
22 and whom the accused reasonably believes to be under 18
23 years of age; for purposes of this paragraph (8.7),
24 "Internet" has the meaning ascribed to it in Section 16J-5
25 of the Criminal Code of 1961; and a person is not related
26 to the accused if the person is not: (i) the spouse,

1 brother, or sister of the accused; (ii) a descendant of the
2 accused; (iii) a first or second cousin of the accused; or
3 (iv) a step-child or adopted child of the accused;

4 (8.8) if convicted for an offense under Section 11-6,
5 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
6 Code of 1961, or any attempt to commit any of these
7 offenses, committed on or after June 1, 2009 (the effective
8 date of Public Act 95-983) ~~this amendatory Act of the 95th~~
9 ~~General Assembly:~~

10 (i) not access or use a computer or any other
11 device with Internet capability without the prior
12 written approval of the offender's probation officer,
13 except in connection with the offender's employment or
14 search for employment with the prior approval of the
15 offender's probation officer;

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

26 (iii) submit to the installation on the offender's

1 computer or device with Internet capability, at the
2 offender's expense, of one or more hardware or software
3 systems to monitor the Internet use; and

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

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

12 (10) during the period that he or she is required to be
13 registered as a sex offender under the Sex Offender
14 Registration Act, if convicted of a sex offense as defined
15 in subsection (a-5) of Section 3-1-2 of this Code, unless
16 the offender is a parent or guardian of the person under 18
17 years of age present in the home and no non-familial minors
18 are present, not participate in a holiday event involving
19 children under 18 years of age, such as distributing candy
20 or other items to children on Halloween, wearing a Santa
21 Claus costume on or preceding Christmas, being employed as
22 a department store Santa Claus, or wearing an Easter Bunny
23 costume on or preceding Easter.

24 (b) The Court may in addition to other reasonable
25 conditions relating to the nature of the offense or the
26 rehabilitation of the defendant as determined for each

1 defendant in the proper discretion of the Court require that
2 the person:

3 (1) serve a term of periodic imprisonment under Article
4 7 for a period not to exceed that specified in paragraph
5 (d) of Section 5-7-1;

6 (2) pay a fine and costs;

7 (3) work or pursue a course of study or vocational
8 training;

9 (4) undergo medical, psychological or psychiatric
10 treatment; or treatment for drug addiction or alcoholism;

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

13 (6) support his dependents;

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

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

16 (ii) attend school;

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

18 (iv) contribute to his own support at home or in a
19 foster home;

20 (v) with the consent of the superintendent of the
21 facility, attend an educational program at a facility
22 other than the school in which the offense was
23 committed if he or she is convicted of a crime of
24 violence as defined in Section 2 of the Crime Victims
25 Compensation Act committed in a school, on the real
26 property comprising a school, or within 1,000 feet of

1 the real property comprising a school;

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

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

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

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

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

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

21 (iv) for persons convicted of any alcohol,
22 cannabis or controlled substance violation who are
23 placed on an approved monitoring device as a condition
24 of probation or conditional discharge, the court shall
25 impose a reasonable fee for each day of the use of the
26 device, as established by the county board in

1 subsection (g) of this Section, unless after
2 determining the inability of the offender to pay the
3 fee, the court assesses a lesser fee or no fee as the
4 case may be. This fee shall be imposed in addition to
5 the fees imposed under subsections (g) and (i) of this
6 Section. The fee shall be collected by the clerk of the
7 circuit court. The clerk of the circuit court shall pay
8 all monies collected from this fee to the county
9 treasurer for deposit in the substance abuse services
10 fund under Section 5-1086.1 of the Counties Code; and

11 (v) for persons convicted of offenses other than
12 those referenced in clause (iv) above and 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 defendant 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 who shall use the monies collected to defray
26 the costs of corrections. The county treasurer shall

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

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

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

17 (13) contribute a reasonable sum of money, not to
18 exceed the maximum amount of the fine authorized for the
19 offense for which the defendant was sentenced, (i) to a
20 "local anti-crime program", as defined in Section 7 of the
21 Anti-Crime Advisory Council Act, or (ii) for offenses under
22 the jurisdiction of the Department of Natural Resources, to
23 the fund established by the Department of Natural Resources
24 for the purchase of evidence for investigation purposes and
25 to conduct investigations as outlined in Section 805-105 of
26 the Department of Natural Resources (Conservation) Law;

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

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

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

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

1 whom the accused reasonably believes to be under 18 years
2 of age; for purposes of this paragraph (17), "Internet" has
3 the meaning ascribed to it in Section 16J-5 of the Criminal
4 Code of 1961; and a person is related to the accused if the
5 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
8 adopted child of the accused; and

9 (18) if convicted for an offense committed on or after
10 June 1, 2009 (the effective date of Public Act 95-983) ~~this~~
11 ~~amendatory Act of the 95th General Assembly~~ that would
12 qualify as a sex offense as defined in the Sex Offender
13 Registration Act:

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

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

1 peripherals and removal of such information,
2 equipment, or device to conduct a more thorough
3 inspection;

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

8 (iv) submit to any other appropriate restrictions
9 concerning the offender's use of or access to a
10 computer or any other device with Internet capability
11 imposed by the offender's probation officer.

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

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

25 (e) Except where the offender has committed a fourth or
26 subsequent violation of subsection (c) of Section 6-303 of the

1 Illinois Vehicle Code, the court shall not require as a
2 condition of the sentence of probation or conditional discharge
3 that the offender be committed to a period of imprisonment in
4 excess of 6 months. This 6 month limit shall not include
5 periods of confinement given pursuant to a sentence of county
6 impact incarceration under Section 5-8-1.2.

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

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

14 (g) An offender sentenced to probation or to conditional
15 discharge and who during the term of either undergoes mandatory
16 drug or alcohol testing, or both, or is assigned to be placed
17 on an approved electronic monitoring device, shall be ordered
18 to pay all costs incidental to such mandatory drug or alcohol
19 testing, or both, and all costs incidental to such approved
20 electronic monitoring in accordance with the defendant's
21 ability to pay those costs. The county board with the
22 concurrence of the Chief Judge of the judicial circuit in which
23 the county is located shall establish reasonable fees for the
24 cost of maintenance, testing, and incidental expenses related
25 to the mandatory drug or alcohol testing, or both, and all
26 costs incidental to approved electronic monitoring, involved

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

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

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

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

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

24 This amendatory Act of the 93rd General Assembly deletes
25 the \$10 increase in the fee under this subsection that was
26 imposed by Public Act 93-616. This deletion is intended to

1 control over any other Act of the 93rd General Assembly that
2 retains or incorporates that fee increase.

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

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

20 (k) Any offender who is sentenced to probation or
21 conditional discharge for a felony sex offense as defined in
22 the Sex Offender Management Board Act or any offense that the
23 court or probation department has determined to be sexually
24 motivated as defined in the Sex Offender Management Board Act
25 shall be required to refrain from any contact, directly or
26 indirectly, with any persons specified by the court and shall

1 be available for all evaluations and treatment programs
2 required by the court or the probation department.

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

7 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
8 94-556, eff. 9-11-05; 95-331, eff. 8-21-07; 95-464, eff.
9 6-1-08; 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff.
10 1-1-09; 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; revised
11 10-20-08.)

12 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

13 (Text of Section after amendment by P.A. 95-983)

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

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

19 (b) The period of supervision shall be reasonable under all
20 of the circumstances of the case, but may not be longer than 2
21 years, unless the defendant has failed to pay the assessment
22 required by Section 10.3 of the Cannabis Control Act, Section
23 411.2 of the Illinois Controlled Substances Act, or Section 80
24 of the Methamphetamine Control and Community Protection Act, in
25 which case the court may extend supervision beyond 2 years.

1 Additionally, the court shall order the defendant to perform no
2 less than 30 hours of community service and not more than 120
3 hours of community service, if community service is available
4 in the jurisdiction and is funded and approved by the county
5 board where the offense was committed, when the offense (1) was
6 related to or in furtherance of the criminal activities of an
7 organized gang or was motivated by the defendant's membership
8 in or allegiance to an organized gang; or (2) is a violation of
9 any Section of Article 24 of the Criminal Code of 1961 where a
10 disposition of supervision is not prohibited by Section 5-6-1
11 of this Code. The community service shall include, but not be
12 limited to, the cleanup and repair of any damage caused by
13 violation of Section 21-1.3 of the Criminal Code of 1961 and
14 similar damages to property located within the municipality or
15 county in which the violation occurred. Where possible and
16 reasonable, the community service should be performed in the
17 offender's neighborhood.

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

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

26 (1) make a report to and appear in person before or

1 participate with the court or such courts, person, or
2 social service agency as directed by the court in the order
3 of supervision;

4 (2) pay a fine and costs;

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

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

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

11 (6) support his dependents;

12 (7) refrain from possessing a firearm or other
13 dangerous weapon;

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

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

16 (ii) attend school;

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

18 (iv) contribute to his own support at home or in a
19 foster home; or

20 (v) with the consent of the superintendent of the
21 facility, attend an educational program at a facility
22 other than the school in which the offense was
23 committed if he or she is placed on supervision for a
24 crime of violence as defined in Section 2 of the Crime
25 Victims Compensation Act committed in a school, on the
26 real property comprising a school, or within 1,000 feet

1 of the real property comprising a school;

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

7 (10) perform some reasonable public or community
8 service;

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 or an order of protection
12 issued by the court of another state, tribe, or United
13 States territory. If the court has ordered the defendant to
14 make a report and appear in person under paragraph (1) of
15 this subsection, a copy of the order of protection shall be
16 transmitted to the person or agency so designated by the
17 court;

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

24 (13) contribute a reasonable sum of money, not to
25 exceed the maximum amount of the fine authorized for the
26 offense for which the defendant was sentenced, (i) to a

1 "local anti-crime program", as defined in Section 7 of the
2 Anti-Crime Advisory Council Act, or (ii) for offenses under
3 the jurisdiction of the Department of Natural Resources, to
4 the fund established by the Department of Natural Resources
5 for the purchase of evidence for investigation purposes and
6 to conduct investigations as outlined in Section 805-105 of
7 the Department of Natural Resources (Conservation) Law;

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

14 (15) refrain from having any contact, directly or
15 indirectly, with certain specified persons or particular
16 types of person, 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;

25 (17) refrain from operating any motor vehicle not
26 equipped with an ignition interlock device as defined in

1 Section 1-129.1 of the Illinois Vehicle Code; under this
2 condition the court may allow a defendant who is not
3 self-employed to operate a vehicle owned by the defendant's
4 employer that is not equipped with an ignition interlock
5 device in the course and scope of the defendant's
6 employment; and

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

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

22 (e) At the conclusion of the period of supervision, if the
23 court determines that the defendant has successfully complied
24 with all of the conditions of supervision, the court shall
25 discharge the defendant and enter a judgment dismissing the
26 charges.

1 (f) Discharge and dismissal upon a successful conclusion of
2 a disposition of supervision shall be deemed without
3 adjudication of guilt and shall not be termed a conviction for
4 purposes of disqualification or disabilities imposed by law
5 upon conviction of a crime. Two years after the discharge and
6 dismissal under this Section, unless the disposition of
7 supervision was for a violation of Sections 3-707, 3-708,
8 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
9 similar provision of a local ordinance, or for a violation of
10 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which
11 case it shall be 5 years after discharge and dismissal, a
12 person may have his record of arrest sealed or expunged as may
13 be provided by law. However, any defendant placed on
14 supervision before January 1, 1980, may move for sealing or
15 expungement of his arrest record, as provided by law, at any
16 time after discharge and dismissal under this Section. A person
17 placed on supervision for a sexual offense committed against a
18 minor as defined in subsection (g) of Section 5 of the Criminal
19 Identification Act or for a violation of Section 11-501 of the
20 Illinois Vehicle Code or a similar provision of a local
21 ordinance shall not have his or her record of arrest sealed or
22 expunged.

23 (g) A defendant placed on supervision and who during the
24 period of supervision undergoes mandatory drug or alcohol
25 testing, or both, or is assigned to be placed on an approved
26 electronic monitoring device, shall be ordered to pay the costs

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

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

21 (i) The court shall impose upon a defendant placed on
22 supervision after January 1, 1992 or to community service under
23 the supervision of a probation or court services department
24 after January 1, 2004, as a condition of supervision or
25 supervised community service, a fee of \$50 for each month of
26 supervision or supervised community service ordered by the

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

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

25 (j) All fines and costs imposed under this Section for any
26 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle

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

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

1 subsection (k) does not apply to a defendant who is determined
2 by the court to be developmentally disabled or otherwise
3 mentally incapable of completing the educational or vocational
4 program.

5 (l) The court shall require a defendant placed on
6 supervision for possession of a substance prohibited by the
7 Cannabis Control Act, the Illinois Controlled Substances Act,
8 or the Methamphetamine Control and Community Protection Act
9 after a previous conviction or disposition of supervision for
10 possession of a substance prohibited by the Cannabis Control
11 Act, the Illinois Controlled Substances Act, or the
12 Methamphetamine Control and Community Protection Act or a
13 sentence of probation under Section 10 of the Cannabis Control
14 Act or Section 410 of the Illinois Controlled Substances Act
15 and after a finding by the court that the person is addicted,
16 to undergo treatment at a substance abuse program approved by
17 the court.

18 (m) The Secretary of State shall require anyone placed on
19 court supervision for a violation of Section 3-707 of the
20 Illinois Vehicle Code or a similar provision of a local
21 ordinance to give proof of his or her financial responsibility
22 as defined in Section 7-315 of the Illinois Vehicle Code. The
23 proof shall be maintained by the individual in a manner
24 satisfactory to the Secretary of State for a minimum period of
25 3 years after the date the proof is first filed. The proof
26 shall be limited to a single action per arrest and may not be

1 affected by any post-sentence disposition. The Secretary of
2 State shall suspend the driver's license of any person
3 determined by the Secretary to be in violation of this
4 subsection.

5 (n) Any offender placed on supervision for any offense that
6 the court or probation department has determined to be sexually
7 motivated as defined in the Sex Offender Management Board Act
8 shall be required to refrain from any contact, directly or
9 indirectly, with any persons specified by the court and shall
10 be available for all evaluations and treatment programs
11 required by the court or the probation department.

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

22 (p) An offender placed on supervision for an offense
23 committed on or after June 1, 2008 (the effective date of
24 Public Act 95-464) 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 shall refrain from communicating with or

1 contacting, by means of the Internet, a person who is not
2 related to the accused and whom the accused reasonably believes
3 to be under 18 years of age. For purposes of this subsection
4 (p), "Internet" has the meaning ascribed to it in Section 16J-5
5 of the Criminal Code of 1961; and a person is not related to
6 the accused if the person is not: (i) the spouse, brother, or
7 sister of the accused; (ii) a descendant of the accused; (iii)
8 a first or second cousin of the accused; or (iv) a step-child
9 or adopted child of the accused.

10 (q) An offender placed on supervision for an offense
11 committed on or after June 1, 2008 (the effective date of
12 Public Act 95-464) 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 shall, if so ordered by the court,
15 refrain from communicating with or contacting, by means of the
16 Internet, a person who is related to the accused and whom the
17 accused reasonably believes to be under 18 years of age. For
18 purposes of this subsection (q), "Internet" has the meaning
19 ascribed to it in Section 16J-5 of the Criminal Code of 1961;
20 and a person is related to the accused if the person is: (i)
21 the spouse, brother, or sister of the accused; (ii) a
22 descendant of the accused; (iii) a first or second cousin of
23 the accused; or (iv) a step-child or adopted child of the
24 accused.

25 (r) An offender placed on supervision for an offense under
26 Section 11-6, 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of

1 the Criminal Code of 1961, or any attempt to commit any of
2 these offenses, committed on or after the effective date of
3 this amendatory Act of the 95th General Assembly shall:

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

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

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

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

25 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
26 94-556, eff. 9-11-05; 95-211, eff. 1-1-08; 95-331, eff.

- 1 8-21-07; 95-464, eff. 6-1-08; 95-696, eff. 6-1-08; 95-876, eff.
- 2 8-21-08; 95-983, eff. 6-1-09.)