



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0550

Introduced 2/4/2009, by Rep. Sandra M. Pihos

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-1-2	from Ch. 38, par. 1003-1-2
730 ILCS 5/3-3-7	from Ch. 38, par. 1003-3-7
730 ILCS 5/5-1-8.5 new	
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 as a condition of mandatory supervised release, probation, or supervision, a sex offender shall refrain from knowingly using any computer scrub software on any computer that the sex offender uses.

LRB096 05686 RLC 15752 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-1-2, 3-3-7, 5-6-3, and 5-6-3.1 and by
6 adding Section 5-1-8.5 as follows:

7 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

8 Sec. 3-1-2. Definitions.

9 (a) "Chief Administrative Officer" means the person
10 designated by the Director to exercise the powers and duties of
11 the Department of Corrections in regard to committed persons
12 within a correctional institution or facility, and includes the
13 superintendent of any juvenile institution or facility.

14 (a-5) "Sex offense" for the purposes of paragraph (16) of
15 subsection (a) of Section 3-3-7, paragraph (10) of subsection
16 (a) of Section 5-6-3, and paragraph (18) of subsection (c) of
17 Section 5-6-3.1 only means:

18 (i) A violation of any of the following Sections of the
19 Criminal Code of 1961: 10-7 (aiding and abetting child
20 abduction under Section 10-5(b)(10)), 10-5(b)(10) (child
21 luring), 11-6 (indecent solicitation of a child), 11-6.5
22 (indecent solicitation of an adult), 11-15.1 (soliciting
23 for a juvenile prostitute), 11-17.1 (keeping a place of

1 juvenile prostitution), 11-18.1 (patronizing a juvenile
2 prostitute), 11-19.1 (juvenile pimping), 11-19.2
3 (exploitation of a child), 11-20.1 (child pornography),
4 12-14.1 (predatory criminal sexual assault of a child), or
5 12-33 (ritualized abuse of a child). An attempt to commit
6 any of these offenses.

7 (ii) A violation of any of the following Sections of
8 the Criminal Code of 1961: 12-13 (criminal sexual assault),
9 12-14 (aggravated criminal sexual assault), 12-16
10 (aggravated criminal sexual abuse), and subsection (a) of
11 Section 12-15 (criminal sexual abuse). An attempt to commit
12 any of these offenses.

13 (iii) A violation of any of the following Sections of
14 the Criminal Code of 1961 when the defendant is not a
15 parent of the victim:

- 16 10-1 (kidnapping),
17 10-2 (aggravated kidnapping),
18 10-3 (unlawful restraint),
19 10-3.1 (aggravated unlawful restraint).

20 An attempt to commit any of these offenses.

21 (iv) A violation of any former law of this State
22 substantially equivalent to any offense listed in this
23 subsection (a-5).

24 An offense violating federal law or the law of another
25 state that is substantially equivalent to any offense listed in
26 this subsection (a-5) shall constitute a sex offense for the

1 purpose of this subsection (a-5). A finding or adjudication as
2 a sexually dangerous person under any federal law or law of
3 another state that is substantially equivalent to the Sexually
4 Dangerous Persons Act shall constitute an adjudication for a
5 sex offense for the purposes of this subsection (a-5).

6 (b) "Commitment" means a judicially determined placement
7 in the custody of the Department of Corrections on the basis of
8 delinquency or conviction.

9 (c) "Committed Person" is a person committed to the
10 Department, however a committed person shall not be considered
11 to be an employee of the Department of Corrections for any
12 purpose, including eligibility for a pension, benefits, or any
13 other compensation or rights or privileges which may be
14 provided to employees of the Department.

15 (c-5) "Computer scrub software" means any third-party
16 added software, designed to delete information from the
17 computer unit, the hard drive, or other software, which would
18 eliminate and prevent discovery of browser activity, including
19 but not limited to Internet history, address bar or bars, cache
20 or caches, and/or cookies, and which would over-write files in
21 a way so as to make previous computer activity, including but
22 not limited to website access, more difficult to discover.

23 (d) "Correctional Institution or Facility" means any
24 building or part of a building where committed persons are kept
25 in a secured manner.

26 (e) In the case of functions performed before the effective

1 date of this amendatory Act of the 94th General Assembly,
2 "Department" means the Department of Corrections of this State.
3 In the case of functions performed on or after the effective
4 date of this amendatory Act of the 94th General Assembly,
5 "Department" has the meaning ascribed to it in subsection
6 (f-5).

7 (f) In the case of functions performed before the effective
8 date of this amendatory Act of the 94th General Assembly,
9 "Director" means the Director of the Department of Corrections.
10 In the case of functions performed on or after the effective
11 date of this amendatory Act of the 94th General Assembly,
12 "Director" has the meaning ascribed to it in subsection (f-5).

13 (f-5) In the case of functions performed on or after the
14 effective date of this amendatory Act of the 94th General
15 Assembly, references to "Department" or "Director" refer to
16 either the Department of Corrections or the Director of
17 Corrections or to the Department of Juvenile Justice or the
18 Director of Juvenile Justice unless the context is specific to
19 the Department of Juvenile Justice or the Director of Juvenile
20 Justice.

21 (g) "Discharge" means the final termination of a commitment
22 to the Department of Corrections.

23 (h) "Discipline" means the rules and regulations for the
24 maintenance of order and the protection of persons and property
25 within the institutions and facilities of the Department and
26 their enforcement.

1 (i) "Escape" means the intentional and unauthorized
2 absence of a committed person from the custody of the
3 Department.

4 (j) "Furlough" means an authorized leave of absence from
5 the Department of Corrections for a designated purpose and
6 period of time.

7 (k) "Parole" means the conditional and revocable release of
8 a committed person under the supervision of a parole officer.

9 (l) "Prisoner Review Board" means the Board established in
10 Section 3-3-1(a), independent of the Department, to review
11 rules and regulations with respect to good time credits, to
12 hear charges brought by the Department against certain
13 prisoners alleged to have violated Department rules with
14 respect to good time credits, to set release dates for certain
15 prisoners sentenced under the law in effect prior to the
16 effective date of this Amendatory Act of 1977, to hear requests
17 and make recommendations to the Governor with respect to
18 pardon, reprieve or commutation, to set conditions for parole
19 and mandatory supervised release and determine whether
20 violations of those conditions justify revocation of parole or
21 release, and to assume all other functions previously exercised
22 by the Illinois Parole and Pardon Board.

23 (m) Whenever medical treatment, service, counseling, or
24 care is referred to in this Unified Code of Corrections, such
25 term may be construed by the Department or Court, within its
26 discretion, to include treatment, service or counseling by a

1 Christian Science practitioner or nursing care appropriate
2 therewith whenever request therefor is made by a person subject
3 to the provisions of this Act.

4 (n) "Victim" shall have the meaning ascribed to it in
5 subsection (a) of Section 3 of the Bill of Rights for Victims
6 and Witnesses of Violent Crime Act.

7 (Source: P.A. 94-159, eff. 7-11-05; 94-696, eff. 6-1-06.)

8 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

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

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

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

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

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

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

23 (4) permit the agent to visit him or her at his or her
24 home, employment, or elsewhere to the extent necessary for
25 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 (7.12) if convicted of a sex offense as defined in
17 Section 2 of the Sex Offender Registration Act committed on
18 or after the effective date of this amendatory Act of the
19 96th General Assembly that requires the person to register
20 as a sex offender under that Act, may not knowingly use any
21 computer scrub software on any computer that the sex
22 offender uses;

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

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

1 employment;

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

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

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

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

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

22 (15) follow any specific instructions provided by the
23 parole agent that are consistent with furthering
24 conditions set and approved by the Prisoner Review Board or
25 by law, exclusive of placement on electronic detention, to
26 achieve the goals and objectives of his or her parole or

1 mandatory supervised release or to protect the public.
2 These instructions by the parole agent may be modified at
3 any time, as the agent deems appropriate;

4 (16) 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; and

14 (17) if convicted of a violation of an order of
15 protection under Section 12-30 of the Criminal Code of
16 1961, be placed under electronic surveillance as provided
17 in Section 5-8A-7 of this Code.

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

20 (1) work or pursue a course of study or vocational
21 training;

22 (2) undergo medical or psychiatric treatment, or
23 treatment for drug addiction or alcoholism;

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

26 (4) support his dependents;

1 (5) (blank);

2 (6) (blank);

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

8 (7.5) 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
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 (7.5), "Internet" has the meaning ascribed to it
17 in Section 16J-5 of the Criminal Code of 1961; and a person
18 is related to the accused if the person is: (i) the spouse,
19 brother, or sister of the accused; (ii) a descendant of the
20 accused; (iii) a first or second cousin of the accused; or
21 (iv) a step-child or adopted child of the accused;

22 (7.6) if convicted for an offense committed on or after
23 June 1, 2009 (the effective date of Public Act 95-983) ~~this~~
24 ~~amendatory Act of the 95th General Assembly~~ that would
25 qualify as a sex offense as defined in the Sex Offender
26 Registration Act:

1 (i) not access or use a computer or any other
2 device with Internet capability without the prior
3 written approval of the Department;

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

13 (iii) submit to the installation on the offender's
14 computer or device with Internet capability, at the
15 offender's expense, of one or more hardware or software
16 systems to monitor the Internet use; and

17 (iv) submit to any other appropriate restrictions
18 concerning the offender's use of or access to a
19 computer or any other device with Internet capability
20 imposed by the Board, the Department or the offender's
21 supervising agent; and

22 (8) in addition, if a minor:

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

24 (ii) attend school;

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

26 or

1 (iv) contribute to his own support at home or in a
2 foster home.

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

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

10 (2) comply with all requirements of the Sex Offender
11 Registration Act;

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

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

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

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

25 (7) refrain from entering into a designated geographic
26 area except upon terms approved in advance by an agent of

1 the Department of Corrections. The terms may include
2 consideration of the purpose of the entry, the time of day,
3 and others accompanying the person;

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

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

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

23 (11) not patronize any business providing sexually
24 stimulating or sexually oriented entertainment nor utilize
25 "900" or adult telephone numbers;

26 (12) not reside near, visit, or be in or about parks,

1 schools, day care centers, swimming pools, beaches,
2 theaters, or any other places where minor children
3 congregate without advance approval of an agent of the
4 Department of Corrections and immediately report any
5 incidental contact with minor children to the Department;

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

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

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

17 (16) take an annual polygraph exam;

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

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

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

1 and another copy forwarded to the officer in charge of his
2 supervision.

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

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

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

21 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
22 94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;
23 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
24 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; revised 10-20-08.)

25 (730 ILCS 5/5-1-8.5 new)

1 Sec. 5-1-8.5. Computer scrub software. "Computer scrub
2 software" has the meaning ascribed to it in subsection (c-5) of
3 Section 3-1-2 of this Code.

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

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

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

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

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

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

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

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

25 (5) permit the probation officer to visit him at his

1 home or elsewhere to the extent necessary to discharge his
2 duties;

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

20 (7) if he or she is at least 17 years of age and has
21 been sentenced to probation or conditional discharge for a
22 misdemeanor or felony in a county of 3,000,000 or more
23 inhabitants and has not been previously convicted of a
24 misdemeanor or felony, may be required by the sentencing
25 court to attend educational courses designed to prepare the
26 defendant for a high school diploma and to work toward a

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

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

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

8 (8.5) if convicted of a felony sex offense as defined
9 in the Sex Offender Management Board Act, the person shall
10 undergo and successfully complete sex offender treatment
11 by a treatment provider approved by the Board and conducted
12 in conformance with the standards developed under the Sex
13 Offender Management Board Act;

14 (8.6) if convicted of a sex offense as defined in the
15 Sex Offender Management Board Act, refrain from residing at
16 the same address or in the same condominium unit or
17 apartment unit or in the same condominium complex or
18 apartment complex with another person he or she knows or
19 reasonably should know is a convicted sex offender or has
20 been placed on supervision for a sex offense; the
21 provisions of this paragraph do not apply to a person
22 convicted of a sex offense who is placed in a Department of
23 Corrections licensed transitional housing facility for sex
24 offenders;

25 (8.7) if convicted for an offense committed on or after
26 June 1, 2008 (the effective date of Public Act 95-464) ~~this~~

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

14 (8.8) if convicted for an offense under Section 11-6,
15 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
16 Code of 1961, or any attempt to commit any of these
17 offenses, committed on or after June 1, 2009 (the effective
18 date of Public Act 95-983) ~~this amendatory Act of the 95th~~
19 ~~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 offender's probation officer,
23 except in connection with the offender's employment or
24 search for employment with the prior approval of the
25 offender's probation officer;

26 (ii) submit to periodic unannounced examinations

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

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

14 (iv) submit to any other appropriate restrictions
15 concerning the offender's use of or access to a
16 computer or any other device with Internet capability
17 imposed by the offender's probation officer;

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

22 (10) 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; and -

6 (11) if convicted of a sex offense as defined in
7 Section 2 of the Sex Offender Registration Act committed on
8 or after the effective date of this amendatory Act of the
9 96th General Assembly that requires the person to register
10 as a sex offender under that Act, may not knowingly use any
11 computer scrub software on any computer that the sex
12 offender uses.

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

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

21 (2) pay a fine and costs;

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

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

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

- 1 instruction or residence of defendants on probation;
- 2 (6) support his dependents;
- 3 (7) and in addition, if a minor:
- 4 (i) reside with his parents or in a foster home;
- 5 (ii) attend school;
- 6 (iii) attend a non-residential program for youth;
- 7 (iv) contribute to his own support at home or in a
- 8 foster home;
- 9 (v) with the consent of the superintendent of the
- 10 facility, attend an educational program at a facility
- 11 other than the school in which the offense was
- 12 committed if he or she is convicted of a crime of
- 13 violence as defined in Section 2 of the Crime Victims
- 14 Compensation Act committed in a school, on the real
- 15 property comprising a school, or within 1,000 feet of
- 16 the real property comprising a school;
- 17 (8) make restitution as provided in Section 5-5-6 of
- 18 this Code;
- 19 (9) perform some reasonable public or community
- 20 service;
- 21 (10) serve a term of home confinement. In addition to
- 22 any other applicable condition of probation or conditional
- 23 discharge, the conditions of home confinement shall be that
- 24 the offender:
- 25 (i) remain within the interior premises of the
- 26 place designated for his confinement during the hours

1 designated by the court;

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

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

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

26 (v) for persons convicted of offenses other than

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

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, as now or hereafter amended,
22 or an order of protection issued by the court of another
23 state, tribe, or United States territory. A copy of the
24 order of protection shall be transmitted to the probation
25 officer or agency having responsibility for the case;

26 (12) reimburse any "local anti-crime program" as

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

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

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

24 (15) refrain from having any contact, directly or
25 indirectly, with certain specified persons or particular
26 types of persons, 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) if convicted for an offense committed on or after
10 June 1, 2008 (the effective date of Public Act 95-464) ~~this~~
11 ~~amendatory Act of the 95th General Assembly~~ that would
12 qualify the accused as a child sex offender as defined in
13 Section 11-9.3 or 11-9.4 of the Criminal Code of 1961,
14 refrain from communicating with or contacting, by means of
15 the Internet, a person who is related to the accused and
16 whom the accused reasonably believes to be under 18 years
17 of age; for purposes of this paragraph (17), "Internet" has
18 the meaning ascribed to it in Section 16J-5 of the Criminal
19 Code of 1961; and a person is related to the accused if the
20 person is: (i) the spouse, brother, or sister of the
21 accused; (ii) a descendant of the accused; (iii) a first or
22 second cousin of the accused; or (iv) a step-child or
23 adopted child of the accused; and

24 (18) if convicted for an offense committed on or after
25 June 1, 2009 (the effective date of Public Act 95-983) ~~this~~
26 ~~amendatory Act of the 95th General Assembly~~ that would

1 qualify as a sex offense as defined in the Sex Offender
2 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 (l) The court may order an offender who is sentenced to
19 probation or conditional discharge for a violation of an order
20 of protection be placed under electronic surveillance as
21 provided in Section 5-8A-7 of this Code.

22 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
23 94-556, eff. 9-11-05; 95-331, eff. 8-21-07; 95-464, eff.
24 6-1-08; 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff.
25 1-1-09; 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; revised
26 10-20-08.)

1 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

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

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

4 (a) When a defendant is placed on supervision, the court
5 shall enter an order for supervision specifying the period of
6 such supervision, and shall defer further proceedings in the
7 case until the conclusion of the period.

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

1 limited to, the cleanup and repair of any damage caused by
2 violation of Section 21-1.3 of the Criminal Code of 1961 and
3 similar damages to property located within the municipality or
4 county in which the violation occurred. Where possible and
5 reasonable, the community service should be performed in the
6 offender's neighborhood.

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

10 (c) The court may in addition to other reasonable
11 conditions relating to the nature of the offense or the
12 rehabilitation of the defendant as determined for each
13 defendant in the proper discretion of the court require that
14 the person:

15 (1) make a report to and appear in person before or
16 participate with the court or such courts, person, or
17 social service agency as directed by the court in the order
18 of supervision;

19 (2) pay a fine and costs;

20 (3) work or pursue a course of study or vocational
21 training;

22 (4) undergo medical, psychological or psychiatric
23 treatment; or treatment for drug addiction or alcoholism;

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

26 (6) support his dependents;

1 (7) refrain from possessing a firearm or other
2 dangerous weapon;

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

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

5 (ii) attend school;

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

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

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

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

22 (10) perform some reasonable public or community
23 service;

24 (11) comply with the terms and conditions of an order
25 of protection issued by the court pursuant to the Illinois
26 Domestic Violence Act of 1986 or an order of protection

1 issued by the court of another state, tribe, or United
2 States territory. If the court has ordered the defendant to
3 make a report and appear in person under paragraph (1) of
4 this subsection, a copy of the order of protection shall be
5 transmitted to the person or agency so designated by the
6 court;

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

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

23 (14) refrain from entering into a designated
24 geographic area except upon such terms as the court finds
25 appropriate. Such terms may include consideration of the
26 purpose of the entry, the time of day, other persons

1 accompanying the defendant, and advance approval by a
2 probation officer;

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

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

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

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

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

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

9 (e) At the conclusion of the period of supervision, if the
10 court determines that the defendant has successfully complied
11 with all of the conditions of supervision, the court shall
12 discharge the defendant and enter a judgment dismissing the
13 charges.

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

1 supervision before January 1, 1980, may move for sealing or
2 expungement of his arrest record, as provided by law, at any
3 time after discharge and dismissal under this Section. A person
4 placed on supervision for a sexual offense committed against a
5 minor as defined in subsection (g) of Section 5 of the Criminal
6 Identification Act or for a violation of Section 11-501 of the
7 Illinois Vehicle Code or a similar provision of a local
8 ordinance shall not have his or her record of arrest sealed or
9 expunged.

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

1 treasurer who shall use the moneys collected to defray the
2 costs of drug testing, alcohol testing, and electronic
3 monitoring. The county treasurer shall deposit the fees
4 collected in the county working cash fund under Section 6-27001
5 or Section 6-29002 of the Counties Code, as the case may be.

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

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

26 A circuit court may not impose a probation fee in excess of

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

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

19 (k) A defendant at least 17 years of age who is placed on
20 supervision for a misdemeanor in a county of 3,000,000 or more
21 inhabitants and who has not been previously convicted of a
22 misdemeanor or felony may as a condition of his or her
23 supervision be required by the court to attend educational
24 courses designed to prepare the defendant for a high school
25 diploma and to work toward a high school diploma or to work
26 toward passing the high school level Test of General

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

18 (1) The court shall require a defendant placed on
19 supervision for possession of a substance prohibited by the
20 Cannabis Control Act, the Illinois Controlled Substances Act,
21 or the Methamphetamine Control and Community Protection Act
22 after a previous conviction or disposition of supervision for
23 possession of a substance prohibited by the Cannabis Control
24 Act, the Illinois Controlled Substances Act, or the
25 Methamphetamine Control and Community Protection Act or a
26 sentence of probation under Section 10 of the Cannabis Control

1 Act or Section 410 of the Illinois Controlled Substances Act
2 and after a finding by the court that the person is addicted,
3 to undergo treatment at a substance abuse program approved by
4 the court.

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

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

25 (o) An offender placed on supervision for a sex offense as
26 defined in the Sex Offender Management Board Act shall refrain

1 from residing at the same address or in the same condominium
2 unit or apartment unit or in the same condominium complex or
3 apartment complex with another person he or she knows or
4 reasonably should know is a convicted sex offender or has been
5 placed on supervision for a sex offense. The provisions of this
6 subsection (o) do not apply to a person convicted of a sex
7 offense who is placed in a Department of Corrections licensed
8 transitional housing facility for sex offenders.

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

23 (q) An offender placed on supervision for an offense
24 committed on or after June 1, 2008 (the effective date of
25 Public Act 95-464) that would qualify the accused as a child
26 sex offender as defined in Section 11-9.3 or 11-9.4 of the

1 Criminal Code of 1961 shall, if so ordered by the court,
2 refrain from communicating with or contacting, by means of the
3 Internet, a person who is related to the accused and whom the
4 accused reasonably believes to be under 18 years of age. For
5 purposes of this subsection (q), "Internet" has the meaning
6 ascribed to it in Section 16J-5 of the Criminal Code of 1961;
7 and a person is related to the accused if the person is: (i)
8 the spouse, brother, or sister of the accused; (ii) a
9 descendant of the accused; (iii) a first or second cousin of
10 the accused; or (iv) a step-child or adopted child of the
11 accused.

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

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

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

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

4 (iii) submit to the installation on the offender's
5 computer or device with Internet capability, at the
6 offender'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 computer or
10 any other device with Internet capability imposed by the
11 court.

12 (s) An offender placed on supervision for an offense that
13 is a sex offense as defined in Section 2 of the Sex Offender
14 Registration Act that is committed on or after the effective
15 date of this amendatory Act of the 96th General Assembly that
16 requires the person to register as a sex offender under that
17 Act, may not knowingly use any computer scrub software on any
18 computer that the sex offender uses.

19 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
20 94-556, eff. 9-11-05; 95-211, eff. 1-1-08; 95-331, eff.
21 8-21-07; 95-464, eff. 6-1-08; 95-696, eff. 6-1-08; 95-876, eff.
22 8-21-08; 95-983, eff. 6-1-09.)