



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB1314

Introduced 2/18/2009, by Rep. Sandra M. Pihos - Darlene J. Senger - Kay Hatcher

SYNOPSIS AS INTRODUCED:

720 ILCS 5/16D-2	from Ch. 38, par. 16D-2
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 Criminal Code of 1961. Provides that it is a Class 4 felony for a person required to register as a sex offender under the Sex Offender Registration Act to access or use a social networking website during the period for which the sex offender is required to register under that Act. Amends the Unified Code of Corrections. Requires as a condition of parole, mandatory supervised release, probation, conditional discharge, or supervision that a sex offender refrain from accessing or using a social networking website.

LRB096 02858 RLC 12872 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 Criminal Code of 1961 is amended by changing
5 16D-2 as follows:

6 (720 ILCS 5/16D-2) (from Ch. 38, par. 16D-2)

7 Sec. 16D-2. Definitions. As used in this Article, unless
8 the context otherwise indicates:

9 (a) "Computer" means a device that accepts, processes,
10 stores, retrieves or outputs data, and includes but is not
11 limited to auxiliary storage and telecommunications devices
12 connected to computers.

13 (a-5) "Computer network" means a set of related, remotely
14 connected devices and any communications facilities including
15 more than one computer with the capability to transmit data
16 among them through the communications facilities.

17 (b) "Computer program" or "program" means a series of coded
18 instructions or statements in a form acceptable to a computer
19 which causes the computer to process data and supply the
20 results of the data processing.

21 (b-5) "Computer services" means computer time or services,
22 including data processing services, Internet services,
23 electronic mail services, electronic message services, or

1 information or data stored in connection therewith.

2 (c) "Data" means a representation of information,
3 knowledge, facts, concepts or instructions, including program
4 documentation, which is prepared in a formalized manner and is
5 stored or processed in or transmitted by a computer. Data shall
6 be considered property and may be in any form including but not
7 limited to printouts, magnetic or optical storage media, punch
8 cards or data stored internally in the memory of the computer.

9 (c-5) "Electronic mail service provider" means any person
10 who (1) is an intermediary in sending or receiving electronic
11 mail and (2) provides to end-users of electronic mail services
12 the ability to send or receive electronic mail.

13 (d) In addition to its meaning as defined in Section 15-1
14 of this Code, "property" means: (1) electronic impulses; (2)
15 electronically produced data; (3) confidential, copyrighted or
16 proprietary information; (4) private identification codes or
17 numbers which permit access to a computer by authorized
18 computer users or generate billings to consumers for purchase
19 of goods and services, including but not limited to credit card
20 transactions and telecommunications services or permit
21 electronic fund transfers; (5) software or programs in either
22 machine or human readable form; or (6) any other tangible or
23 intangible item relating to a computer or any part thereof.

24 (e) "Access" means to use, instruct, communicate with,
25 store data in, retrieve or intercept data from, or otherwise
26 utilize any services of a computer.

1 (f) "Services" includes but is not limited to computer
2 time, data manipulation or storage functions.

3 (g) "Vital services or operations" means those services or
4 operations required to provide, operate, maintain, and repair
5 network cabling, transmission, distribution, or computer
6 facilities necessary to ensure or protect the public health,
7 safety, or welfare. Public health, safety, or welfare include,
8 but are not limited to, services provided by medical personnel
9 or institutions, fire departments, emergency services
10 agencies, national defense contractors, armed forces or
11 militia personnel, private and public utility companies, or law
12 enforcement agencies.

13 (h) "Social networking website" means an Internet website
14 containing profile web pages of the members of the website that
15 include the names or nicknames of such members, photographs
16 placed on the profile web pages by such members, or any other
17 personal or personally identifying information about such
18 members and links to other profile web pages on social
19 networking websites of friends or associates of such members
20 that can be accessed by other members or visitors to the
21 website. A social networking website provides members of or
22 visitors to such website the ability to leave messages or
23 comments on the profile web page that are visible to all or
24 some visitors to the profile web page and may also include a
25 form of electronic mail for members of the social networking
26 website.

1 (Source: P.A. 91-233, eff. 1-1-00.)

2 Section 10. The Unified Code of Corrections is amended by
3 changing Sections 3-3-7, 5-6-3, and 5-6-3.1 as follows:

4 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

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

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

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

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

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

17 (3) report to an agent of the Department of
18 Corrections;

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

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

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

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

8 (7.5) if convicted of a sex offense as defined in the
9 Sex Offender Management Board Act, the individual shall
10 undergo and successfully complete sex offender treatment
11 conducted in conformance with the standards developed by
12 the Sex Offender Management Board Act by a treatment
13 provider approved by the Board;

14 (7.6) 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, or is in any facility operated or licensed by
25 the Department of Children and Family Services or by the
26 Department of Human Services, or is in any licensed medical

1 facility;

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

10 (7.8) if convicted for an offense committed on or after
11 the effective date of this amendatory Act of the 95th
12 General Assembly that would qualify the accused as a child
13 sex offender as defined in Section 11-9.3 or 11-9.4 of the
14 Criminal Code of 1961, refrain from communicating with or
15 contacting, by means of the Internet, a person who is not
16 related to the accused and whom the accused reasonably
17 believes to be under 18 years of age; for purposes of this
18 paragraph (7.8), "Internet" has the meaning ascribed to it
19 in Section 16J-5 of the Criminal Code of 1961; and a person
20 is not related to the accused if the person is not: (i) the
21 spouse, brother, or sister of the accused; (ii) a
22 descendant of the accused; (iii) a first or second cousin
23 of the accused; or (iv) a step-child or adopted child of
24 the accused;

25 (7.9) if convicted under Section 11-6, 11-20.1,
26 11-20.3, or 11-21 of the Criminal Code of 1961, consent to

1 search of computers, PDAs, cellular phones, and other
2 devices under his or her control that are capable of
3 accessing the Internet or storing electronic files, in
4 order to confirm Internet protocol addresses reported in
5 accordance with the Sex Offender Registration Act and
6 compliance with conditions in this Act;

7 (7.10) if convicted for an offense that would qualify
8 the accused as a sex offender or sexual predator under the
9 Sex Offender Registration Act on or after the effective
10 date of this amendatory Act of the 95th General Assembly,
11 not possess prescription drugs for erectile dysfunction;

12 (7.11) if convicted for an offense under Section 11-6,
13 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
14 Code of 1961, or any attempt to commit any of these
15 offenses, committed on or after June 1, 2009 (the effective
16 date of Public Act 95-983) ~~this amendatory Act of the 95th~~
17 ~~General Assembly:~~

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

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

1 device and any internal or external peripherals and
2 removal of such information, equipment, or device to
3 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
10 computer or any other device with Internet capability
11 imposed by the Board, the Department or the offender's
12 supervising agent;

13 (7.12) if convicted of a sex offense as defined in the
14 Sex Offender Registration Act committed on or after the
15 effective date of this amendatory Act of the 96th General
16 Assembly, refrain from accessing or using a social
17 networking website as defined in Section 16D-2 of the
18 Criminal Code of 1961;

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

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

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

26 (11) refrain from the use or possession of narcotics or

1 other controlled substances in any form, or both, or any
2 paraphernalia related to those substances and submit to a
3 urinalysis test as instructed by a parole agent of the
4 Department of Corrections;

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

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

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

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

26 (16) if convicted of a sex offense as defined in

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

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

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

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

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

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

22 (4) support his dependents;

23 (5) (blank);

24 (6) (blank);

25 (7) comply with the terms and conditions of an order of
26 protection issued pursuant to the Illinois Domestic

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

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

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

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

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

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

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

18 (8) in addition, if a minor:

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

20 (ii) attend school;

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

22 or

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

25 (b-1) In addition to the conditions set forth in
26 subsections (a) and (b), persons required to register as sex

1 offenders pursuant to the Sex Offender Registration Act, upon
2 release from the custody of the Illinois Department of
3 Corrections, may be required by the Board to comply with the
4 following specific conditions of release:

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

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

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

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

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

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

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

26 (8) refrain from having any contact, including written

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

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

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

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

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

1 incidental contact with minor children to the Department;

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

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

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

13 (16) take an annual polygraph exam;

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

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

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

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

1 mandatory supervised release.

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

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

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

21 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

25 (a) The conditions of probation and of conditional

1 discharge shall be that the person:

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

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

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

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

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

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

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

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

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

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

25 (8.5) if convicted of a felony sex offense as defined
26 in the Sex Offender Management Board Act, the person shall

1 undergo and successfully complete sex offender treatment
2 by a treatment provider approved by the Board and conducted
3 in conformance with the standards developed under the Sex
4 Offender Management Board Act;

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

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

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

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

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

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

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

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

9 (8.9) if convicted of a sex offense as defined in the
10 Sex Offender Registration Act committed on or after the
11 effective date of this amendatory Act of the 96th General
12 Assembly, refrain from accessing or using a social
13 networking website as defined in Section 16D-2 of the
14 Criminal Code of 1961;

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

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

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

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

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

11 (2) pay a fine and costs;

12 (3) work or pursue a course of study or vocational
13 training;

14 (4) undergo medical, psychological or psychiatric
15 treatment; or treatment for drug addiction or alcoholism;

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

18 (6) support his dependents;

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

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

21 (ii) attend school;

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

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

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

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

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

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

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

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

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

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

26 (iv) for persons convicted of any alcohol,

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

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

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

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

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

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

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

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

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

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

25 (17) 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 related to the accused and
6 whom the accused reasonably believes to be under 18 years
7 of age; for purposes of this paragraph (17), "Internet" has
8 the meaning ascribed to it in Section 16J-5 of the Criminal
9 Code of 1961; and a person is related to the accused if the
10 person is: (i) the spouse, brother, or sister of the
11 accused; (ii) a descendant of the accused; (iii) a first or
12 second cousin of the accused; or (iv) a step-child or
13 adopted child of the accused; and

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

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

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

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

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

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

1 (d) An offender sentenced to probation or to conditional
2 discharge shall be given a certificate setting forth the
3 conditions thereof.

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

12 Persons committed to imprisonment as a condition of
13 probation or conditional discharge shall not be committed to
14 the Department of Corrections.

15 (f) The court may combine a sentence of periodic
16 imprisonment under Article 7 or a sentence to a county impact
17 incarceration program under Article 8 with a sentence of
18 probation or conditional discharge.

19 (g) An offender sentenced to probation or to conditional
20 discharge and who during the term of either undergoes mandatory
21 drug or alcohol testing, or both, or is assigned to be placed
22 on an approved electronic monitoring device, shall be ordered
23 to pay all costs incidental to such mandatory drug or alcohol
24 testing, or both, and all costs incidental to such approved
25 electronic monitoring in accordance with the defendant's
26 ability to pay those costs. The county board with the

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

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

22 (i) The court shall impose upon an offender sentenced to
23 probation after January 1, 1989 or to conditional discharge
24 after January 1, 1992 or to community service under the
25 supervision of a probation or court services department after
26 January 1, 2004, as a condition of such probation or

1 conditional discharge or supervised community service, a fee of
2 \$50 for each month of probation or conditional discharge
3 supervision or supervised community service ordered by the
4 court, unless after determining the inability of the person
5 sentenced to probation or conditional discharge or supervised
6 community service to pay the fee, the court assesses a lesser
7 fee. The court may not impose the fee on a minor who is made a
8 ward of the State under the Juvenile Court Act of 1987 while
9 the minor is in placement. The fee shall be imposed only upon
10 an offender who is actively supervised by the probation and
11 court services department. The fee shall be collected by the
12 clerk of the circuit court. The clerk of the circuit court
13 shall pay all monies collected from this fee to the county
14 treasurer for deposit in the probation and court services fund
15 under Section 15.1 of the Probation and Probation Officers Act.

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

1 collected per month may be used to provide services to crime
2 victims and their families.

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

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

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

25 (k) Any offender who is sentenced to probation or
26 conditional discharge for a felony sex offense as defined in

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

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

12 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
13 94-556, eff. 9-11-05; 95-331, eff. 8-21-07; 95-464, eff.
14 6-1-08; 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff.
15 1-1-09; 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; revised
16 10-20-08.)

17 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

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

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

20 (a) When a defendant is placed on supervision, the court
21 shall enter an order for supervision specifying the period of
22 such supervision, and shall defer further proceedings in the
23 case until the conclusion of the period.

24 (b) The period of supervision shall be reasonable under all
25 of the circumstances of the case, but may not be longer than 2

1 years, unless the defendant has failed to pay the assessment
2 required by Section 10.3 of the Cannabis Control Act, Section
3 411.2 of the Illinois Controlled Substances Act, or Section 80
4 of the Methamphetamine Control and Community Protection Act, in
5 which case the court may extend supervision beyond 2 years.
6 Additionally, the court shall order the defendant to perform no
7 less than 30 hours of community service and not more than 120
8 hours of community service, if community service is available
9 in the jurisdiction and is funded and approved by the county
10 board where the offense was committed, when the offense (1) was
11 related to or in furtherance of the criminal activities of an
12 organized gang or was motivated by the defendant's membership
13 in or allegiance to an organized gang; or (2) is a violation of
14 any Section of Article 24 of the Criminal Code of 1961 where a
15 disposition of supervision is not prohibited by Section 5-6-1
16 of this Code. The community service shall include, but not be
17 limited to, the cleanup and repair of any damage caused by
18 violation of Section 21-1.3 of the Criminal Code of 1961 and
19 similar damages to property located within the municipality or
20 county in which the violation occurred. Where possible and
21 reasonable, the community service should be performed in the
22 offender's neighborhood.

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

26 (c) The court may in addition to other reasonable

1 conditions relating to the nature of the offense or the
2 rehabilitation of the defendant as determined for each
3 defendant in the proper discretion of the court require that
4 the person:

5 (1) make a report to and appear in person before or
6 participate with the court or such courts, person, or
7 social service agency as directed by the court in the order
8 of supervision;

9 (2) pay a fine and costs;

10 (3) work or pursue a course of study or vocational
11 training;

12 (4) undergo medical, psychological or psychiatric
13 treatment; or treatment for drug addiction or alcoholism;

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

16 (6) support his dependents;

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

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

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

21 (ii) attend school;

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

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

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

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

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

12 (10) perform some reasonable public or community
13 service;

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

23 (12) reimburse any "local anti-crime program" as
24 defined in Section 7 of the Anti-Crime Advisory Council Act
25 for any reasonable expenses incurred by the program on the
26 offender's case, not to exceed the maximum amount of the

1 fine authorized for the offense for which the defendant was
2 sentenced;

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

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

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

23 (16) refrain from having in his or her body the
24 presence of any illicit drug prohibited by the Cannabis
25 Control Act, the Illinois Controlled Substances Act, or the
26 Methamphetamine Control and Community Protection Act,

1 unless prescribed by a physician, and submit samples of his
2 or her blood or urine or both for tests to determine the
3 presence of any illicit drug;

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

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

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

25 (e) At the conclusion of the period of supervision, if the
26 court determines that the defendant has successfully complied

1 with all of the conditions of supervision, the court shall
2 discharge the defendant and enter a judgment dismissing the
3 charges.

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

26 (g) A defendant placed on supervision and who during the

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

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

24 (i) The court shall impose upon a defendant placed on
25 supervision after January 1, 1992 or to community service under
26 the supervision of a probation or court services department

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

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

1 provide services to crime victims and their families.

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

1 revocation of supervision as provided in Section 5-6-4. This
2 subsection (k) does not apply to a defendant who has a high
3 school diploma or has successfully passed the GED test. This
4 subsection (k) does not apply to a defendant who is determined
5 by the court to be developmentally disabled or otherwise
6 mentally incapable of completing the educational or vocational
7 program.

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

21 (m) The Secretary of State shall require anyone placed on
22 court supervision for a violation of Section 3-707 of the
23 Illinois Vehicle Code or a similar provision of a local
24 ordinance to give proof of his or her financial responsibility
25 as defined in Section 7-315 of the Illinois Vehicle Code. The
26 proof shall be maintained by the individual in a manner

1 satisfactory to the Secretary of State for a minimum period of
2 3 years after the date the proof is first filed. The proof
3 shall be limited to a single action per arrest and may not be
4 affected by any post-sentence disposition. The Secretary of
5 State shall suspend the driver's license of any person
6 determined by the Secretary to be in violation of this
7 subsection.

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

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

25 (p) An offender placed on supervision for an offense
26 committed on or after June 1, 2008 (the effective date of

1 Public Act 95-464) that would qualify the accused as a child
2 sex offender as defined in Section 11-9.3 or 11-9.4 of the
3 Criminal Code of 1961 shall refrain from communicating with or
4 contacting, by means of the Internet, a person who is not
5 related to the accused and whom the accused reasonably believes
6 to be under 18 years of age. For purposes of this subsection
7 (p), "Internet" has the meaning ascribed to it in Section 16J-5
8 of the Criminal Code of 1961; and a person is not related to
9 the accused if the person is not: (i) the spouse, brother, or
10 sister of the accused; (ii) a descendant of the accused; (iii)
11 a first or second cousin of the accused; or (iv) a step-child
12 or adopted child of the accused.

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

1 accused.

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

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

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

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

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

1 court.

2 (s) An offender placed on supervision for a sex offense as
3 defined in the Sex Offender Registration Act committed on or
4 after the effective date of this amendatory Act of the 96th
5 General Assembly shall refrain from accessing or using a social
6 networking website as defined in Section 16D-2 of the Criminal
7 Code of 1961.

8 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
9 94-556, eff. 9-11-05; 95-211, eff. 1-1-08; 95-331, eff.
10 8-21-07; 95-464, eff. 6-1-08; 95-696, eff. 6-1-08; 95-876, eff.
11 8-21-08; 95-983, eff. 6-1-09.)