



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB2393

Introduced 2/19/2009, by Rep. Mark L. Walker

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-7	from Ch. 38, par. 1003-3-7
730 ILCS 5/5-6-3	from Ch. 38, par. 1005-6-3
730 ILCS 5/5-8A-8 new	

Amends the Unified Code of Corrections. Provides that a person convicted of aggravated battery of a child, aggravated kidnapping, child abduction, ritualized abuse of a child, criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse, when the victim of any of these offenses was under 18 years of age at the time of the commission of the offense, and the defendant used force or the threat of force in the commission of the offense shall, as a condition of parole, mandatory supervised release, or probation (if probation is available for such offense) wear an approved electronic monitoring device that has Global Positioning System (GPS) capability for the duration of the defendant's natural life. Provides that Global Positioning System (GPS) tracking information about offenders required to wear an approved electronic monitoring device under these provisions shall be furnished to local law enforcement agencies.

LRB096 10111 RLC 20277 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by  
5 changing Sections 3-3-7 and 5-6-3 and by adding Section 5-8A-8  
6 as follows:

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

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

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

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

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

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

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

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

1 the agent to discharge his or her duties;

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

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

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

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

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

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

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

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

1 of the accused; or (iv) a step-child or adopted child of  
2 the accused;

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

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

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

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

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

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

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

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

17 (7.12) if convicted of any of the following offenses  
18 committed on or after the effective date of this amendatory  
19 Act of the 96th General Assembly when the victim was under  
20 18 years of age at the time of the commission of the  
21 offense and the defendant used force or the threat of force  
22 in the commission of the offense: aggravated battery of a  
23 child, aggravated kidnapping, child abduction, ritualized  
24 abuse of a child, criminal sexual assault, aggravated  
25 criminal sexual assault, predatory criminal sexual assault  
26 of a child, criminal sexual abuse, or aggravated criminal

1       sexual abuse, wear an approved electronic monitoring  
2       device as defined in Section 5-8A-2 that has Global  
3       Positioning System (GPS) capability for the duration of the  
4       defendant's natural life;

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

7           (9) obtain permission of an agent of the Department of  
8       Corrections before changing his or her residence or  
9       employment;

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

12          (11) refrain from the use or possession of narcotics or  
13       other controlled substances in any form, or both, or any  
14       paraphernalia related to those substances and submit to a  
15       urinalysis test as instructed by a parole agent of the  
16       Department of Corrections;

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

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

25          (14) provide true and accurate information, as it  
26       relates to his or her adjustment in the community while on

1 parole or mandatory supervised release or to his or her  
2 conduct while incarcerated, in response to inquiries by his  
3 or her parole agent or of the Department of Corrections;

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

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

22 (17) if convicted of a violation of an order of  
23 protection under Section 12-30 of the Criminal Code of  
24 1961, be placed under electronic surveillance as provided  
25 in Section 5-8A-7 of this Code.

26 (b) The Board may in addition to other conditions require



1 that the subject:

2 (1) work or pursue a course of study or vocational  
3 training;

4 (2) undergo medical or psychiatric treatment, or  
5 treatment for drug addiction or alcoholism;

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

8 (4) support his dependents;

9 (5) (blank);

10 (6) (blank);

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

16 (7.5) if convicted for an offense committed on or after  
17 the effective date of this amendatory Act of the 95th  
18 General Assembly that would qualify the accused as a child  
19 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
20 Criminal Code of 1961, refrain from communicating with or  
21 contacting, by means of the Internet, a person who is  
22 related to the accused and whom the accused reasonably  
23 believes to be under 18 years of age; for purposes of this  
24 paragraph (7.5), "Internet" has the meaning ascribed to it  
25 in Section 16J-5 of the Criminal Code of 1961; and a person  
26 is related to the accused if the person is: (i) the spouse,

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

4 (7.6) if convicted for an offense committed on or after  
5 June 1, 2009 (the effective date of Public Act 95-983) ~~this~~  
6 ~~amendatory Act of the 95th General Assembly~~ that would  
7 qualify as a sex offense as defined in the Sex Offender  
8 Registration Act:

9 (i) not access or use a computer or any other  
10 device with Internet capability without the prior  
11 written approval of the Department;

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

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

25 (iv) submit to any other appropriate restrictions  
26 concerning the offender's use of or access to a

1 computer or any other device with Internet capability  
2 imposed by the Board, the Department or the offender's  
3 supervising agent; and

4 (8) in addition, if a minor:

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

6 (ii) attend school;

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

8 or

9 (iv) contribute to his own support at home or in a  
10 foster home.

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

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

18 (2) comply with all requirements of the Sex Offender  
19 Registration Act;

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

22 (4) obtain the approval of an agent of the Department  
23 of Corrections prior to accepting employment or pursuing a  
24 course of study or vocational training and notify the  
25 Department prior to any change in employment, study, or  
26 training;

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

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

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

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

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

22           (10) neither possess or have under his or her control  
23 any material that is sexually oriented, sexually  
24 stimulating, or that shows male or female sex organs or any  
25 pictures depicting children under 18 years of age nude or  
26 any written or audio material describing sexual

1 intercourse or that depicts or alludes to sexual activity,  
2 including but not limited to visual, auditory, telephonic,  
3 or electronic media, or any matter obtained through access  
4 to any computer or material linked to computer access use;

5 (11) not patronize any business providing sexually  
6 stimulating or sexually oriented entertainment nor utilize  
7 "900" or adult telephone numbers;

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

14 (13) not possess or have under his or her control  
15 certain specified items of contraband related to the  
16 incidence of sexually offending as determined by an agent  
17 of the Department of Corrections;

18 (14) may be required to provide a written daily log of  
19 activities if directed by an agent of the Department of  
20 Corrections;

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

25 (16) take an annual polygraph exam;

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

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

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

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

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

18          (f) When the subject is in compliance with all conditions  
19 of his or her parole or mandatory supervised release, the  
20 subject shall receive a reduction of the period of his or her  
21 parole or mandatory supervised release of 90 days upon passage  
22 of the high school level Test of General Educational  
23 Development during the period of his or her parole or mandatory  
24 supervised release. This reduction in the period of a subject's  
25 term of parole or mandatory supervised release shall be  
26 available only to subjects who have not previously earned a

1 high school diploma or who have not previously passed the high  
2 school level Test of General Educational Development.

3 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
4 94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;  
5 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;  
6 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; revised 10-20-08.)

7 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

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

13 (1) not violate any criminal statute of any  
14 jurisdiction;

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

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

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

1 acceptance by the other state pursuant to the Interstate  
2 Compact for Adult Offender Supervision;

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

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

23 (7) if he or she is at least 17 years of age and has  
24 been sentenced to probation or conditional discharge for a  
25 misdemeanor or felony in a county of 3,000,000 or more  
26 inhabitants and has not been previously convicted of a



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

24                 (8) if convicted of possession of a substance  
25                 prohibited by the Cannabis Control Act, the Illinois  
26                 Controlled Substances Act, or the Methamphetamine Control

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

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

17 (8.6) 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;

2 (8.7) if convicted for an offense committed on or after  
3 June 1, 2008 (the effective date of Public Act 95-464) ~~this~~  
4 ~~amendatory Act of the 95th General Assembly~~ that would  
5 qualify the accused as a child sex offender as defined in  
6 Section 11-9.3 or 11-9.4 of the Criminal Code of 1961,  
7 refrain from communicating with or contacting, by means of  
8 the Internet, a person who is not related to the accused  
9 and whom the accused reasonably believes to be under 18  
10 years of age; for purposes of this paragraph (8.7),  
11 "Internet" has the meaning ascribed to it in Section 16J-5  
12 of the Criminal Code of 1961; and a person is not related  
13 to the accused if the person is not: (i) the spouse,  
14 brother, or sister of the accused; (ii) a descendant of the  
15 accused; (iii) a first or second cousin of the accused; or  
16 (iv) a step-child or adopted child of the accused;

17 (8.8) if convicted for an offense under Section 11-6,  
18 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal  
19 Code of 1961, or any attempt to commit any of these  
20 offenses, committed on or after June 1, 2009 (the effective  
21 date of Public Act 95-983) ~~this amendatory Act of the 95th~~  
22 ~~General Assembly~~:

23 (i) not access or use a computer or any other  
24 device with Internet capability without the prior  
25 written approval of the offender's probation officer,  
26 except in connection with the offender's employment or

1 search for employment with the prior approval of the  
2 offender's probation officer;

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

21 (8.9) if convicted of any of the following offenses  
22 committed on or after the effective date of this amendatory  
23 Act of the 96th General Assembly when the victim was under  
24 18 years of age at the time of the commission of the  
25 offense and the defendant used force or the threat of force  
26 in the commission of the offense: aggravated battery of a

1 child, aggravated kidnapping, child abduction, ritualized  
2 abuse of a child, criminal sexual abuse or aggravated  
3 criminal sexual abuse, wear an approved electronic  
4 monitoring device as defined in Section 5-8A-2 that has  
5 Global Positioning System (GPS) capability for the  
6 duration of the defendant's natural life;

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

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

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

26 (1) serve a term of periodic imprisonment under Article

1           7 for a period not to exceed that specified in paragraph  
2           (d) of Section 5-7-1;

3                 (2) pay a fine and costs;

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

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

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

10                (6) support his dependents;

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

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

13                     (ii) attend school;

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

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

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

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

1           (9) perform some reasonable public or community  
2 service;

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

7           (i) remain within the interior premises of the  
8 place designated for his confinement during the hours  
9 designated by the court;

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

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

18           (iv) for persons convicted of any alcohol,  
19 cannabis or controlled substance violation who are  
20 placed on an approved monitoring device as a condition  
21 of probation or conditional discharge, the court shall  
22 impose a reasonable fee for each day of the use of the  
23 device, as established by the county board in  
24 subsection (g) of this Section, unless after  
25 determining the inability of the offender to pay the  
26 fee, the court assesses a lesser fee or no fee as the

1 case may be. This fee shall be imposed in addition to  
2 the fees imposed under subsections (g) and (i) of this  
3 Section. The fee shall be collected by the clerk of the  
4 circuit court. The clerk of the circuit court shall pay  
5 all monies collected from this fee to the county  
6 treasurer for deposit in the substance abuse services  
7 fund under Section 5-1086.1 of the Counties Code; and

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



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

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

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

24           (14) refrain from entering into a designated  
25 geographic area except upon such terms as the court finds  
26 appropriate. Such terms may include consideration of the

1 purpose of the entry, the time of day, other persons  
2 accompanying the defendant, and advance approval by a  
3 probation officer, if the defendant has been placed on  
4 probation or advance approval by the court, if the  
5 defendant was placed on conditional discharge;

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

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

17 (17) if convicted for an offense committed on or after  
18 June 1, 2008 (the effective date of Public Act 95-464) ~~this~~  
19 ~~amendatory Act of the 95th General Assembly~~ that would  
20 qualify the accused as a child sex offender as defined in  
21 Section 11-9.3 or 11-9.4 of the Criminal Code of 1961,  
22 refrain from communicating with or contacting, by means of  
23 the Internet, a person who is related to the accused and  
24 whom the accused reasonably believes to be under 18 years  
25 of age; for purposes of this paragraph (17), "Internet" has  
26 the meaning ascribed to it in Section 16J-5 of the Criminal

1 Code of 1961; and a person is related to the accused if the  
2 person is: (i) the spouse, brother, or sister of the  
3 accused; (ii) a descendant of the accused; (iii) a first or  
4 second cousin of the accused; or (iv) a step-child or  
5 adopted child of the accused; and

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

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

19           (d) An offender sentenced to probation or to conditional  
20 discharge shall be given a certificate setting forth the  
21 conditions thereof.

22           (e) Except where the offender has committed a fourth or  
23 subsequent violation of subsection (c) of Section 6-303 of the  
24 Illinois Vehicle Code, the court shall not require as a  
25 condition of the sentence of probation or conditional discharge  
26 that the offender be committed to a period of imprisonment in

1 excess of 6 months. This 6 month limit shall not include  
2 periods of confinement given pursuant to a sentence of county  
3 impact incarceration under Section 5-8-1.2.

4 Persons committed to imprisonment as a condition of  
5 probation or conditional discharge shall not be committed to  
6 the Department of Corrections.

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

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

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

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

14 (i) The court shall impose upon an offender sentenced to  
15 probation after January 1, 1989 or to conditional discharge  
16 after January 1, 1992 or to community service under the  
17 supervision of a probation or court services department after  
18 January 1, 2004, as a condition of such probation or  
19 conditional discharge or supervised community service, a fee of  
20 \$50 for each month of probation or conditional discharge  
21 supervision or supervised community service ordered by the  
22 court, unless after determining the inability of the person  
23 sentenced to probation or conditional discharge or supervised  
24 community service to pay the fee, the court assesses a lesser  
25 fee. The court may not impose the fee on a minor who is made a  
26 ward of the State under the Juvenile Court Act of 1987 while

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

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

21 This amendatory Act of the 93rd General Assembly deletes  
22 the \$10 increase in the fee under this subsection that was  
23 imposed by Public Act 93-616. This deletion is intended to  
24 control over any other Act of the 93rd General Assembly that  
25 retains or incorporates that fee increase.

26 (i-5) In addition to the fees imposed under subsection (i)

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

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

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

26 (l) The court may order an offender who is sentenced to



1 probation or conditional discharge for a violation of an order  
2 of protection be placed under electronic surveillance as  
3 provided in Section 5-8A-7 of this Code.

4 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
5 94-556, eff. 9-11-05; 95-331, eff. 8-21-07; 95-464, eff.  
6 6-1-08; 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff.  
7 1-1-09; 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; revised  
8 10-20-08.)

9 (730 ILCS 5/5-8A-8 new)

10 Sec. 5-8A-8. Global Positioning System (GPS) tracking  
11 information provided to local law enforcement agency. Global  
12 Positioning System (GPS) tracking information about offenders  
13 required to wear an approved electronic monitoring device as  
14 provided in paragraph (7.12) of subsection (a) of Section 3-3-7  
15 and paragraph (8.9) of subsection (a) of Section 5-6-3 of this  
16 Code shall be furnished to local law enforcement agencies.