



Rep. Bill Mitchell

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LRB096 07950 RLC 24107 a

1 AMENDMENT TO HOUSE BILL 3397

2 AMENDMENT NO. _____. Amend House Bill 3397 by replacing
3 everything after the enacting clause with the following:

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

6 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

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

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

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

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

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

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

5 (4) permit the agent to visit him or her at his or her
6 home, employment, or elsewhere to the extent necessary for
7 the agent to discharge his or her duties;

8 (5) attend or reside in a facility established for the
9 instruction or residence of persons on parole or mandatory
10 supervised release;

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

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

18 (7.5) if convicted of a sex offense as defined in the
19 Sex Offender Management Board Act, the individual shall
20 undergo and successfully complete sex offender treatment
21 conducted in conformance with the standards developed by
22 the Sex Offender Management Board Act by a treatment
23 provider approved by the Board;

24 (7.6) if convicted of a sex offense as defined in the
25 Sex Offender Management Board Act, refrain from residing at
26 the same address or in the same condominium unit or

1 apartment unit or in the same condominium complex or
2 apartment complex with another person he or she knows or
3 reasonably should know is a convicted sex offender or has
4 been placed on supervision for a sex offense; the
5 provisions of this paragraph do not apply to a person
6 convicted of a sex offense who is placed in a Department of
7 Corrections licensed transitional housing facility for sex
8 offenders, or is in any facility operated or licensed by
9 the Department of Children and Family Services or by the
10 Department of Human Services, or is in any licensed medical
11 facility;

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

20 (7.8) if convicted for an offense committed on or after
21 the effective date of this amendatory Act of the 95th
22 General Assembly that would qualify the accused as a child
23 sex offender as defined in Section 11-9.3 or 11-9.4 of the
24 Criminal Code of 1961, refrain from communicating with or
25 contacting, by means of the Internet, a person who is not
26 related to the accused and whom the accused reasonably

1 believes to be under 18 years of age; for purposes of this
2 paragraph (7.8), "Internet" has the meaning ascribed to it
3 in Section 16J-5 of the Criminal Code of 1961; and a person
4 is not related to the accused if the person is not: (i) the
5 spouse, brother, or sister of the accused; (ii) a
6 descendant of the accused; (iii) a first or second cousin
7 of the accused; or (iv) a step-child or adopted child of
8 the accused;

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

17 (7.10) if convicted for an offense that would qualify
18 the accused as a sex offender or sexual predator under the
19 Sex Offender Registration Act on or after the effective
20 date of this amendatory Act of the 95th General Assembly,
21 not possess prescription drugs for erectile dysfunction;

22 (7.11) if convicted for an offense under Section 11-6,
23 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
24 Code of 1961, or any attempt to commit any of these
25 offenses, committed on or after June 1, 2009 (the effective
26 date of Public Act 95-983) ~~this amendatory Act of the 95th~~

1 ~~General Assembly:~~

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

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

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

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

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

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

1 employment;

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

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

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

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

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

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

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

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

16 (17) if convicted of a violation of an order of
17 protection under Section 12-30 of the Criminal Code of
18 1961, be placed under electronic surveillance as provided
19 in Section 5-8A-7 of this Code.

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

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

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

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

1 instruction or residence of persons on probation or parole;

2 (4) support his dependents;

3 (5) (blank);

4 (6) (blank);

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

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

24 (7.6) if convicted for an offense committed on or after
25 June 1, 2009 (the effective date of Public Act 95-983) ~~this~~
26 ~~amendatory Act of the 95th General Assembly~~ that would

1 qualify as a sex offense as defined in the Sex Offender
2 Registration Act:

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

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

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

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

24 (8) in addition, if a minor:

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

26 (ii) attend school;

1 (iii) attend a non-residential program for youth;
2 or
3 (iv) contribute to his own support at home or in a
4 foster home.

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

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

12 (2) comply with all requirements of the Sex Offender
13 Registration Act;

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

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

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

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

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

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

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

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

25 (11) not patronize any business providing sexually
26 stimulating or sexually oriented entertainment nor utilize

1 "900" or adult telephone numbers;

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

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

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

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

19 (16) take an annual polygraph exam;

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

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

23 (c) The conditions under which the parole or mandatory
24 supervised release is to be served shall be communicated to the
25 person in writing prior to his release, and he shall sign the
26 same before release. A signed copy of these conditions,

1 including a copy of an order of protection where one had been
2 issued by the criminal court, shall be retained by the person
3 and another copy forwarded to the officer in charge of his
4 supervision.

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

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

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

23 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
24 94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;
25 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
26 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; revised 10-20-08.)

1 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

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

7 (1) not violate any criminal statute of any
8 jurisdiction;

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

11 (3) refrain from possessing a firearm or other
12 dangerous weapon;

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

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

25 (6) perform no less than 30 hours of community service

1 and not more than 120 hours of community service, if
2 community service is available in the jurisdiction and is
3 funded and approved by the county board where the offense
4 was committed, where the offense was related to or in
5 furtherance of the criminal activities of an organized gang
6 and was motivated by the offender's membership in or
7 allegiance to an organized gang. The community service
8 shall include, but not be limited to, the cleanup and
9 repair of any damage caused by a violation of Section
10 21-1.3 of the Criminal Code of 1961 and similar damage to
11 property located within the municipality or county in which
12 the violation occurred. When possible and reasonable, the
13 community service should be performed in the offender's
14 neighborhood. For purposes of this Section, "organized
15 gang" has the meaning ascribed to it in Section 10 of the
16 Illinois Streetgang Terrorism Omnibus Prevention Act;

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

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

18 (8) if convicted of possession of a substance
19 prohibited by the Cannabis Control Act, the Illinois
20 Controlled Substances Act, or the Methamphetamine Control
21 and Community Protection Act after a previous conviction or
22 disposition of supervision for possession of a substance
23 prohibited by the Cannabis Control Act or Illinois
24 Controlled Substances Act or after a sentence of probation
25 under Section 10 of the Cannabis Control Act, Section 410
26 of the Illinois Controlled Substances Act, or Section 70 of

1 the Methamphetamine Control and Community Protection Act
2 and upon a finding by the court that the person is
3 addicted, undergo treatment at a substance abuse program
4 approved by the court;

5 (8.5) if convicted of a felony sex offense as defined
6 in the Sex Offender Management Board Act, the person shall
7 undergo and successfully complete sex offender treatment
8 by a treatment provider approved by the Board and conducted
9 in conformance with the standards developed under the Sex
10 Offender Management Board Act;

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

22 (8.7) if convicted for an offense committed on or after
23 June 1, 2008 (the effective date of Public Act 95-464) ~~this~~
24 ~~amendatory Act of the 95th General Assembly~~ that would
25 qualify the accused as a child sex offender as defined in
26 Section 11-9.3 or 11-9.4 of the Criminal Code of 1961,

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

11 (8.8) if convicted for an offense under Section 11-6,
12 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
13 Code of 1961, or any attempt to commit any of these
14 offenses, committed on or after June 1, 2009 (the effective
15 date of Public Act 95-983) ~~this amendatory Act of the 95th~~
16 ~~General Assembly:~~

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

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

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

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

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

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) during the period that he or she is required to be
20 registered as a sex offender under the Sex Offender
21 Registration Act, if convicted of a sex offense as defined
22 in subsection (a-5) of Section 3-1-2 of this Code, unless
23 the offender is a parent or guardian of the person under 18
24 years of age present in the home and no non-familial minors
25 are present, not participate in a holiday event involving
26 children under 18 years of age, such as distributing candy

1 or other items to children on Halloween, wearing a Santa
2 Claus costume on or preceding Christmas, being employed as
3 a department store Santa Claus, or wearing an Easter Bunny
4 costume on or preceding Easter.

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

10 (1) serve a term of periodic imprisonment under Article
11 7 for a period not to exceed that specified in paragraph
12 (d) of Section 5-7-1;

13 (2) pay a fine and costs;

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

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

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

20 (6) support his dependents;

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

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

23 (ii) attend school;

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

25 (iv) contribute to his own support at home or in a
26 foster home;

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

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

11 (9) perform some reasonable public or community
12 service;

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

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

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

24 (iii) if further deemed necessary by the court or
25 the Probation or Court Services Department, be placed
26 on an approved electronic monitoring device, subject

1 to Article 8A of Chapter V;

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

18 (v) for persons convicted of offenses other than
19 those referenced in clause (iv) above and 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 defendant 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 who shall use the monies collected to defray
7 the costs of corrections. The county treasurer shall
8 deposit the fee collected in the county working cash
9 fund under Section 6-27001 or Section 6-29002 of the
10 Counties Code, as the case may be.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 discharge, except as may be necessary in the course of the
2 minor's lawful employment.

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

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

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

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

21 (g) An offender sentenced to probation or to conditional
22 discharge and who during the term of either undergoes mandatory
23 drug or alcohol testing, or both, or is assigned to be placed
24 on an approved electronic monitoring device, shall be ordered
25 to pay all costs incidental to such mandatory drug or alcohol
26 testing, or both, and all costs incidental to such approved

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

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

24 (i) The court shall impose upon an offender sentenced to
25 probation after January 1, 1989 or to conditional discharge
26 after January 1, 1992 or to community service under the

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

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

1 designee, for services to crime victims and their families. Of
2 the amount collected as a probation fee, up to \$5 of that fee
3 collected per month may be used to provide services to crime
4 victims and their families.

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

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

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

1 (k) Any offender who is sentenced to probation or
2 conditional discharge for a felony sex offense as defined in
3 the Sex Offender Management Board Act or any offense that the
4 court or probation department has determined to be sexually
5 motivated as defined in the Sex Offender Management Board Act
6 shall be required to refrain from any contact, directly or
7 indirectly, with any persons specified by the court and shall
8 be available for all evaluations and treatment programs
9 required by the court or the probation department.

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

14 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
15 94-556, eff. 9-11-05; 95-331, eff. 8-21-07; 95-464, eff.
16 6-1-08; 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff.
17 1-1-09; 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; revised
18 10-20-08.)

19 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

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

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

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

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

25 For the purposes of this Section, "organized gang" has the
26 meaning ascribed to it in Section 10 of the Illinois Streetgang

1 Terrorism Omnibus Prevention Act.

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

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

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

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

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

23 (ii) attend school;

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

25 (iv) contribute to his own support at home or in a
26 foster home; or

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

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

14 (10) perform some reasonable public or community
15 service;

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

25 (12) reimburse any "local anti-crime program" as
26 defined in Section 7 of the Anti-Crime Advisory Council Act

1 for any reasonable expenses incurred by the program on the
2 offender's case, not to exceed the maximum amount of the
3 fine authorized for the offense for which the defendant was
4 sentenced;

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

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

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

25 (16) refrain from having in his or her body the
26 presence of any illicit drug prohibited by the Cannabis

1 Control Act, the Illinois Controlled Substances Act, or the
2 Methamphetamine Control and Community Protection Act,
3 unless prescribed by a physician, and submit samples of his
4 or her blood or urine or both for tests to determine the
5 presence of any illicit drug;

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

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

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

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

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

1 Illinois Vehicle Code or a similar provision of a local
2 ordinance shall not have his or her record of arrest sealed or
3 expunged.

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

26 (h) A disposition of supervision is a final order for the

1 purposes of appeal.

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

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

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

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

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

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

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

25 (m) The Secretary of State shall require anyone placed on
26 court supervision for a violation of Section 3-707 of the

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

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

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

1 offense who is placed in a Department of Corrections licensed
2 transitional housing facility for sex offenders.

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

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

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

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

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

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

24 (iii) submit to the installation on the offender's
25 computer or device with Internet capability, at the
26 offender's expense, of one or more hardware or software

1 systems to monitor the Internet use; and

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

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