

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 Section 5-6-3 as follows:

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

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

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

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

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

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

16 (3) refrain from possessing a firearm or other
17 dangerous weapon where the offense is a felony or, if a
18 misdemeanor, the offense involved the intentional or
19 knowing infliction of bodily harm or threat of bodily harm;

20 (4) not leave the State without the consent of the
21 court or, in circumstances in which the reason for the
22 absence is of such an emergency nature that prior consent
23 by the court is not possible, without the prior

1 notification and approval of the person's probation
2 officer. Transfer of a person's probation or conditional
3 discharge supervision to another state is subject to
4 acceptance by the other state pursuant to the Interstate
5 Compact for Adult Offender Supervision;

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

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

26 (7) if he or she is at least 17 years of age and has

1 been sentenced to probation or conditional discharge for a
2 misdemeanor or felony in a county of 3,000,000 or more
3 inhabitants and has not been previously convicted of a
4 misdemeanor or felony, may be required by the sentencing
5 court to attend educational courses designed to prepare the
6 defendant for a high school diploma and to work toward a
7 high school diploma or to work toward passing the high
8 school level Test of General Educational Development (GED)
9 or to work toward completing a vocational training program
10 approved by the court. The person on probation or
11 conditional discharge must attend a public institution of
12 education to obtain the educational or vocational training
13 required by this clause (7). The court shall revoke the
14 probation or conditional discharge of a person who wilfully
15 fails to comply with this clause (7). The person on
16 probation or conditional discharge shall be required to pay
17 for the cost of the educational courses or GED test, if a
18 fee is charged for those courses or test. The court shall
19 resentence the offender whose probation or conditional
20 discharge has been revoked as provided in Section 5-6-4.
21 This clause (7) does not apply to a person who has a high
22 school diploma or has successfully passed the GED test.
23 This clause (7) does not apply to a person who is
24 determined by the court to be developmentally disabled or
25 otherwise mentally incapable of completing the educational
26 or vocational program;

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

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

20 (8.6) if convicted of a sex offense as defined in the
21 Sex Offender Management Board Act, refrain from residing at
22 the same address or in the same condominium unit or
23 apartment unit or in the same condominium complex or
24 apartment complex with another person he or she knows or
25 reasonably should know is a convicted sex offender or has
26 been placed on supervision for a sex offense; the

1 provisions of this paragraph do not apply to a person
2 convicted of a sex offense who is placed in a Department of
3 Corrections licensed transitional housing facility for sex
4 offenders;

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

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

24 (10) if convicted of a sex offense as defined in
25 subsection (a-5) of Section 3-1-2 of this Code, unless the
26 offender is a parent or guardian of the person under 18

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

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

13 (1) serve a term of periodic imprisonment under Article
14 7 for a period not to exceed that specified in paragraph
15 (d) of Section 5-7-1;

16 (2) pay a fine and costs;

17 (3) work or pursue a course of study or vocational
18 training;

19 (4) undergo medical, psychological or psychiatric
20 treatment; or treatment for drug addiction or alcoholism;

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

23 (6) support his dependents;

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

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

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

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

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

20 (i) remain within the interior premises of the
21 place designated for his confinement during the hours
22 designated by the court;

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

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

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

21 (v) for persons convicted of offenses other than
22 those referenced in clause (iv) above and who are
23 placed on an approved monitoring device as a condition
24 of probation or conditional discharge, the court shall
25 impose a reasonable fee for each day of the use of the
26 device, as established by the county board in

1 subsection (g) of this Section, unless after
2 determining the inability of the defendant to pay the
3 fee, the court assesses a lesser fee or no fee as the
4 case may be. This fee shall be imposed in addition to
5 the fees imposed under subsections (g) and (i) of this
6 Section. The fee shall be collected by the clerk of the
7 circuit court. The clerk of the circuit court shall pay
8 all monies collected from this fee to the county
9 treasurer who shall use the monies collected to defray
10 the costs of corrections. The county treasurer shall
11 deposit the fee collected in the county working cash
12 fund under Section 6-27001 or Section 6-29002 of the
13 Counties Code, as the case may be.

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

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

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

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

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

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

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

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

18 (18) refrain from possessing a firearm or other
19 dangerous weapon where the offense is a misdemeanor that
20 did not involve the intentional or knowing infliction of
21 bodily harm or threat of bodily harm.

22 (c) The court may as a condition of probation or of
23 conditional discharge require that a person under 18 years of
24 age found guilty of any alcohol, cannabis or controlled
25 substance violation, refrain from acquiring a driver's license
26 during the period of probation or conditional discharge. If

1 such person is in possession of a permit or license, the court
2 may require that the minor refrain from driving or operating
3 any motor vehicle during the period of probation or conditional
4 discharge, except as may be necessary in the course of the
5 minor's lawful employment.

6 (d) An offender sentenced to probation or to conditional
7 discharge shall be given a certificate setting forth the
8 conditions thereof.

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

17 Persons committed to imprisonment as a condition of
18 probation or conditional discharge shall not be committed to
19 the Department of Corrections.

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

24 (g) An offender sentenced to probation or to conditional
25 discharge and who during the term of either undergoes mandatory
26 drug or alcohol testing, or both, or is assigned to be placed

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

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

1 (i) The court shall impose upon an offender sentenced to
2 probation after January 1, 1989 or to conditional discharge
3 after January 1, 1992 or to community service under the
4 supervision of a probation or court services department after
5 January 1, 2004, as a condition of such probation or
6 conditional discharge or supervised community service, a fee of
7 \$50 for each month of probation or conditional discharge
8 supervision or supervised community service ordered by the
9 court, unless after determining the inability of the person
10 sentenced to probation or conditional discharge or supervised
11 community service to pay the fee, the court assesses a lesser
12 fee. The court may not impose the fee on a minor who is made a
13 ward of the State under the Juvenile Court Act of 1987 while
14 the minor is in placement. The fee shall be imposed only upon
15 an offender who is actively supervised by the probation and
16 court services department. The fee shall be collected by the
17 clerk of the circuit court. The clerk of the circuit court
18 shall pay all monies collected from this fee to the county
19 treasurer for deposit in the probation and court services fund
20 under Section 15.1 of the Probation and Probation Officers Act.

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

1 circuit court has authorized, by administrative order issued by
2 the chief judge, the creation of a Crime Victim's Services
3 Fund, to be administered by the Chief Judge or his or her
4 designee, for services to crime victims and their families. Of
5 the amount collected as a probation fee, up to \$5 of that fee
6 collected per month may be used to provide services to crime
7 victims and their families.

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

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

23 (j) All fines and costs imposed under this Section for any
24 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
25 Code, or a similar provision of a local ordinance, and any
26 violation of the Child Passenger Protection Act, or a similar

1 provision of a local ordinance, shall be collected and
2 disbursed by the circuit clerk as provided under Section 27.5
3 of the Clerks of Courts Act.

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

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

17 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
18 94-556, eff. 9-11-05; 95-331, eff. 8-21-07; 95-464, eff.
19 6-1-08; 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff.
20 1-1-09; 95-876, eff. 8-21-08.)

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

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

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

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

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

5 (3) refrain from possessing a firearm or other
6 dangerous weapon where the offense is a felony or, if a
7 misdemeanor, the offense involved the intentional or
8 knowing infliction of bodily harm or threat of bodily harm;

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

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

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

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

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

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

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

26 (8.5) if convicted of a felony sex offense as defined

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

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

17 (8.7) 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 not related to the accused
24 and whom the accused reasonably believes to be under 18
25 years of age; for purposes of this paragraph (8.7),
26 "Internet" has the meaning ascribed to it in Section 16J-5

1 of the Criminal Code of 1961; and a person is not related
2 to the accused if the person is not: (i) the spouse,
3 brother, or sister of the accused; (ii) a descendant of the
4 accused; (iii) a first or second cousin of the accused; or
5 (iv) a step-child or adopted child of the accused;

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

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

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

1 inspection;

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

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

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

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

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

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

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

6 (2) pay a fine and costs;

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

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

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

13 (6) support his dependents;

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

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

16 (ii) attend school;

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

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

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

1 the real property comprising a school;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (19) refrain from possessing a firearm or other
13 dangerous weapon where the offense is a misdemeanor that
14 did not involve the intentional or knowing infliction of
15 bodily harm or threat of bodily harm.

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

26 (d) An offender sentenced to probation or to conditional

1 discharge shall be given a certificate setting forth the
2 conditions thereof.

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

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

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

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

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

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

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

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

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

1 victims and their families.

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

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

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

24 (k) Any offender who is sentenced to probation or
25 conditional discharge for a felony sex offense as defined in
26 the Sex Offender Management Board Act or any offense that the

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

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

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

16 Section 95. No acceleration or delay. Where this Act makes
17 changes in a statute that is represented in this Act by text
18 that is not yet or no longer in effect (for example, a Section
19 represented by multiple versions), the use of that text does
20 not accelerate or delay the taking effect of (i) the changes
21 made by this Act or (ii) provisions derived from any other
22 Public Act.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.