



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB4822

Introduced 1/12/2010, by Rep. William B. Black

#### SYNOPSIS AS INTRODUCED:

25 ILCS 70/2	from Ch. 63, par. 42.82
705 ILCS 405/6-1	from Ch. 37, par. 806-1
705 ILCS 405/6-6	from Ch. 37, par. 806-6
725 ILCS 185/4	from Ch. 38, par. 304
730 ILCS 5/Act title	
730 ILCS 5/3-2.5-110	
730 ILCS 5/3-3-11.05	
730 ILCS 5/5-5-10	
730 ILCS 5/5-6-3	from Ch. 38, par. 1005-6-3
730 ILCS 5/5-6-3.1	from Ch. 38, par. 1005-6-3.1
730 ILCS 110/9b	from Ch. 38, par. 204-1b
730 ILCS 110/15	from Ch. 38, par. 204-7
730 ILCS 110/15.1	from Ch. 38, par. 204-7.1
730 ILCS 110/16	from Ch. 38, par. 204-8
730 ILCS 110/16.1	
730 ILCS 110/19 new	
730 ILCS 110/20 new	

Amends the Correctional Budget and Impact Note Act, the Juvenile Court Act of 1987, the Pretrial Services Act, the Unified Code of Corrections, and the Probation and Probation Officers Act. Provides that the Division of Probation Services is established as an independent agency headed by a Director appointed by the Governor (rather than as a Division of the Illinois Supreme Court). Contains transition provisions. Effective immediately.

LRB096 16006 RLC 31251 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 Correctional Budget and Impact Note Act is  
5 amended by changing Section 2 as follows:

6 (25 ILCS 70/2) (from Ch. 63, par. 42.82)

7 Sec. 2. Budget impact note required.

8 (a) Every bill which creates a new criminal offense for  
9 which a sentence to the Department of Corrections may be  
10 imposed; or which enhances any class or category of offense to  
11 a higher grade or penalty for which a sentence to the  
12 Department of Corrections is authorized; or which requires a  
13 mandatory commitment to the Department of Corrections, shall  
14 have prepared for it prior to second reading in the house of  
15 introduction a brief explanatory statement or note which shall  
16 include a reliable estimate of the probable impact of such bill  
17 upon the overall resident population of the Department of  
18 Corrections and the probable impact which such bill will have  
19 upon the Department's annual budget.

20 (b) Every bill that (i) creates a new criminal offense for  
21 which a commitment to a juvenile detention facility, sentence  
22 of probation, intermediate sanctions, or community service may  
23 be imposed or (ii) enhances any class or category of offense to

1 any grade or penalty for which adjudication, commitment, or  
2 disposition by a circuit court to the custody of a Probation  
3 and Court Services Department may result shall have prepared  
4 for it prior to second reading in the house of introduction a  
5 brief explanatory statement or note that shall include a  
6 reliable estimate of the probable impact of the bill upon the  
7 overall probation caseload Statewide and the probable impact  
8 the bill will have on staffing needs and upon the annual  
9 budgets of the Division of Probation Services ~~Illinois Supreme~~  
10 ~~Court~~ and the counties of this State.

11 (Source: P.A. 89-198, eff. 7-21-95.)

12 Section 10. The Juvenile Court Act of 1987 is amended by  
13 changing Sections 6-1 and 6-6 as follows:

14 (705 ILCS 405/6-1) (from Ch. 37, par. 806-1)

15 Sec. 6-1. Probation departments; functions and duties.

16 (1) The chief judge of each circuit shall make provision  
17 for probation services for each county in his or her circuit.  
18 The appointment of officers to probation or court services  
19 departments and the administration of such departments shall be  
20 governed by the provisions of the Probation and Probation  
21 Officers Act.

22 (2) Every county or every group of counties constituting a  
23 probation district shall maintain a court services or probation  
24 department subject to the provisions of the Probation and

1 Probation Officers Act. For the purposes of this Act, such a  
2 court services or probation department has, but is not limited  
3 to, the following powers and duties:

4 (a) When authorized or directed by the court, to  
5 receive, investigate and evaluate complaints indicating  
6 dependency, requirement of authoritative intervention,  
7 addiction or delinquency within the meaning of Sections  
8 2-3, 2-4, 3-3, 4-3 or 5-105, respectively; to determine or  
9 assist the complainant in determining whether a petition  
10 should be filed under Sections 2-13, 3-15, 4-12 or 5-520 or  
11 whether referral should be made to an agency, association  
12 or other person or whether some other action is advisable;  
13 and to see that the indicating filing, referral or other  
14 action is accomplished. However, no such investigation,  
15 evaluation or supervision by such court services or  
16 probation department is to occur with regard to complaints  
17 indicating only that a minor may be a chronic or habitual  
18 truant.

19 (b) When a petition is filed under Section 2-13, 3-15,  
20 4-15 or 5-520, to make pre-hearing investigations and  
21 formulate recommendations to the court when the court has  
22 authorized or directed the department to do so.

23 (c) To counsel and, by order of the court, to supervise  
24 minors referred to the court; to conduct indicated programs  
25 of casework, including referrals for medical and mental  
26 health service, organized recreation and job placement for

1 wards of the court and, when appropriate, for members of  
2 the family of a ward; to act as liaison officer between the  
3 court and agencies or associations to which minors are  
4 referred or through which they are placed; when so  
5 appointed, to serve as guardian of the person of a ward of  
6 the court; to provide probation supervision and protective  
7 supervision ordered by the court; and to provide like  
8 services to wards and probationers of courts in other  
9 counties or jurisdictions who have lawfully become local  
10 residents.

11 (d) To arrange for placements pursuant to court order.

12 (e) To assume administrative responsibility for such  
13 detention, shelter care and other institutions for minors  
14 as the court may operate.

15 (f) To maintain an adequate system of case records,  
16 statistical records, and financial records related to  
17 juvenile detention and shelter care and to make reports to  
18 the court and other authorized persons, and to the Division  
19 of Probation Services ~~Supreme Court~~ pursuant to the  
20 Probation and Probation Officers Act.

21 (g) To perform such other services as may be  
22 appropriate to effectuate the purposes of this Act or as  
23 may be directed by any order of court made under this Act.

24 (3) The court services or probation department in any  
25 probation district or county having less than 1,000,000  
26 inhabitants, or any personnel of the department, may be

1 required by the circuit court to render services to the court  
2 in other matters as well as proceedings under this Act.

3 (4) In any county or probation district, a probation  
4 department may be established as a separate division of a more  
5 inclusive department of court services, with any appropriate  
6 divisional designation. The organization of any such  
7 department of court services and the appointment of officers  
8 and other personnel must comply with the Probation and  
9 Probations Officers Act.

10 (5) For purposes of this Act only, probation officers  
11 appointed to probation or court services departments shall be  
12 considered peace officers. In the exercise of their official  
13 duties, probation officers, sheriffs, and police officers may,  
14 anywhere within the State, arrest any minor who is in violation  
15 of any of the conditions of his or her probation, continuance  
16 under supervision, or informal supervision, and it shall be the  
17 duty of the officer making the arrest to take the minor before  
18 the court having jurisdiction over the minor for further  
19 action.

20 (Source: P.A. 93-576, eff. 1-1-04.)

21 (705 ILCS 405/6-6) (from Ch. 37, par. 806-6)

22 Sec. 6-6. State share of compensation of probation  
23 Personnel. (1) Before the 15th day of each month, ~~beginning~~  
24 ~~with August, 1966,~~ there shall be filed with the ~~Supreme Court~~  
25 Division of Probation Services an itemized statement of the

1 amounts paid, by the county, probation district or counties  
2 cooperating informally under Section 6-2, as compensation for  
3 Services rendered under this Act pursuant to the Probation and  
4 Probation Officers Act ~~"An Act providing for a system of~~  
5 ~~probation, for the appointment and compensation of probation~~  
6 ~~officers, and authorizing the suspension of final judgment and~~  
7 ~~the imposition of sentence upon persons found guilty of certain~~  
8 ~~defined crimes and offenses, and legalizing their ultimate~~  
9 ~~discharge without punishment", approved June 10, 1911, as~~  
10 amended.

11 (2) Such itemized statement shall be filed by the county  
12 treasurer, or, in the case of a probation district or of  
13 counties cooperating informally under Section 6-2, by the  
14 county treasurer of the most populous county, and shall be  
15 certified as to amounts by such county treasurer and the  
16 Division of Probation Services ~~Supreme Court~~ or its designee  
17 shall establish a means of verifying compliance with this  
18 Section in the manner of appointment or reappointment of and  
19 the percentage of time spent by such personnel.

20 (3) The Division of Probation Services ~~Supreme Court~~ or its  
21 designee shall verify that conditions contained in this Section  
22 have been met and transmit the statements to the Comptroller  
23 who shall examine and audit the monthly statement and, upon  
24 finding it correct, shall voucher for payment to the county  
25 treasurer filing the same, for his county, probation district  
26 or group of co-operating counties the amount of \$1,000 per

1 month for salaries of qualified probation officers who are paid  
2 at least at the annual rate of \$17,000.

3 (4) To qualify for State reimbursement under this Section,  
4 county probation departments or probation districts must  
5 conform to the provisions of the Probation and Probation  
6 Officers Act ~~"An Act providing for a system of probation, for~~  
7 ~~the appointment and compensation of probation officers, and~~  
8 ~~authorizing the suspension of final judgment and the imposition~~  
9 ~~of sentence upon persons found guilty of certain defined crimes~~  
10 ~~and offenses, and legalizing their ultimate discharge without~~  
11 ~~punishment", approved June 10, 1911, as amended. Whether or not~~  
12 a county probation department or probation district applies for  
13 State reimbursement, such department or district must abide by  
14 the personnel qualifications and hiring procedures promulgated  
15 by the Division of Probation Services pursuant to the Probation  
16 and Probation Officers Act ~~Supreme Court pursuant to "An Act~~  
17 ~~providing for a system of probation, for the appointment and~~  
18 ~~compensation of probation officers, and authorizing the~~  
19 ~~suspension of final judgment and the imposition of sentence~~  
20 ~~upon persons found guilty of certain defined crimes and~~  
21 ~~offenses, and legalizing their ultimate discharge without~~  
22 ~~punishment", approved June 10, 1911, as amended.~~

23 (Source: P.A. 85-601.)

24 Section 15. The Pretrial Services Act is amended by  
25 changing Section 4 as follows:



1 (725 ILCS 185/4) (from Ch. 38, par. 304)

2 Sec. 4. All pretrial services agency personnel shall be  
3 full-time employees supervised by the director and, except for  
4 secretarial staff, subject to the hiring and training  
5 requirements established by the Division of Probation Services  
6 ~~Supreme Court~~ as provided in the Probation and Probation  
7 Officers Act ~~"An Act providing for a system of probation, for~~  
8 ~~the appointment and compensation of probation officers, and~~  
9 ~~authorizing the suspension of final judgment and the imposition~~  
10 ~~of sentence upon persons found guilty of certain defined crimes~~  
11 ~~and offenses, and legalizing their ultimate discharge without~~  
12 ~~punishment", approved June 10, 1911, as amended.~~

13 (Source: P.A. 84-1449.)

14 Section 20. The Unified Code of Corrections is amended by  
15 changing the title of the Act and Sections 3-2.5-110,  
16 3-3-11.05, 5-5-10, 5-6-3, and 5-6-3.1 as follows:

17 (730 ILCS 5/Act title)

18 An Act to create a comprehensive Code of Corrections in  
19 relation to the diagnosis and evaluation of offenders and  
20 persons charged with offenses, the sentencing, correction and  
21 parole of offenders, the establishment of a Division of  
22 Probation Services ~~within the Administrative Office of the~~  
23 ~~Illinois Courts~~ to be administered by a Director ~~it~~, and to

1 repeal certain Acts and parts of Acts herein named.

2 (730 ILCS 5/3-2.5-110)

3 Sec. 3-2.5-110. State Compact Administrator. A State  
4 Compact Administrator for the Interstate Compact for Juveniles  
5 shall be appointed by the Governor. The Juvenile State Compact  
6 Administrator shall be a representative of the Illinois  
7 Department of Juvenile Justice and shall act as the day-to-day  
8 administrator for the Interstate Compact for Juveniles. The  
9 State Compact Administrator shall serve as the State's  
10 Commissioner to the Interstate Commission for Juveniles, as  
11 provided in Article III of the Compact. One Deputy State  
12 Compact Administrator from probation shall be appointed by the  
13 Director of the Division of Probation Services ~~Supreme Court~~. A  
14 second Deputy State Compact Administrator shall be appointed by  
15 the Department of Human Services.

16 (Source: P.A. 95-937, eff. 8-26-08.)

17 (730 ILCS 5/3-3-11.05)

18 Sec. 3-3-11.05. State Council for Interstate Compacts for  
19 the State of Illinois.

20 (a) Membership and appointing authority.

21 (1) A State Compact Administrator for the Interstate  
22 Compact for Adult Offender Supervision shall be appointed  
23 by the Governor. The Adult Offender Supervision Compact  
24 Administrator shall be a representative of the Illinois

1 Department of Corrections and shall act as the day-to-day  
2 administrator for the Interstate Compact for Adult  
3 Offender Supervision. The State Compact Administrator  
4 shall serve as the State's Commissioner to the Interstate  
5 Commission for Adult Offenders, as provided in Article IV  
6 of the Compact. The Adult Offender Supervision Compact  
7 Administrator shall serve as Chairperson of the State  
8 Council for Interstate Compacts, except that the State  
9 Compact Administrator for the Interstate Compact for  
10 Juveniles may be designated by the State Council to serve  
11 as Chairperson for the State Council when juvenile issues  
12 come before the council.

13 (2) A Deputy Compact Administrator from probation  
14 shall be appointed by the Director of the Division of  
15 Probation Services ~~Supreme Court~~.

16 (3) A representative shall be appointed by the Speaker  
17 of the House of Representatives.

18 (4) A representative shall be appointed by the Minority  
19 Leader of the House of Representatives.

20 (5) A representative shall be appointed by the  
21 President of the Senate.

22 (6) A representative shall be appointed by the Minority  
23 Leader of the Senate.

24 (7) A judicial representative shall be appointed by the  
25 Supreme Court.

26 (8) A representative from a crime victims' advocacy

1 group shall be appointed by the Governor.

2 (9) A parole representative shall be appointed by the  
3 Director of Corrections.

4 (10) A probation representative shall be appointed by  
5 the Director of the Division of Probation Services  
6 ~~Administrative Office of the Illinois Courts~~.

7 (11) A representative shall be appointed by the  
8 Director of Juvenile Justice.

9 (12) The Deputy Compact Administrator (Juvenile)  
10 appointed by the Secretary of Human Services.

11 (13) The State Compact Administrator of the Interstate  
12 Compact for Juveniles.

13 (14) The persons appointed under clauses (1) through  
14 (13) of this subsection (a) shall be voting members of the  
15 State Council. With the approval of the State Council,  
16 persons representing other organizations that may have an  
17 interest in the Compact may also be appointed to serve as  
18 non-voting members of the State Council by those interested  
19 organizations. Those organizations may include, but are  
20 not limited to, the Illinois Sheriffs' Association, the  
21 Illinois Association of Chiefs of Police, the Illinois  
22 State's Attorneys Association, and the Office of Attorney  
23 General.

24 (b) Terms of appointment.

25 (1) The Compact Administrators and the Deputy Compact  
26 Administrators shall serve at the will of their respective

1 appointing authorities.

2 (2) The crime victims' advocacy group representative  
3 and the judicial representative shall each serve an initial  
4 term of 2 years. Thereafter, they shall each serve for a  
5 term of 4 years.

6 (3) The representatives appointed by the Speaker of the  
7 House of Representatives, the President of the Senate, the  
8 Minority Leader of the House of Representatives, and the  
9 Minority Leader of the Senate shall each serve for a term  
10 of 4 years. If one of these representatives shall not be  
11 able to fulfill the completion of his or her term, then  
12 another representative shall be appointed by his or her  
13 respective appointing authority for the remainder of his or  
14 her term.

15 (4) The probation representative and the parole  
16 representative shall each serve a term of 2 years.

17 (5) The time frame limiting the initial term of  
18 appointments for voting representatives listed in clauses  
19 (2) through (4) of this subsection (b) shall not begin  
20 until more than 50% of the appointments have been made by  
21 the respective appointing authorities.

22 (c) Duties and responsibilities.

23 (1) The duties and responsibilities of the State  
24 Council shall be:

25 (A) To appoint the State Compact Administrator as  
26 Illinois' Commissioner on the Interstate Commission.

1           (B) To develop by-laws for the operation of the  
2 State Council.

3           (C) To establish policies and procedures for the  
4 Interstate Compact operations in Illinois.

5           (D) To monitor and remediate Compact compliance  
6 issues in Illinois.

7           (E) To promote system training and public  
8 awareness regarding the Compact's mission and  
9 mandates.

10          (F) To meet at least twice a year and otherwise as  
11 called by the Chairperson.

12          (G) To allow for the appointment of non-voting  
13 members as deemed appropriate.

14          (H) To issue rules in accordance with Article 5 of  
15 the Illinois Administrative Procedure Act.

16          (I) To publish Interstate Commission rules.

17          (d) Funding. The State shall appropriate funds to the  
18 Department of Corrections to support the operations of the  
19 State Council and its membership dues to the Interstate  
20 Commission.

21          (e) Penalties. Procedures for assessment of penalties  
22 imposed pursuant to Article XII of the Compact shall be  
23 established by the State Council.

24          (f) Notification of ratification of Compact. The State  
25 Compact Administrator shall notify the Governor and Secretary  
26 of State when 35 States have enacted the Compact.

1 (Source: P.A. 95-937, eff. 8-26-08.)

2 (730 ILCS 5/5-5-10)

3 Sec. 5-5-10. Community service fee. When an offender or  
4 defendant is ordered by the court to perform community service  
5 and the offender is not otherwise assessed a fee for probation  
6 services, the court shall impose a fee of \$50 for each month  
7 the community service ordered by the court is supervised by a  
8 probation and court services department, unless after  
9 determining the inability of the person sentenced to community  
10 service to pay the fee, the court assesses a lesser fee. The  
11 court may not impose a fee on a minor who is made a ward of the  
12 State under the Juvenile Court Act of 1987 while the minor is  
13 in placement. The fee shall be imposed only on an offender who  
14 is actively supervised by the probation and court services  
15 department. The fee shall be collected by the clerk of the  
16 circuit court. The clerk of the circuit court shall pay all  
17 monies collected from this fee to the county treasurer for  
18 deposit in the probation and court services fund under Section  
19 15.1 of the 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 Division of Probation  
25 Services ~~Administrative Office of the Illinois Courts~~; and (2)

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

8 (Source: P.A. 93-475, eff. 8-8-03.)

9 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

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

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

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

22 (4) not leave the State without the consent of the  
23 court or, in circumstances in which the reason for the  
24 absence is of such an emergency nature that prior consent  
25 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 June 1, 2008 (the effective date of Public Act 95-464) that  
7 would qualify the accused as a child sex offender as  
8 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
9 1961, refrain from communicating with or contacting, by  
10 means of the Internet, a person who is not related to the  
11 accused and whom the accused reasonably believes to be  
12 under 18 years of age; for purposes of this paragraph  
13 (8.7), "Internet" has the meaning ascribed to it in Section  
14 16J-5 of the Criminal Code of 1961; and a person is not  
15 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 (8.8) if convicted for an offense under Section 11-6,  
21 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal  
22 Code of 1961, or any attempt to commit any of these  
23 offenses, committed on or after June 1, 2009 (the effective  
24 date of Public Act 95-983):

25 (i) not access or use a computer or any other  
26 device with Internet capability without the prior

1 written approval of the offender's probation officer,  
2 except in connection with the offender's employment or  
3 search for employment with the prior approval of the  
4 offender's probation officer;

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 probation  
8 officer, a law enforcement officer, or assigned  
9 computer or information technology specialist,  
10 including the retrieval and copying of all data from  
11 the computer or device and any internal or external  
12 peripherals and removal of such information,  
13 equipment, or device to conduct a more thorough  
14 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 offender's probation officer;

23 (8.9) if convicted of a sex offense as defined in the  
24 Sex Offender Registration Act committed on or after January  
25 1, 2010 (the effective date of Public Act 96-262) ~~this~~  
26 ~~amendatory Act of the 96th General Assembly~~, refrain from

1 accessing or using a social networking website as defined  
2 in Section 16D-2 of the Criminal Code of 1961;

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

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

17 (11) if convicted of a sex offense as defined in  
18 Section 2 of the Sex Offender Registration Act committed on  
19 or after January 1, 2010 (the effective date of Public Act  
20 96-362) ~~this amendatory Act of the 96th General Assembly~~  
21 that requires the person to register as a sex offender  
22 under that Act, may not knowingly use any computer scrub  
23 software on any computer that the sex offender uses.

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) that  
22 would qualify the accused as a child sex offender as  
23 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
24 1961, refrain from communicating with or contacting, by  
25 means of the Internet, a person who is related to the  
26 accused and whom the accused reasonably believes to be

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

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

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 subject'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; and

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

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

24 (d) An offender sentenced to probation or to conditional  
25 discharge shall be given a certificate setting forth the  
26 conditions thereof.

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

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

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

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

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

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

19 (i) The court shall impose upon an offender sentenced to  
20 probation after January 1, 1989 or to conditional discharge  
21 after January 1, 1992 or to community service under the  
22 supervision of a probation or court services department after  
23 January 1, 2004, as a condition of such probation or  
24 conditional discharge or supervised community service, a fee of  
25 \$50 for each month of probation or conditional discharge  
26 supervision or supervised community service ordered by the

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

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

26 This amendatory Act of the 93rd General Assembly deletes



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

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

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

22 (k) Any offender who is sentenced to probation or  
23 conditional discharge for a felony sex offense as defined in  
24 the Sex Offender Management Board Act or any offense that the  
25 court or probation department has determined to be sexually  
26 motivated as defined in the Sex Offender Management Board Act

1 shall be required to refrain from any contact, directly or  
2 indirectly, with any persons specified by the court and shall  
3 be available for all evaluations and treatment programs  
4 required by the court or the probation department.

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

9 (Source: P.A. 95-331, eff. 8-21-07; 95-464, eff. 6-1-08;  
10 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff. 1-1-09;  
11 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; 96-262, eff. 1-1-10;  
12 96-328, eff. 8-11-09; 96-362, eff. 1-1-10; 96-695, eff.  
13 8-25-09; revised 9-25-09.)

14 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

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

16 (a) When a defendant is placed on supervision, the court  
17 shall enter an order for supervision specifying the period of  
18 such supervision, and shall defer further proceedings in the  
19 case until the conclusion of the period.

20 (b) The period of supervision shall be reasonable under all  
21 of the circumstances of the case, but may not be longer than 2  
22 years, unless the defendant has failed to pay the assessment  
23 required by Section 10.3 of the Cannabis Control Act, Section  
24 411.2 of the Illinois Controlled Substances Act, or Section 80  
25 of the Methamphetamine Control and Community Protection Act, in

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

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

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

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

5           (2) pay a fine and costs;

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

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

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

12          (6) support his dependents;

13          (7) refrain from possessing a firearm or other  
14 dangerous weapon;

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

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

17           (ii) attend school;

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

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

21           (v) with the consent of the superintendent of the  
22 facility, attend an educational program at a facility  
23 other than the school in which the offense was  
24 committed if he or she is placed on supervision for a  
25 crime of violence as defined in Section 2 of the Crime  
26 Victims Compensation Act committed in a school, on the

1 real property comprising a school, or within 1,000 feet  
2 of the real property comprising a school;

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

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

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

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

25 (13) contribute a reasonable sum of money, not to  
26 exceed the maximum amount of the fine authorized for the

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

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

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

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

26 (17) refrain from operating any motor vehicle not

1 equipped with an ignition interlock device as defined in  
2 Section 1-129.1 of the Illinois Vehicle Code; under this  
3 condition the court may allow a defendant who is not  
4 self-employed to operate a vehicle owned by the defendant's  
5 employer that is not equipped with an ignition interlock  
6 device in the course and scope of the defendant's  
7 employment; and

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

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

21 (e) At the conclusion of the period of supervision, if the  
22 court determines that the defendant has successfully complied  
23 with all of the conditions of supervision, the court shall  
24 discharge the defendant and enter a judgment dismissing the  
25 charges.

26 (f) Discharge and dismissal upon a successful conclusion of

1 a disposition of supervision shall be deemed without  
2 adjudication of guilt and shall not be termed a conviction for  
3 purposes of disqualification or disabilities imposed by law  
4 upon conviction of a crime. Two years after the discharge and  
5 dismissal under this Section, unless the disposition of  
6 supervision was for a violation of Sections 3-707, 3-708,  
7 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a  
8 similar provision of a local ordinance, or for a violation of  
9 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which  
10 case it shall be 5 years after discharge and dismissal, a  
11 person may have his record of arrest sealed or expunged as may  
12 be provided by law. However, any defendant placed on  
13 supervision before January 1, 1980, may move for sealing or  
14 expungement of his arrest record, as provided by law, at any  
15 time after discharge and dismissal under this Section. A person  
16 placed on supervision for a sexual offense committed against a  
17 minor as defined in clause (a)(1)(L) of Section 5.2 of the  
18 Criminal Identification Act or for a violation of Section  
19 11-501 of the Illinois Vehicle Code or a similar provision of a  
20 local ordinance shall not have his or her record of arrest  
21 sealed or expunged.

22 (g) A defendant placed on supervision and who during the  
23 period of supervision undergoes mandatory drug or alcohol  
24 testing, or both, or is assigned to be placed on an approved  
25 electronic monitoring device, shall be ordered to pay the costs  
26 incidental to such mandatory drug or alcohol testing, or both,



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

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

20 (i) The court shall impose upon a defendant placed on  
21 supervision after January 1, 1992 or to community service under  
22 the supervision of a probation or court services department  
23 after January 1, 2004, as a condition of supervision or  
24 supervised community service, a fee of \$50 for each month of  
25 supervision or supervised community service ordered by the  
26 court, unless after determining the inability of the person

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

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

25 (j) All fines and costs imposed under this Section for any  
26 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle

1 Code, or a similar provision of a local ordinance, and any  
2 violation of the Child Passenger Protection Act, or a similar  
3 provision of a local ordinance, shall be collected and  
4 disbursed by the circuit clerk as provided under Section 27.5  
5 of the Clerks of Courts Act.

6 (k) A defendant at least 17 years of age who is placed on  
7 supervision for a misdemeanor in a county of 3,000,000 or more  
8 inhabitants and who has not been previously convicted of a  
9 misdemeanor or felony may as a condition of his or her  
10 supervision be required by the court to attend educational  
11 courses designed to prepare the defendant for a high school  
12 diploma and to work toward a high school diploma or to work  
13 toward passing the high school level Test of General  
14 Educational Development (GED) or to work toward completing a  
15 vocational training program approved by the court. The  
16 defendant placed on supervision must attend a public  
17 institution of education to obtain the educational or  
18 vocational training required by this subsection (k). The  
19 defendant placed on supervision shall be required to pay for  
20 the cost of the educational courses or GED test, if a fee is  
21 charged for those courses or test. The court shall revoke the  
22 supervision of a person who wilfully fails to comply with this  
23 subsection (k). The court shall resentence the defendant upon  
24 revocation of supervision as provided in Section 5-6-4. This  
25 subsection (k) does not apply to a defendant who has a high  
26 school diploma or has successfully passed the GED test. This

1 subsection (k) does not apply to a defendant who is determined  
2 by the court to be developmentally disabled or otherwise  
3 mentally incapable of completing the educational or vocational  
4 program.

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

18 (m) The Secretary of State shall require anyone placed on  
19 court supervision for a violation of Section 3-707 of the  
20 Illinois Vehicle Code or a similar provision of a local  
21 ordinance to give proof of his or her financial responsibility  
22 as defined in Section 7-315 of the Illinois Vehicle Code. The  
23 proof shall be maintained by the individual in a manner  
24 satisfactory to the Secretary of State for a minimum period of  
25 3 years after the date the proof is first filed. The proof  
26 shall be limited to a single action per arrest and may not be

1 affected by any post-sentence disposition. The Secretary of  
2 State shall suspend the driver's license of any person  
3 determined by the Secretary to be in violation of this  
4 subsection.

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

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

22 (p) An offender placed on supervision for an offense  
23 committed on or after June 1, 2008 (the effective date of  
24 Public Act 95-464) that would qualify the accused as a child  
25 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
26 Criminal Code of 1961 shall refrain from communicating with or

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

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

25 (r) An offender placed on supervision for an offense under  
26 Section 11-6, 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of

1 the Criminal Code of 1961, or any attempt to commit any of  
2 these offenses, committed on or after the effective date of  
3 this amendatory Act of the 95th General Assembly shall:

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

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

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

21 (iv) submit to any other appropriate restrictions  
22 concerning the offender's use of or access to a computer or  
23 any other device with Internet capability imposed by the  
24 court.

25 (s) An offender placed on supervision for an offense that  
26 is a sex offense as defined in Section 2 of the Sex Offender

1 Registration Act that is committed on or after January 1, 2010  
2 (the effective date of Public Act 96-362) ~~this amendatory Act~~  
3 ~~of the 96th General Assembly~~ that requires the person to  
4 register as a sex offender under that Act, may not knowingly  
5 use any computer scrub software on any computer that the sex  
6 offender uses.

7 (t) ~~(s)~~ An offender placed on supervision for a sex offense  
8 as defined in the Sex Offender Registration Act committed on or  
9 after January 1, 2010 (the effective date of Public Act 96-262)  
10 ~~this amendatory Act of the 96th General Assembly~~ shall refrain  
11 from accessing or using a social networking website as defined  
12 in Section 16D-2 of the Criminal Code of 1961.

13 (Source: P.A. 95-211, eff. 1-1-08; 95-331, eff. 8-21-07;  
14 95-464, eff. 6-1-08; 95-696, eff. 6-1-08; 95-876, eff. 8-21-08;  
15 95-983, eff. 6-1-09; 96-262, eff. 1-1-10; 96-362, eff. 1-1-10;  
16 96-409, eff. 1-1-10; revised 9-25-09.)

17 Section 25. The Probation and Probation Officers Act is  
18 amended by changing Sections 9b, 15, 15.1, 16, and 16.1 and by  
19 adding Sections 19 and 20 as follows:

20 (730 ILCS 110/9b) (from Ch. 38, par. 204-1b)

21 Sec. 9b. For the purposes of this Act, the words and  
22 phrases described in this Section have the meanings designated  
23 in this Section, except when a particular context clearly  
24 requires a different meaning.



1 (1) "Division" means the Division of Probation Services ~~of~~  
2 ~~the Supreme Court.~~

3 (2) "Department" means a probation or court services  
4 department that provides probation or court services and such  
5 other related services assigned to it by the circuit court or  
6 by law.

7 (3) "Probation Officer" means a person employed full time  
8 in a probation or court services department providing services  
9 to a court under this Act or the Juvenile Court Act of 1987. A  
10 probation officer includes detention staff, non-secure group  
11 home staff and management personnel who meet minimum standards  
12 established by the Division ~~Supreme Court~~ and who are hired  
13 under the direction of the circuit court. These probation  
14 officers are judicial employees designated on a circuit wide or  
15 county basis and compensated by the appropriate county board or  
16 boards.

17 (4) "Basic Services" means the number of personnel  
18 determined by the Division as necessary to comply with adult,  
19 juvenile, and detention services workload standards and to  
20 operate authorized programs of intermediate sanctions,  
21 intensive probation supervision, public or community service,  
22 intake services, secure detention services, non-secure group  
23 home services and home confinement.

24 (5) "New or Expanded Services" means personnel necessary to  
25 operate pretrial programs, victim and restitution programs,  
26 psychological services, drunk driving programs, specialized

1 caseloads, community resource coordination programs, and other  
2 programs designed to generally improve the quality of probation  
3 and court services.

4 (6) "Individualized Services and Programs" means  
5 individualized services provided through purchase of service  
6 agreements with individuals, specialists, and local public or  
7 private agencies providing non-residential services for the  
8 rehabilitation of adult and juvenile offenders as an  
9 alternative to local or state incarceration.

10 (7) "Jurisdiction" means the geographical area of  
11 authority of a probation department as designated by the chief  
12 judge of each circuit court under Section 15 of this Act.

13 (Source: P.A. 89-198, eff. 7-21-95.)

14 (730 ILCS 110/15) (from Ch. 38, par. 204-7)

15 Sec. 15. (1) There is established ~~The Supreme Court of~~  
16 ~~Illinois may establish~~ a Division of Probation Services whose  
17 purpose shall be the development, establishment, promulgation,  
18 and enforcement of uniform standards for probation services in  
19 this State, and to otherwise carry out the intent of this Act.  
20 The Governor shall appoint a Director of the Division of  
21 Probation Services. The Division may:

22 (a) establish qualifications for chief probation  
23 officers and other probation and court services personnel  
24 as to hiring, promotion, and training.

25 (b) make available, on a timely basis, lists of those

1 applicants whose qualifications meet the regulations  
2 referred to herein, including on said lists all candidates  
3 found qualified.

4 (c) establish a means of verifying the conditions for  
5 reimbursement under this Act and develop criteria for  
6 approved costs for reimbursement.

7 (d) develop standards and approve employee  
8 compensation schedules for probation and court services  
9 departments.

10 (e) employ sufficient personnel in the Division to  
11 carry out the functions of the Division.

12 (f) establish a system of training and establish  
13 standards for personnel orientation and training.

14 (g) develop standards for a system of record keeping  
15 for cases and programs, gather statistics, establish a  
16 system of uniform forms, and develop research for planning  
17 of Probation Services.

18 (h) develop standards to assure adequate support  
19 personnel, office space, equipment and supplies, travel  
20 expenses, and other essential items necessary for  
21 Probation and Court Services Departments to carry out their  
22 duties.

23 (i) review and approve annual plans submitted by  
24 Probation and Court Services Departments.

25 (j) monitor and evaluate all programs operated by  
26 Probation and Court Services Departments, and may include

1 in the program evaluation criteria such factors as the  
2 percentage of Probation sentences for felons convicted of  
3 Probationable offenses.

4 (k) seek the cooperation of local and State government  
5 and private agencies to improve the quality of probation  
6 and court services.

7 (l) where appropriate, establish programs and  
8 corresponding standards designed to generally improve the  
9 quality of probation and court services and reduce the rate  
10 of adult or juvenile offenders committed to the Department  
11 of Corrections.

12 (m) establish such other standards and regulations and  
13 do all acts necessary to carry out the intent and purposes  
14 of this Act.

15 The Division shall develop standards to implement the  
16 Domestic Violence Surveillance Program established under  
17 Section 5-8A-7 of the Unified Code of Corrections, including  
18 (i) procurement of equipment and other services necessary to  
19 implement the program and (ii) development of uniform standards  
20 for the delivery of the program through county probation  
21 departments, and develop standards for collecting data to  
22 evaluate the impact and costs of the Domestic Violence  
23 Surveillance Program.

24 The Division shall establish a model list of structured  
25 intermediate sanctions that may be imposed by a probation  
26 agency for violations of terms and conditions of a sentence of

1 probation, conditional discharge, or supervision.

2 The State of Illinois shall provide for the costs of  
3 personnel, travel, equipment, telecommunications, postage,  
4 commodities, printing, space, contractual services and other  
5 related costs necessary to carry out the intent of this Act.

6 (2) (a) The chief judge of each circuit shall provide  
7 full-time probation services for all counties within the  
8 circuit, in a manner consistent with the annual probation plan,  
9 the standards, policies, and regulations established by the  
10 Division ~~Supreme Court~~. A probation district of two or more  
11 counties within a circuit may be created for the purposes of  
12 providing full-time probation services. Every county or group  
13 of counties within a circuit shall maintain a probation  
14 department which shall be under the authority of the Chief  
15 Judge of the circuit or some other judge designated by the  
16 Chief Judge. The Chief Judge, through the Probation and Court  
17 Services Department shall submit annual plans to the Division  
18 for probation and related services.

19 (b) The Chief Judge of each circuit shall appoint the Chief  
20 Probation Officer and all other probation officers for his or  
21 her circuit from lists of qualified applicants supplied by the  
22 Division ~~Supreme Court~~. Candidates for chief managing officer  
23 and other probation officer positions must apply to ~~with both~~  
24 the Chief Judge of the circuit ~~and the Supreme Court~~.

25 (3) A Probation and Court Service Department shall apply to  
26 the Division ~~Supreme Court~~ for funds for basic services, and

1 may apply for funds for new and expanded programs or  
2 Individualized Services and Programs. Costs shall be  
3 reimbursed monthly based on a plan and budget approved by the  
4 Division ~~Supreme Court~~. No Department may be reimbursed for  
5 costs which exceed or are not provided for in the approved  
6 annual plan and budget. After the effective date of this  
7 amendatory Act of 1985, each county must provide basic services  
8 in accordance with the annual plan and standards created by the  
9 division. No department may receive funds for new or expanded  
10 programs or individualized services and programs unless they  
11 are in compliance with standards as enumerated in paragraph (h)  
12 of subsection (1) of this Section, the annual plan, and  
13 standards for basic services.

14 (4) The Division shall reimburse the county or counties for  
15 probation services as follows:

16 (a) 100% of the salary of all chief managing officers  
17 designated as such by the Chief Judge and the division.

18 (b) 100% of the salary for all probation officer and  
19 supervisor positions approved for reimbursement by the  
20 division after April 1, 1984, to meet workload standards  
21 and to implement intensive sanction and probation  
22 supervision programs and other basic services as defined in  
23 this Act.

24 (c) 100% of the salary for all secure detention  
25 personnel and non-secure group home personnel approved for  
26 reimbursement after December 1, 1990. For all such

1 positions approved for reimbursement before December 1,  
2 1990, the counties shall be reimbursed \$1,250 per month  
3 beginning July 1, 1995, and an additional \$250 per month  
4 beginning each July 1st thereafter until the positions  
5 receive 100% salary reimbursement. Allocation of such  
6 positions will be based on comparative need considering  
7 capacity, staff/resident ratio, physical plant and  
8 program.

9 (d) \$1,000 per month for salaries for the remaining  
10 probation officer positions engaged in basic services and  
11 new or expanded services. All such positions shall be  
12 approved by the division in accordance with this Act and  
13 division standards.

14 (e) 100% of the travel expenses in accordance with  
15 Division standards for all Probation positions approved  
16 under paragraph (b) of subsection 4 of this Section.

17 (f) If the amount of funds reimbursed to the county  
18 under paragraphs (a) through (e) of subsection 4 of this  
19 Section on an annual basis is less than the amount the  
20 county had received during the 12 month period immediately  
21 prior to the effective date of this amendatory Act of 1985,  
22 then the Division shall reimburse the amount of the  
23 difference to the county. The effect of paragraph (b) of  
24 subsection 7 of this Section shall be considered in  
25 implementing this supplemental reimbursement provision.

26 (5) The Division shall provide funds beginning on April 1,

1 1987 for the counties to provide Individualized Services and  
2 Programs as provided in Section 16 of this Act.

3 (6) A Probation and Court Services Department in order to  
4 be eligible for the reimbursement must submit to the Division  
5 ~~Supreme Court~~ an application containing such information and in  
6 such a form and by such dates as the Division ~~Supreme Court~~ may  
7 require. Departments to be eligible for funding must satisfy  
8 the following conditions:

9 (a) The Department shall have on file with the Division  
10 ~~Supreme Court~~ an annual Probation plan for continuing,  
11 improved, and new Probation and Court Services Programs  
12 approved by the Division ~~Supreme Court~~ or its designee.  
13 This plan shall indicate the manner in which Probation and  
14 Court Services will be delivered and improved, consistent  
15 with the minimum standards and regulations for Probation  
16 and Court Services, as established by the Division ~~Supreme~~  
17 ~~Court~~. In counties with more than one Probation and Court  
18 Services Department eligible to receive funds, all  
19 Departments within that county must submit plans which are  
20 approved by the Division ~~Supreme Court~~.

21 (b) The annual probation plan shall seek to generally  
22 improve the quality of probation services and to reduce the  
23 commitment of adult offenders to the Department of  
24 Corrections and to reduce the commitment of juvenile  
25 offenders to the Department of Juvenile Justice and shall  
26 require, when appropriate, coordination with the



1 Department of Corrections, the Department of Juvenile  
2 Justice, and the Department of Children and Family Services  
3 in the development and use of community resources,  
4 information systems, case review and permanency planning  
5 systems to avoid the duplication of services.

6 (c) The Department shall be in compliance with  
7 standards developed by the Division ~~Supreme Court~~ for  
8 basic, new and expanded services, training, personnel  
9 hiring and promotion.

10 (d) The Department shall in its annual plan indicate  
11 the manner in which it will support the rights of crime  
12 victims and in which manner it will implement Article I,  
13 Section 8.1 of the Illinois Constitution and in what manner  
14 it will coordinate crime victims' support services with  
15 other criminal justice agencies within its jurisdiction,  
16 including but not limited to, the State's Attorney, the  
17 Sheriff and any municipal police department.

18 (7) No statement shall be verified by the Division ~~Supreme~~  
19 ~~Court~~ or its designee or vouchered by the Comptroller unless  
20 each of the following conditions have been met:

21 (a) The probation officer is a full-time employee  
22 appointed by the Chief Judge to provide probation services.

23 (b) The probation officer, in order to be eligible for  
24 State reimbursement, is receiving a salary of at least  
25 \$17,000 per year.

26 (c) The probation officer is appointed or was

1 reappointed in accordance with minimum qualifications or  
2 criteria established by the Division ~~Supreme Court~~;  
3 however, all probation officers appointed prior to January  
4 1, 1978, shall be exempted from the minimum requirements  
5 established by the Division ~~Supreme Court~~. Payments shall  
6 be made to counties employing these exempted probation  
7 officers as long as they are employed in the position held  
8 on the effective date of this amendatory Act of 1985.  
9 Promotions shall be governed by minimum qualifications  
10 established by the Division ~~Supreme Court~~.

11 (d) The Department has an established compensation  
12 schedule approved by the Division ~~Supreme Court~~. The  
13 compensation schedule shall include salary ranges with  
14 necessary increments to compensate each employee. The  
15 increments shall, within the salary ranges, be based on  
16 such factors as bona fide occupational qualifications,  
17 performance, and length of service. Each position in the  
18 Department shall be placed on the compensation schedule  
19 according to job duties and responsibilities of such  
20 position. The policy and procedures of the compensation  
21 schedule shall be made available to each employee.

22 (8) In order to obtain full reimbursement of all approved  
23 costs, each Department must continue to employ at least the  
24 same number of probation officers and probation managers as  
25 were authorized for employment for the fiscal year which  
26 includes January 1, 1985. This number shall be designated as

1 the base amount of the Department. No positions approved by the  
2 Division under paragraph (b) of subsection 4 will be included  
3 in the base amount. In the event that the Department employs  
4 fewer Probation officers and Probation managers than the base  
5 amount for a period of 90 days, funding received by the  
6 Department under subsection 4 of this Section may be reduced on  
7 a monthly basis by the amount of the current salaries of any  
8 positions below the base amount.

9 (9) Before the 15th day of each month, the treasurer of any  
10 county which has a Probation and Court Services Department, or  
11 the treasurer of the most populous county, in the case of a  
12 Probation or Court Services Department funded by more than one  
13 county, shall submit an itemized statement of all approved  
14 costs incurred in the delivery of Basic Probation and Court  
15 Services under this Act to the Division ~~Supreme Court~~. The  
16 treasurer may also submit an itemized statement of all approved  
17 costs incurred in the delivery of new and expanded Probation  
18 and Court Services as well as Individualized Services and  
19 Programs. The Division ~~Supreme Court~~ or its designee shall  
20 verify compliance with this Section and shall examine and audit  
21 the monthly statement and, upon finding them to be correct,  
22 shall forward them to the Comptroller for payment to the county  
23 treasurer. In the case of payment to a treasurer of a county  
24 which is the most populous of counties sharing the salary and  
25 expenses of a Probation and Court Services Department, the  
26 treasurer shall divide the money between the counties in a

1 manner that reflects each county's share of the cost incurred  
2 by the Department.

3 (10) The county treasurer must certify that funds received  
4 under this Section shall be used solely to maintain and improve  
5 Probation and Court Services. The county or circuit shall  
6 remain in compliance with all standards, policies and  
7 regulations established by the Division ~~Supreme Court~~. If at  
8 any time the Division ~~Supreme Court~~ determines that a county or  
9 circuit is not in compliance, the Division ~~Supreme Court~~ shall  
10 immediately notify the Chief Judge, county board chairman and  
11 the Director of Court Services Chief Probation Officer. If  
12 after 90 days of written notice the noncompliance still exists,  
13 the Division ~~Supreme Court~~ shall be required to reduce the  
14 amount of monthly reimbursement by 10%. An additional 10%  
15 reduction of monthly reimbursement shall occur for each  
16 consecutive month of noncompliance. Except as provided in  
17 subsection 5 of Section 15, funding to counties shall commence  
18 on April 1, 1986. Funds received under this Act shall be used  
19 to provide for Probation Department expenses including those  
20 required under Section 13 of this Act. The Mandatory  
21 Arbitration Fund may be used to provide for Probation  
22 Department expenses, including those required under Section 13  
23 of this Act.

24 (11) The respective counties shall be responsible for  
25 capital and space costs, fringe benefits, clerical costs,  
26 equipment, telecommunications, postage, commodities and

1 printing.

2 (12) For purposes of this Act only, probation officers  
3 shall be considered peace officers. In the exercise of their  
4 official duties, probation officers, sheriffs, and police  
5 officers may, anywhere within the State, arrest any probationer  
6 who is in violation of any of the conditions of his or her  
7 probation, conditional discharge, or supervision, and it shall  
8 be the duty of the officer making the arrest to take the  
9 probationer before the Court having jurisdiction over the  
10 probationer for further order.

11 (Source: P.A. 95-707, eff. 1-11-08; 95-773, eff. 1-1-09;  
12 96-688, eff. 8-25-09.)

13 (730 ILCS 110/15.1) (from Ch. 38, par. 204-7.1)

14 Sec. 15.1. Probation and Court Services Fund.

15 (a) The county treasurer in each county shall establish a  
16 probation and court services fund consisting of fees collected  
17 pursuant to subsection (i) of Section 5-6-3 and subsection (i)  
18 of Section 5-6-3.1 of the Unified Code of Corrections,  
19 subsection (10) of Section 5-615 and subsection (5) of Section  
20 5-715 of the Juvenile Court Act of 1987, and paragraph 14.3 of  
21 subsection (b) of Section 110-10 of the Code of Criminal  
22 Procedure of 1963. The county treasurer shall disburse monies  
23 from the fund only at the direction of the chief judge of the  
24 circuit court in such circuit where the county is located. The  
25 county treasurer of each county shall, on or before January 10

1 of each year, submit an annual report to the Division ~~Supreme~~  
2 ~~Court~~.

3 (b) Monies in the probation and court services fund shall  
4 be appropriated by the county board to be used within the  
5 county or jurisdiction where collected in accordance with  
6 policies and guidelines approved by the Division ~~Supreme Court~~  
7 for the costs of operating the probation and court services  
8 department or departments; however, except as provided in  
9 subparagraph (g), monies in the probation and court services  
10 fund shall not be used for the payment of salaries of probation  
11 and court services personnel.

12 (c) Monies expended from the probation and court services  
13 fund shall be used to supplement, not supplant, county  
14 appropriations for probation and court services.

15 (d) Interest earned on monies deposited in a probation and  
16 court services fund may be used by the county for its ordinary  
17 and contingent expenditures.

18 (e) The county board may appropriate moneys from the  
19 probation and court services fund, upon the direction of the  
20 chief judge, to support programs that are part of the continuum  
21 of juvenile delinquency intervention programs which are or may  
22 be developed within the county. The grants from the probation  
23 and court services fund shall be for no more than one year and  
24 may be used for any expenses attributable to the program  
25 including administration and oversight of the program by the  
26 probation department.

1           (f) The county board may appropriate moneys from the  
2 probation and court services fund, upon the direction of the  
3 chief judge, to support practices endorsed or required under  
4 the Sex Offender Management Board Act, including but not  
5 limited to sex offender evaluation, treatment, and monitoring  
6 programs that are or may be developed within the county.

7           (g) For the State Fiscal Years 2005, 2006, and 2007 only,  
8 the Administrative Office of the Illinois Courts may permit a  
9 county or circuit to use its probation and court services fund  
10 for the payment of salaries of probation officers and other  
11 court services personnel whose salaries are reimbursed under  
12 this Act if the State's FY2005, FY2006, or FY2007 appropriation  
13 to the Supreme Court for reimbursement to counties for  
14 probation salaries and services is less than the amount  
15 appropriated to the Supreme Court for these purposes for State  
16 Fiscal Year 2004. The Administrative Office of the Illinois  
17 Courts shall take into account each county's or circuit's  
18 probation fee collections and expenditures when apportioning  
19 the total reimbursement for each county or circuit.

20           (h) The Division ~~Administrative Office of the Illinois~~  
21 ~~Courts~~ may permit a county or circuit to use its probation and  
22 court services fund for the payment of salaries of probation  
23 officers and other court services personnel whose salaries are  
24 reimbursed under this Act in any State fiscal year that the  
25 appropriation for reimbursement to counties for probation  
26 salaries and services is less than the amount appropriated to

1 the Supreme Court for these purposes for State Fiscal Year  
2 2002. The Division ~~Administrative Office of the Illinois Courts~~  
3 shall take into account each county's or circuit's probation  
4 fee collections and expenditures when appropriating the total  
5 reimbursement for each county or circuit. Any amount  
6 appropriated to the Supreme Court or Division in any State  
7 fiscal year for the purpose of reimbursing Cook County for the  
8 salaries and operations of the Cook County Juvenile Temporary  
9 Detention Center shall not be counted in the total  
10 appropriation to the Supreme Court or Division in that State  
11 fiscal year for reimbursement to counties for probation  
12 salaries and services, for the purposes of this paragraph (h).  
13 (Source: P.A. 94-91, eff. 7-1-05; 94-839, eff. 6-6-06; 95-707,  
14 eff. 1-11-08.)

15 (730 ILCS 110/16) (from Ch. 38, par. 204-8)

16 Sec. 16. (1) The purpose of the Section is to encourage the  
17 development of a coordinated justice system. It is the  
18 legislative policy of the State to more effectively protect  
19 society, to promote efficiency and economy in the delivery of  
20 services to offenders and to encourage utilization of  
21 appropriate sentencing alternatives to imprisonment in State  
22 operated institutions. This Section shall be construed to  
23 support the development of local individualized programs which  
24 will:

25 (a) Provide a continuum of sanctions to increase sentencing



1 options to the judiciary of the State;

2 (b) Enable the Courts to utilize programs which enhance the  
3 offender's ability to become a contributing member to his or  
4 her community and which will increase the benefits to victims  
5 and the communities through restitution;

6 (c) Increase sentencing alternatives for less serious  
7 felony offenders and delinquent juveniles in order to reserve  
8 prisons and jail beds for serious violent offenders.

9 (2) Any local plan for implementation of individualized  
10 services and programs may include but are not limited to the  
11 following:

12 (a) Direct offender services - those services applied  
13 directly to offenders, including job readiness, educational,  
14 vocational, drug or alcohol treatment services; and

15 (b) Nonresidential rehabilitation programs - those  
16 programs which comprise a coordinated network within the  
17 justice system which expand sentencing options for the  
18 judiciary, including drunk driver diversion programs, public  
19 services employment, restitution collection; and

20 (c) Emergency services - including detoxification,  
21 emergency shelter and support; and

22 (d) Assessment and evaluation services - reports or  
23 diagnostic recommendations to provide the justice system with  
24 accurate individualized case information, including mental  
25 health, drug, alcohol, and living situation information; and

26 (e) Residential alternative sentencing programs - those

1 programs which provide expanded sentencing options for less  
2 serious felony offenders and delinquent juveniles, including  
3 mother and child unification programs.

4 The local plan must be directed in such a manner as to  
5 emphasize an individualized approach to servicing offenders in  
6 a strong community based system including probation as the  
7 broker of services.

8 The local plan shall be limited to services and shall not  
9 include costs for:

- 10 (a) capital expenditures;  
11 (b) renovations or remodeling;  
12 (c) personnel costs for Probation.

13 (3) A county may make application to the Division ~~Supreme~~  
14 ~~Court~~ for funds to provide for Individualized Services and  
15 Programs. The Department shall be in compliance with all  
16 standards and regulations established by the Division for the  
17 delivery of basic Services and application shall be part of the  
18 Department's annual Probation plan and shall set forth the  
19 following:

20 (a) a statement of objectives for which said funds shall be  
21 used;

22 (b) a statement of service needs based upon persons under  
23 supervision of the Department;

24 (c) a statement of the type of services and programs to  
25 provide for the individual needs of offenders;

26 (d) a budget indicating the costs of each service or

1 program to be funded under the plan;

2 (e) a summary of contracts and service agreements  
3 indicating the treatment goals and number of offenders to be  
4 served by each service provider; and

5 (f) a statement indicating that the individualized  
6 services and programs will not be duplicating existing services  
7 and programs.

8 Funds for this plan shall not supplant existing county  
9 funded programs. The allocation of payments for adult and  
10 juvenile services under the local plan shall be based on the  
11 proportionate adult and juvenile workload of the department or  
12 departments covered by the local plan.

13 (4) A county or group of counties shall be eligible to  
14 apply for an amount of funding not to exceed the same  
15 proportionate share of total appropriations for Individualized  
16 Services and Programs as the county or group of counties  
17 received of total State reimbursements under subsection 4 of  
18 Section 15 of this Act or previous Probation subsidy programs  
19 in the prior State fiscal year. However the Division ~~Supreme~~  
20 ~~Court~~ may waive this limitation to encourage the participation  
21 of rural counties.

22 The Division ~~Supreme Court~~ shall forward Individualized  
23 Services and Programs allocations to the county treasurer as  
24 provided in Section 15 of this Act. Each county shall receive,  
25 maintain, and appropriate said funds in a separate line item  
26 account of the probation department budget. In addition, the

1 ~~Division Supreme Court~~ shall, upon approval of the annual plan,  
2 forward 20% of the approved Individualized Services and  
3 Programs allocations to the county treasurer to be deposited in  
4 said line item account. Subsequent allocations shall be made to  
5 the county on a monthly basis.

6 It shall be the responsibility of the county through the  
7 probation budget and in accordance with county policy and  
8 procedure to make payments for Individualized Services and  
9 Programs.

10 At the end of the State of Illinois fiscal year, the county  
11 shall promptly return any uncommitted and unused funds from  
12 this account.

13 (5) The ~~Division Supreme Court~~ shall be responsible for the  
14 following:

15 (a) The ~~Division Supreme Court~~ may review each  
16 Individualized Services and Programs plan for compliance with  
17 standards established for such plans. A plan may be approved as  
18 submitted, approved with modifications, or rejected. No plan  
19 shall be considered for approval if the circuit or county is  
20 not in full compliance with all regulations, standards and  
21 guidelines pertaining to the delivery of basic probation  
22 services as established by the ~~Division Supreme Court~~.

23 (b) The ~~Division Supreme Court~~ shall monitor on a continual  
24 basis and shall evaluate annually both the program and its  
25 fiscal activities in all counties receiving an allocation under  
26 Individualized Services and Programs. Any program or service

1 which has not met the goals and objectives of its contract or  
2 service agreement shall be subject to denial for funding in  
3 subsequent years. The Division ~~Supreme Court~~ shall evaluate the  
4 effectiveness of Individualized Services and Programs in each  
5 circuit or county. In determining the future funding for  
6 Individualized Services and Programs under this Act, such  
7 evaluation shall include, as a primary indicator of success, an  
8 increased or maintained percentage of probation sentences for  
9 felons convicted of probationable offenses.

10 (c) Any Individualized Services and Programs allocations  
11 not applied for and approved by the Division ~~Supreme Court~~  
12 shall be available for redistribution to approved plans for the  
13 remainder of that fiscal year. Any county that invests local  
14 moneys in the Individualized Services and Programs shall be  
15 given first consideration for any redistribution of  
16 allocations.

17 (Source: P.A. 86-639.)

18 (730 ILCS 110/16.1)

19 Sec. 16.1. Redeploy Illinois Program.

20 (a) The purpose of this Section is to encourage the  
21 deinstitutionalization of juvenile offenders by establishing  
22 projects in counties or groups of counties that reallocate  
23 State funds from juvenile correctional confinement to local  
24 jurisdictions, which will establish a continuum of local,  
25 community-based sanctions and treatment alternatives for

1 juvenile offenders who would be incarcerated if those local  
2 services and sanctions did not exist. It is also intended to  
3 offer alternatives, when appropriate, to avoid commitment to  
4 the Department of Juvenile Justice, to direct child welfare  
5 services for minors charged with a criminal offense or  
6 adjudicated delinquent under Section 5 of the Children and  
7 Family Services Act. The allotment of funds will be based on a  
8 formula that rewards local jurisdictions for the establishment  
9 or expansion of local alternatives to incarceration, and  
10 requires them to pay for utilization of incarceration as a  
11 sanction. In addition, there shall be an allocation of  
12 resources (amount to be determined annually by the Redeploy  
13 Illinois Oversight Board) set aside at the beginning of each  
14 fiscal year to be made available for any county or groups of  
15 counties which need resources only occasionally for services to  
16 avoid commitment to the Department of Juvenile Justice for a  
17 limited number of youth. This redeployment of funds shall be  
18 made in a manner consistent with the Juvenile Court Act of 1987  
19 and the following purposes and policies:

20 (1) The juvenile justice system should protect the  
21 community, impose accountability to victims and  
22 communities for violations of law, and equip juvenile  
23 offenders with competencies to live responsibly and  
24 productively.

25 (2) Juveniles should be treated in the least  
26 restrictive manner possible while maintaining the safety

1 of the community.

2 (3) A continuum of services and sanctions from least  
3 restrictive to most restrictive should be available in  
4 every community.

5 (4) There should be local responsibility and authority  
6 for planning, organizing, and coordinating service  
7 resources in the community. People in the community can  
8 best choose a range of services which reflect community  
9 values and meet the needs of their own youth.

10 (5) Juveniles who pose a threat to the community or  
11 themselves need special care, including secure settings.  
12 Such services as detention, long-term incarceration, or  
13 residential treatment are too costly to provide in each  
14 community and should be coordinated and provided on a  
15 regional or Statewide basis.

16 (6) The roles of State and local government in creating  
17 and maintaining services to youth in the juvenile justice  
18 system should be clearly defined. The role of the State is  
19 to fund services, set standards of care, train service  
20 providers, and monitor the integration and coordination of  
21 services. The role of local government should be to oversee  
22 the provision of services.

23 (b) Each county or circuit participating in the Redeploy  
24 Illinois program must create a local plan demonstrating how it  
25 will reduce the county or circuit's utilization of secure  
26 confinement of juvenile offenders in the Illinois Department of

1 Juvenile Justice or county detention centers by the creation or  
2 expansion of individualized services or programs that may  
3 include but are not limited to the following:

4 (1) Assessment and evaluation services to provide the  
5 juvenile justice system with accurate individualized case  
6 information on each juvenile offender including mental  
7 health, substance abuse, educational, and family  
8 information;

9 (2) Direct services to individual juvenile offenders  
10 including educational, vocational, mental health,  
11 substance abuse, supervision, and service coordination;  
12 and

13 (3) Programs that seek to restore the offender to the  
14 community, such as victim offender panels, teen courts,  
15 competency building, enhanced accountability measures,  
16 restitution, and community service. The local plan must be  
17 directed in such a manner as to emphasize an individualized  
18 approach to providing services to juvenile offenders in an  
19 integrated community based system including probation as  
20 the broker of services. The plan must also detail the  
21 reduction in utilization of secure confinement. The local  
22 plan shall be limited to services and shall not include  
23 costs for:

24 (i) capital expenditures;

25 (ii) renovations or remodeling;

26 (iii) personnel costs for probation.



1           The local plan shall be submitted to the Department of  
2 Human Services.

3           (c) A county or group of counties may develop an agreement  
4 with the Department of Human Services to reduce their number of  
5 commitments of juvenile offenders, excluding minors sentenced  
6 based upon a finding of guilt of first degree murder or an  
7 offense which is a Class X forcible felony as defined in the  
8 Criminal Code of 1961, to the Department of Juvenile Justice,  
9 and then use the savings to develop local programming for youth  
10 who would otherwise have been committed to the Department of  
11 Juvenile Justice. A county or group of counties shall agree to  
12 limit their commitments to 75% of the level of commitments from  
13 the average number of juvenile commitments for the past 3  
14 years, and will receive the savings to redeploy for local  
15 programming for juveniles who would otherwise be held in  
16 confinement. For any county or group of counties with a  
17 decrease of juvenile commitments of at least 25%, based on the  
18 average reductions of the prior 3 years, which are chosen to  
19 participate or continue as sites, the Redeploy Illinois  
20 Oversight Board has the authority to reduce the required  
21 percentage of future commitments to achieve the purpose of this  
22 Section. The agreement shall set forth the following:

23           (1) a Statement of the number and type of juvenile  
24 offenders from the county who were held in secure  
25 confinement by the Illinois Department of Juvenile Justice  
26 or in county detention the previous year, and an

1 explanation of which, and how many, of these offenders  
2 might be served through the proposed Redeploy Illinois  
3 Program for which the funds shall be used;

4 (2) a Statement of the service needs of currently  
5 confined juveniles;

6 (3) a Statement of the type of services and programs to  
7 provide for the individual needs of the juvenile offenders,  
8 and the research or evidence base that qualifies those  
9 services and programs as proven or promising practices;

10 (4) a budget indicating the costs of each service or  
11 program to be funded under the plan;

12 (5) a summary of contracts and service agreements  
13 indicating the treatment goals and number of juvenile  
14 offenders to be served by each service provider; and

15 (6) a Statement indicating that the Redeploy Illinois  
16 Program will not duplicate existing services and programs.  
17 Funds for this plan shall not supplant existing county  
18 funded programs.

19 (d) (Blank).

20 (d-5) A county or group of counties that does not have an  
21 approved Redeploy Illinois program, as described in subsection  
22 (b), and that has committed fewer than 10 Redeploy eligible  
23 youth to the Department of Juvenile Justice on average over the  
24 previous 3 years, may develop an individualized agreement with  
25 the Department of Human Services through the Redeploy Illinois  
26 program to provide services to youth to avoid commitment to the

1 Department of Juvenile Justice. The agreement shall set forth  
2 the following:

3 (1) a statement of the number and type of juvenile  
4 offenders from the county who were at risk under any of the  
5 categories listed above during the 3 previous years, and an  
6 explanation of which of these offenders would be served  
7 through the proposed Redeploy Illinois program for which  
8 the funds shall be used, or through individualized  
9 contracts with existing Redeploy programs in neighboring  
10 counties;

11 (2) a statement of the service needs;

12 (3) a statement of the type of services and programs to  
13 provide for the individual needs of the juvenile offenders,  
14 and the research or evidence that qualifies those services  
15 and programs as proven or promising practices;

16 (4) a budget indicating the costs of each service or  
17 program to be funded under the plan;

18 (5) a summary of contracts and service agreements  
19 indicating the treatment goals and number of juvenile  
20 offenders to be served by each service provider; and

21 (6) a statement indicating that the Redeploy Illinois  
22 program will not duplicate existing services and programs.  
23 Funds for this plan shall not supplant existing county  
24 funded programs.

25 (e) The Department of Human Services shall be responsible  
26 for the following:

1           (1) Reviewing each Redeploy Illinois Program plan for  
2 compliance with standards established for such plans. A  
3 plan may be approved as submitted, approved with  
4 modifications, or rejected. No plan shall be considered for  
5 approval if the circuit or county is not in full compliance  
6 with all regulations, standards and guidelines pertaining  
7 to the delivery of basic probation services as established  
8 by the Division ~~Supreme Court~~.

9           (2) Monitoring on a continual basis and evaluating  
10 annually both the program and its fiscal activities in all  
11 counties receiving an allocation under the Redeploy  
12 Illinois Program. Any program or service that has not met  
13 the goals and objectives of its contract or service  
14 agreement shall be subject to denial for funding in  
15 subsequent years. The Department of Human Services shall  
16 evaluate the effectiveness of the Redeploy Illinois  
17 Program in each circuit or county. In determining the  
18 future funding for the Redeploy Illinois Program under this  
19 Act, the evaluation shall include, as a primary indicator  
20 of success, a decreased number of confinement days for the  
21 county's juvenile offenders.

22           (f) Any Redeploy Illinois Program allocations not applied  
23 for and approved by the Department of Human Services shall be  
24 available for redistribution to approved plans for the  
25 remainder of that fiscal year. Any county that invests local  
26 moneys in the Redeploy Illinois Program shall be given first

1 consideration for any redistribution of allocations.  
2 Jurisdictions participating in Redeploy Illinois that exceed  
3 their agreed upon level of commitments to the Department of  
4 Juvenile Justice shall reimburse the Department of Corrections  
5 for each commitment above the agreed upon level.

6 (g) Implementation of Redeploy Illinois.

7 (1) Oversight of Redeploy Illinois.

8 (i) Redeploy Illinois Oversight Board. The  
9 Department of Human Services shall convene an  
10 oversight board to oversee the Redeploy Illinois  
11 Program. The Board shall include, but not be limited  
12 to, designees from the Department of Juvenile Justice,  
13 ~~the Administrative Office of Illinois Courts,~~ the  
14 Illinois Juvenile Justice Commission, the Illinois  
15 Criminal Justice Information Authority, the Department  
16 of Children and Family Services, the State Board of  
17 Education, the Cook County State's Attorney, and a  
18 State's Attorney selected by the President of the  
19 Illinois State's Attorney's Association, the Cook  
20 County Public Defender, a representative of the  
21 defense bar appointed by the Chief Justice of the  
22 Illinois Supreme Court, a representative of probation  
23 appointed by the Chief Justice of the Illinois Supreme  
24 Court, and judicial representation appointed by the  
25 Chief Justice of the Illinois Supreme Court. Up to an  
26 additional 9 members may be appointed by the Secretary

1 of Human Services from recommendations by the  
2 Oversight Board; these appointees shall possess a  
3 knowledge of juvenile justice issues and reflect the  
4 collaborative public/private relationship of Redeploy  
5 programs.

6 (ii) Responsibilities of the Redeploy Illinois  
7 Oversight Board. The Oversight Board shall:

8 (A) Identify jurisdictions to be included in  
9 the program of Redeploy Illinois.

10 (B) Develop a formula for reimbursement of  
11 local jurisdictions for local and community-based  
12 services utilized in lieu of commitment to the  
13 Department of Juvenile Justice, as well as for any  
14 charges for local jurisdictions for commitments  
15 above the agreed upon limit in the approved plan.

16 (C) Identify resources sufficient to support  
17 the administration and evaluation of Redeploy  
18 Illinois.

19 (D) Develop a process and identify resources  
20 to support on-going monitoring and evaluation of  
21 Redeploy Illinois.

22 (E) Develop a process and identify resources  
23 to support training on Redeploy Illinois.

24 (E-5) Review proposed individualized  
25 agreements and approve where appropriate the  
26 distribution of resources.

1 (F) Report to the Governor and the General  
2 Assembly on an annual basis on the progress of  
3 Redeploy Illinois.

4 (iii) Length of Planning Phase. The planning phase  
5 may last up to, but may in no event last longer than,  
6 July 1, 2004.

7 (2) (Blank).

8 (3) There shall be created the Redeploy County Review  
9 Committee composed of the designees of the Secretary of  
10 Human Services and the Directors of Juvenile Justice, of  
11 Children and Family Services, and of the Governor's Office  
12 of Management and Budget who shall constitute a  
13 subcommittee of the Redeploy Illinois Oversight Board.

14 (h) Responsibilities of the County Review Committee. The  
15 County Review Committee shall:

16 (1) Review individualized agreements from counties  
17 requesting resources on an occasional basis for services  
18 for youth described in subsection (d-5).

19 (2) Report its decisions to the Redeploy Illinois  
20 Oversight Board at regularly scheduled meetings.

21 (3) Monitor the effectiveness of the resources in  
22 meeting the mandates of the Redeploy Illinois program set  
23 forth in this Section so these results might be included in  
24 the Report described in clause (g) (1) (ii) (F).

25 (4) During the third quarter, assess the amount of  
26 remaining funds available and necessary to complete the

1 fiscal year so that any unused funds may be distributed as  
2 defined in subsection (f).

3 (5) Ensure that the number of youth from any applicant  
4 county receiving individualized resources will not exceed  
5 the previous three-year average of Redeploy eligible  
6 recipients and that counties are in conformity with all  
7 other elements of this law.

8 (i) Implementation of this Section is subject to  
9 appropriation.

10 (j) Rulemaking authority to implement this amendatory Act  
11 of the 95th General Assembly, if any, is conditioned on the  
12 rules being adopted in accordance with all provisions of and  
13 procedures and rules implementing the Illinois Administrative  
14 Procedure Act; any purported rule not so adopted, for whatever  
15 reason, is unauthorized.

16 (Source: P.A. 94-696, eff. 6-1-06; 94-1032, eff. 1-1-07;  
17 95-1050, eff. 1-1-10.)

18 (730 ILCS 110/19 new)

19 Sec. 19. Transition.

20 (a) The Division of Probation Services of the Supreme Court  
21 is abolished on the effective date of this amendatory Act of  
22 the 96th General Assembly.

23 (b) The term of the person then serving as the Director of  
24 the Division of Probation Services of the Supreme Court shall  
25 end on the effective date of this amendatory Act of the 96th



1 General Assembly, and that office is abolished on that date.

2 (c) For the purposes of the Successor Agency Act, the  
3 Division of Probation Services is declared to be the successor  
4 agency of the Division of Probation Services of the Supreme  
5 Court.

6 (d) Except as otherwise provided in this Act, all of the  
7 rights, powers, duties, and functions vested by law in the  
8 Division of Probation Services of the Supreme Court are  
9 transferred to the Division of Probation Services on the  
10 effective date of this amendatory Act of the 96th General  
11 Assembly.

12 (e) Personnel employed by Division of Probation Services of  
13 the Supreme Court immediately preceding the effective date of  
14 this amendatory Act of the 96th General Assembly are  
15 transferred to the Division of Probation Services on the  
16 effective date of this amendatory Act of the 96th General  
17 Assembly.

18 (f) The rights of State employees, the State, and its  
19 agencies under the Personnel Code and applicable collective  
20 bargaining agreements and retirement plans are not affected by  
21 this amendatory Act of the 96th General Assembly. Any rights of  
22 State employees affected by this amendatory Act of the 96th  
23 General Assembly shall be governed by the existing collective  
24 bargaining agreements.

25 (g) All books, records, documents, property (real and  
26 personal), unexpended appropriations, and pending business

1 pertaining to the rights, powers, duties, and functions  
2 transferred to the Division of Probation Services under this  
3 amendatory Act of the 96th General Assembly shall be  
4 transferred and delivered to the Division of Probation Services  
5 on the effective date of this amendatory Act of the 96th  
6 General Assembly.

7 (h) The rules and standards of the Division of Probation  
8 Services of the Supreme Court that are in effect immediately  
9 prior to the effective date of this amendatory Act of the 96th  
10 General Assembly and pertain to the rights, powers, duties, and  
11 functions transferred to the Division of Probation Services  
12 under this amendatory Act of the 96th General Assembly shall  
13 become the rules and standards of the Division of Probation  
14 Services on the effective date of this amendatory Act of the  
15 96th General Assembly and shall continue in effect until  
16 amended or repealed by the Division.

17 (i) Any rules pertaining to the rights, powers, duties, and  
18 functions transferred to the Division of Probation Services  
19 under this amendatory Act of the 96th General Assembly that  
20 have been proposed by the Division of Probation Services of the  
21 Supreme Court but have not taken effect or been finally adopted  
22 immediately prior to the effective date of this amendatory Act  
23 of the 96th General Assembly shall become proposed rules of the  
24 Division of Probation Services on the effective date of this  
25 amendatory Act of the 96th General Assembly, and any rulemaking  
26 procedures that have already been completed by the Division of

1 Probation Services of the Supreme Court for those proposed  
2 rules need not be repeated.

3 (j) As soon as practical after the effective date of this  
4 amendatory Act of the 96th General Assembly, the Division of  
5 Probation Services shall revise and clarify the rules  
6 transferred to it under this amendatory Act of the 96th General  
7 Assembly to reflect the reorganization of rights, powers,  
8 duties, and functions effected by this amendatory Act of the  
9 96th General Assembly using the procedures for recodification  
10 of rules available under the Illinois Administrative Procedure  
11 Act, except that existing title, part, and section numbering  
12 for the affected rules may be retained. The Division may  
13 propose and adopt under the Illinois Administrative Procedure  
14 Act such other rules as may be necessary to consolidate and  
15 clarify the rules of the agency reorganized by this amendatory  
16 Act of the 96th General Assembly.

17 (730 ILCS 110/20 new)

18 Sec. 20. Savings provisions.

19 (a) The rights, powers, duties, and functions transferred  
20 to the Division of Probation Services by this amendatory Act of  
21 the 96th General Assembly shall be vested in and exercised by  
22 the Division subject to the provisions of this amendatory Act  
23 of the 96th General Assembly. An act done by the Division or an  
24 officer, employee, or agent of the Division in the exercise of  
25 the transferred rights, powers, duties, or functions shall have

1 the same legal effect as if done by the or an officer,  
2 employee, or agent of the Division of Probation Services of the  
3 Supreme Court.

4 (b) The transfer of rights, powers, duties, and functions  
5 to the Division of Probation Services under this amendatory Act  
6 of the 96th General Assembly does not invalidate any previous  
7 action taken by or in respect to the Division of Probation  
8 Services of the Supreme Court or its officers, employees, or  
9 agents. References to the Division of Probation Services of the  
10 Supreme Court or its officers, employees, or agents in any  
11 document, contract, agreement, or law shall in appropriate  
12 contexts, be deemed to refer to the Division or its officers,  
13 employees, or agents.

14 (c) The transfer of rights, powers, duties, and functions  
15 to the Division of Probation Services under this amendatory Act  
16 of the 96th General Assembly does not affect any person's  
17 rights, obligations, or duties, including any civil or criminal  
18 penalties applicable thereto, arising out of those transferred  
19 rights, powers, duties, and functions.

20 (d) With respect to matters that pertain to a right, power,  
21 duty, or function transferred to the Division of Probation  
22 Services under this amendatory Act of the 96th General  
23 Assembly:

24 (1) Beginning on the effective date of this amendatory  
25 Act of the 96th General Assembly, a report or notice that  
26 was previously required to be made or given by any person

1 to the Division of Probation Services of the Supreme Court  
2 or any of its officers, employees, or agents shall be made  
3 or given in the same manner to the Division or its  
4 appropriate officer, employee, or agent.

5 (2) Beginning on the effective date of this amendatory  
6 Act of the 96th General Assembly, a document that was  
7 previously required to be furnished or served by any person  
8 to or upon the Division of Probation Services of the  
9 Supreme Court or any of its officers, employees, or agents  
10 shall be furnished or served in the same manner to or upon  
11 the Division or its appropriate officer, employee, or  
12 agent.

13 (e) This amendatory Act of the 96th General Assembly does  
14 not affect any act done, ratified, or cancelled, any right  
15 occurring or established, or any action or proceeding had or  
16 commenced in an administrative, civil, or criminal cause before  
17 the effective date of this amendatory Act of the 96th General  
18 Assembly. Any such action or proceeding that pertains to a  
19 right, power, duty, or function transferred to the Division  
20 under this amendatory Act of the 96th General Assembly and that  
21 is pending on that date may be prosecuted, defended, or  
22 continued by the Division.

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