



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1908

by Rep. John E. Bradley

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-7	from Ch. 38, par. 1003-3-7
730 ILCS 5/3-14-1	from Ch. 38, par. 1003-14-1
730 ILCS 5/5-6-3	from Ch. 38, par. 1005-6-3

Amends the Unified Code of Corrections. Provides that as a condition of mandatory supervised release, probation, or conditional discharge a person convicted of a violation of the Methamphetamine Control and Community Protection Act, the Methamphetamine Precursor Control Act, or a methamphetamine related offense shall be: (1) prohibited from purchasing, possessing, or having under his or her control any product containing pseudoephedrine without the express written approval of his or her assigned parole agent, probation officer, or designee; (2) prohibited from purchasing, possessing, or having under his or her control any product containing ammonium nitrate. Provides that the Department of Corrections shall establish procedures to provide notice to the Department of State Police of the release or discharge of persons convicted of violations of the Methamphetamine Control and Community Protection Act or a violation of the Methamphetamine Precursor Control Act. Provides that the Department of State Police shall make this information available to local, State, or federal law enforcement agencies upon request.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-3-7, 3-14-1, and 5-6-3 as follows:

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

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

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

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

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

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

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

23 (5) attend or reside in a facility established for the

1 instruction or residence of persons on parole or mandatory
2 supervised release;

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

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

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

16 (7.6) if convicted of a sex offense as defined in the
17 Sex Offender Management Board Act, refrain from residing at
18 the same address or in the same condominium unit or
19 apartment unit or in the same condominium complex or
20 apartment complex with another person he or she knows or
21 reasonably should know is a convicted sex offender or has
22 been placed on supervision for a sex offense; the
23 provisions of this paragraph do not apply to a person
24 convicted of a sex offense who is placed in a Department of
25 Corrections licensed transitional housing facility for sex
26 offenders, or is in any facility operated or licensed by

1 the Department of Children and Family Services or by the
2 Department of Human Services, or is in any licensed medical
3 facility;

4 (7.7) if convicted for an offense that would qualify
5 the accused as a sexual predator under the Sex Offender
6 Registration Act on or after the effective date of this
7 amendatory Act of the 94th General Assembly, wear an
8 approved electronic monitoring device as defined in
9 Section 5-8A-2 for the duration of the person's parole,
10 mandatory supervised release term, or extended mandatory
11 supervised release term and if convicted for an offense of
12 criminal sexual assault, aggravated criminal sexual
13 assault, predatory criminal sexual assault of a child,
14 criminal sexual abuse, aggravated criminal sexual abuse,
15 or ritualized abuse of a child committed on or after August
16 11, 2009 (the effective date of Public Act 96-236) when the
17 victim was under 18 years of age at the time of the
18 commission of the offense and the defendant used force or
19 the threat of force in the commission of the offense wear
20 an approved electronic monitoring device as defined in
21 Section 5-8A-2 that has Global Positioning System (GPS)
22 capability for the duration of the person's parole,
23 mandatory supervised release term, or extended mandatory
24 supervised release term;

25 (7.8) if convicted for an offense committed on or after
26 the effective date of this amendatory Act of the 95th

1 General Assembly that would qualify the accused as a child
2 sex offender as defined in Section 11-9.3 or 11-9.4 of the
3 Criminal Code of 1961, refrain from communicating with or
4 contacting, by means of the Internet, a person who is not
5 related to the accused and whom the accused reasonably
6 believes to be under 18 years of age; for purposes of this
7 paragraph (7.8), "Internet" has the meaning ascribed to it
8 in Section 16J-5 of the Criminal Code of 1961; and a person
9 is not related to the accused if the person is not: (i) the
10 spouse, brother, or sister of the accused; (ii) a
11 descendant of the accused; (iii) a first or second cousin
12 of the accused; or (iv) a step-child or adopted child of
13 the accused;

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

22 (7.10) if convicted for an offense that would qualify
23 the accused as a sex offender or sexual predator under the
24 Sex Offender Registration Act on or after the effective
25 date of this amendatory Act of the 95th General Assembly,
26 not possess prescription drugs for erectile dysfunction;

1 (7.11) if convicted for an offense under Section 11-6,
2 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
3 Code of 1961, or any attempt to commit any of these
4 offenses, committed on or after June 1, 2009 (the effective
5 date of Public Act 95-983):

6 (i) not access or use a computer or any other
7 device with Internet capability without the prior
8 written approval of the Department;

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

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

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

1 (7.12) if convicted of a sex offense as defined in the
2 Sex Offender Registration Act committed on or after January
3 1, 2010 (the effective date of Public Act 96-262), refrain
4 from accessing or using a social networking website as
5 defined in Section 16D-2 of the Criminal Code of 1961;

6 (7.13) if convicted of a sex offense as defined in
7 Section 2 of the Sex Offender Registration Act committed on
8 or after January 1, 2010 (the effective date of Public Act
9 96-362) that requires the person to register as a sex
10 offender under that Act, may not knowingly use any computer
11 scrub software on any computer that the sex offender uses;

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

14 (9) obtain permission of an agent of the Department of
15 Corrections before changing his or her residence or
16 employment;

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

19 (11) refrain from the use or possession of narcotics or
20 other controlled substances in any form, or both, or any
21 paraphernalia related to those substances and submit to a
22 urinalysis test as instructed by a parole agent of the
23 Department of Corrections;

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

26 (13) not knowingly associate with other persons on

1 parole or mandatory supervised release without prior
2 written permission of his or her parole agent and not
3 associate with persons who are members of an organized gang
4 as that term is defined in the Illinois Streetgang
5 Terrorism Omnibus Prevention Act;

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

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

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

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

3 (17) if convicted of a violation of an order of
4 protection under Section 12-30 of the Criminal Code of
5 1961, be placed under electronic surveillance as provided
6 in Section 5-8A-7 of this Code; and -

7 (18) if convicted of a violation of the Methamphetamine
8 Control and Community Protection Act, the Methamphetamine
9 Precursor Control Act, or a methamphetamine related
10 offense, be:

11 (A) prohibited from purchasing, possessing, or
12 having under his or her control any product containing
13 pseudoephedrine without the express written approval
14 of his or her assigned parole agent or designee; and

15 (B) prohibited from purchasing, possessing, or
16 having under his or her control any product containing
17 ammonium nitrate.

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

20 (1) work or pursue a course of study or vocational
21 training;

22 (2) undergo medical or psychiatric treatment, or
23 treatment for drug addiction or alcoholism;

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

26 (4) support his dependents;

1 (5) (blank);

2 (6) (blank);

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

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

22 (7.6) if convicted for an offense committed on or after
23 June 1, 2009 (the effective date of Public Act 95-983) that
24 would qualify as a sex offense as defined in the Sex
25 Offender Registration Act:

26 (i) not access or use a computer or any other

1 device with Internet capability without the prior
2 written approval of the Department;

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

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

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

21 (8) in addition, if a minor:

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

23 (ii) attend school;

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

25 or

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

1 foster home.

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

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

9 (2) comply with all requirements of the Sex Offender
10 Registration Act;

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

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

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

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

24 (7) refrain from entering into a designated geographic
25 area except upon terms approved in advance by an agent of
26 the Department of Corrections. The terms may include

1 consideration of the purpose of the entry, the time of day,
2 and others accompanying the person;

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

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

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

22 (11) not patronize any business providing sexually
23 stimulating or sexually oriented entertainment nor utilize
24 "900" or adult telephone numbers;

25 (12) not reside near, visit, or be in or about parks,
26 schools, day care centers, swimming pools, beaches,

1 theaters, or any other places where minor children
2 congregate without advance approval of an agent of the
3 Department of Corrections and immediately report any
4 incidental contact with minor children to the Department;

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

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

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

16 (16) take an annual polygraph exam;

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

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

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

1 supervision.

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

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

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

20 (Source: P.A. 95-464, eff. 6-1-08; 95-539, eff. 1-1-08; 95-579,
21 eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09; 95-876,
22 eff. 8-21-08; 95-983, eff. 6-1-09; 96-236, eff. 8-11-09;
23 96-262, eff. 1-1-10; 96-328, eff. 8-11-09; 96-362, eff. 1-1-10;
24 96-1000, eff. 7-2-10.)

25 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

1 Sec. 3-14-1. Release from the Institution.

2 (a) Upon release of a person on parole, mandatory release,
3 final discharge or pardon the Department shall return all
4 property held for him, provide him with suitable clothing and
5 procure necessary transportation for him to his designated
6 place of residence and employment. It may provide such person
7 with a grant of money for travel and expenses which may be paid
8 in installments. The amount of the money grant shall be
9 determined by the Department.

10 The Department of Corrections may establish and maintain,
11 in any institution it administers, revolving funds to be known
12 as "Travel and Allowances Revolving Funds". These revolving
13 funds shall be used for advancing travel and expense allowances
14 to committed, paroled, and discharged prisoners. The moneys
15 paid into such revolving funds shall be from appropriations to
16 the Department for Committed, Paroled, and Discharged
17 Prisoners.

18 (b) (Blank).

19 (c) Except as otherwise provided in this Code, the
20 Department shall establish procedures to provide written
21 notification of any release of any person who has been
22 convicted of a felony to the State's Attorney and sheriff of
23 the county from which the offender was committed, and the
24 State's Attorney and sheriff of the county into which the
25 offender is to be paroled or released. Except as otherwise
26 provided in this Code, the Department shall establish

1 procedures to provide written notification to the proper law
2 enforcement agency for any municipality of any release of any
3 person who has been convicted of a felony if the arrest of the
4 offender or the commission of the offense took place in the
5 municipality, if the offender is to be paroled or released into
6 the municipality, or if the offender resided in the
7 municipality at the time of the commission of the offense. If a
8 person convicted of a felony who is in the custody of the
9 Department of Corrections or on parole or mandatory supervised
10 release informs the Department that he or she has resided,
11 resides, or will reside at an address that is a housing
12 facility owned, managed, operated, or leased by a public
13 housing agency, the Department must send written notification
14 of that information to the public housing agency that owns,
15 manages, operates, or leases the housing facility. The written
16 notification shall, when possible, be given at least 14 days
17 before release of the person from custody, or as soon
18 thereafter as possible.

19 (c-1) (Blank).

20 (c-2) The Department shall establish procedures to provide
21 notice to the Department of State Police of the release or
22 discharge of persons convicted of violations of the
23 Methamphetamine Control and Community Protection Act or a
24 violation of the Methamphetamine Precursor Control Act. The
25 Department of State Police shall make this information
26 available to local, State, or federal law enforcement agencies

1 upon request.

2 (c-5) If a person on parole or mandatory supervised release
3 becomes a resident of a facility licensed or regulated by the
4 Department of Public Health, the Illinois Department of Public
5 Aid, or the Illinois Department of Human Services, the
6 Department of Corrections shall provide copies of the following
7 information to the appropriate licensing or regulating
8 Department and the licensed or regulated facility where the
9 person becomes a resident:

10 (1) The mittimus and any pre-sentence investigation
11 reports.

12 (2) The social evaluation prepared pursuant to Section
13 3-8-2.

14 (3) Any pre-release evaluation conducted pursuant to
15 subsection (j) of Section 3-6-2.

16 (4) Reports of disciplinary infractions and
17 dispositions.

18 (5) Any parole plan, including orders issued by the
19 Prisoner Review Board, and any violation reports and
20 dispositions.

21 (6) The name and contact information for the assigned
22 parole agent and parole supervisor.

23 This information shall be provided within 3 days of the
24 person becoming a resident of the facility.

25 (c-10) If a person on parole or mandatory supervised
26 release becomes a resident of a facility licensed or regulated

1 by the Department of Public Health, the Illinois Department of
2 Public Aid, or the Illinois Department of Human Services, the
3 Department of Corrections shall provide written notification
4 of such residence to the following:

5 (1) The Prisoner Review Board.

6 (2) The chief of police and sheriff in the municipality
7 and county in which the licensed facility is located.

8 The notification shall be provided within 3 days of the
9 person becoming a resident of the facility.

10 (d) Upon the release of a committed person on parole,
11 mandatory supervised release, final discharge or pardon, the
12 Department shall provide such person with information
13 concerning programs and services of the Illinois Department of
14 Public Health to ascertain whether such person has been exposed
15 to the human immunodeficiency virus (HIV) or any identified
16 causative agent of Acquired Immunodeficiency Syndrome (AIDS).

17 (e) Upon the release of a committed person on parole,
18 mandatory supervised release, final discharge, or pardon, the
19 Department shall provide the person who has met the criteria
20 established by the Department with an identification card
21 identifying the person as being on parole, mandatory supervised
22 release, final discharge, or pardon, as the case may be. The
23 Department, in consultation with the Office of the Secretary of
24 State, shall prescribe the form of the identification card,
25 which may be similar to the form of the standard Illinois
26 Identification Card. The Department shall inform the committed

1 person that he or she may present the identification card to
2 the Office of the Secretary of State upon application for a
3 standard Illinois Identification Card in accordance with the
4 Illinois Identification Card Act. The Department shall require
5 the committed person to pay a \$1 fee for the identification
6 card.

7 For purposes of a committed person receiving an
8 identification card issued by the Department under this
9 subsection, the Department shall establish criteria that the
10 committed person must meet before the card is issued. It is the
11 sole responsibility of the committed person requesting the
12 identification card issued by the Department to meet the
13 established criteria. The person's failure to meet the criteria
14 is sufficient reason to deny the committed person the
15 identification card. An identification card issued by the
16 Department under this subsection shall be valid for a period of
17 time not to exceed 30 calendar days from the date the card is
18 issued. The Department shall not be held civilly or criminally
19 liable to anyone because of any act of any person utilizing a
20 card issued by the Department under this subsection.

21 The Department shall adopt rules governing the issuance of
22 identification cards to committed persons being released on
23 parole, mandatory supervised release, final discharge, or
24 pardon.

25 (Source: P.A. 94-163, eff. 7-11-05.)

1 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)
2 Sec. 5-6-3. Conditions of Probation and of Conditional
3 Discharge.

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

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

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

10 (3) refrain from possessing a firearm or other
11 dangerous weapon where the offense is a felony or, if a
12 misdemeanor, the offense involved the intentional or
13 knowing infliction of bodily harm or threat of bodily harm;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (8.9) if convicted of a sex offense as defined in the
15 Sex Offender Registration Act committed on or after January
16 1, 2010 (the effective date of Public Act 96-262), refrain
17 from accessing or using a social networking website as
18 defined in Section 16D-2 of the Criminal Code of 1961;

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

23 (10) if convicted of a sex offense as defined in
24 subsection (a-5) of Section 3-1-2 of this Code, unless the
25 offender is a parent or guardian of the person under 18
26 years of age present in the home and no non-familial minors

1 are present, not participate in a holiday event involving
2 children under 18 years of age, such as distributing candy
3 or other items to children on Halloween, wearing a Santa
4 Claus costume on or preceding Christmas, being employed as
5 a department store Santa Claus, or wearing an Easter Bunny
6 costume on or preceding Easter; ~~and~~

7 (11) if convicted of a sex offense as defined in
8 Section 2 of the Sex Offender Registration Act committed on
9 or after January 1, 2010 (the effective date of Public Act
10 96-362) that requires the person to register as a sex
11 offender under that Act, may not knowingly use any computer
12 scrub software on any computer that the sex offender uses;
13 and -

14 (12) if convicted of a violation of the Methamphetamine
15 Control and Community Protection Act, the Methamphetamine
16 Precursor Control Act, or a methamphetamine related
17 offense:

18 (A) prohibited from purchasing, possessing, or
19 having under his or her control any product containing
20 pseudoephedrine without the express written approval
21 of his or her assigned probation officer or designee;
22 and

23 (B) prohibited from purchasing, possessing, or
24 having under his or her control any product containing
25 ammonium nitrate.

26 (b) The Court may in addition to other reasonable

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

5 (1) serve a term of periodic imprisonment under Article
6 7 for a period not to exceed that specified in paragraph
7 (d) of Section 5-7-1;

8 (2) pay a fine and costs;

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

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

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

15 (6) support his dependents;

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

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

18 (ii) attend school;

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

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

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

1 Compensation Act committed in a school, on the real
2 property comprising a school, or within 1,000 feet of
3 the real property comprising a school;

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

6 (9) perform some reasonable public or community
7 service;

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

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

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

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

23 (iv) for persons convicted of any alcohol,
24 cannabis or controlled substance violation who are
25 placed on an approved monitoring device as a condition
26 of probation or conditional discharge, the court shall

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

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

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

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

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

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

1 to conduct investigations as outlined in Section 805-105 of
2 the Department of Natural Resources (Conservation) Law;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 A circuit court may not impose a probation fee under this
16 subsection (i) in excess of \$25 per month unless the circuit
17 court has adopted, by administrative order issued by the chief
18 judge, a standard probation fee guide determining an offender's
19 ability to pay. Of the amount collected as a probation fee, up
20 to \$5 of that fee collected per month may be used to provide
21 services to crime victims and their families.

22 The Court may only waive probation fees based on an
23 offender's ability to pay. The probation department may
24 re-evaluate an offender's ability to pay every 6 months, and,
25 with the approval of the Director of Court Services or the
26 Chief Probation Officer, adjust the monthly fee amount. An

1 offender may elect to pay probation fees due in a lump sum. Any
2 offender that has been assigned to the supervision of a
3 probation department, or has been transferred either under
4 subsection (h) of this Section or under any interstate compact,
5 shall be required to pay probation fees to the department
6 supervising the offender, based on the offender's ability to
7 pay.

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

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

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

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

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

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

17 (Source: P.A. 95-331, eff. 8-21-07; 95-464, eff. 6-1-08;
18 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff. 1-1-09;
19 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; 96-262, eff. 1-1-10;
20 96-328, eff. 8-11-09; 96-362, eff. 1-1-10; 96-695, eff.
21 8-25-09; 96-1000, eff. 7-2-10; 96-1414, eff. 1-1-11.)