

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by  
5 changing Section 5-6-3.1 as follows:

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

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

8 (a) When a defendant is placed on supervision, the court  
9 shall enter an order for supervision specifying the period of  
10 such supervision, and shall defer further proceedings in the  
11 case until the conclusion of the period.

12 (b) The period of supervision shall be reasonable under all  
13 of the circumstances of the case, but may not be longer than 2  
14 years, unless the defendant has failed to pay the assessment  
15 required by Section 10.3 of the Cannabis Control Act, Section  
16 411.2 of the Illinois Controlled Substances Act, or Section 80  
17 of the Methamphetamine Control and Community Protection Act, in  
18 which case the court may extend supervision beyond 2 years.  
19 Additionally, the court shall order the defendant to perform no  
20 less than 30 hours of community service and not more than 120  
21 hours of community service, if community service is available  
22 in the jurisdiction and is funded and approved by the county  
23 board where the offense was committed, when the offense (1) was

1 related to or in furtherance of the criminal activities of an  
2 organized gang or was motivated by the defendant's membership  
3 in or allegiance to an organized gang; or (2) is a violation of  
4 any Section of Article 24 of the Criminal Code of 1961 or the  
5 Criminal Code of 2012 where a disposition of supervision is not  
6 prohibited by Section 5-6-1 of this Code. The community service  
7 shall include, but not be limited to, the cleanup and repair of  
8 any damage caused by violation of Section 21-1.3 of the  
9 Criminal Code of 1961 or the Criminal Code of 2012 and similar  
10 damages to property located within the municipality or county  
11 in which the violation occurred. Where possible and reasonable,  
12 the community service should be performed in the offender's  
13 neighborhood.

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

17 (c) The court may in addition to other reasonable  
18 conditions relating to the nature of the offense or the  
19 rehabilitation of the defendant as determined for each  
20 defendant in the proper discretion of the court require that  
21 the person:

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

26 (2) pay a fine and costs;

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

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

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

7           (6) support his dependents;

8           (7) refrain from possessing a firearm or other  
9 dangerous weapon;

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

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

12           (ii) attend school;

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

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

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

24          (9) make restitution or reparation in an amount not to  
25 exceed actual loss or damage to property and pecuniary loss  
26 or make restitution under Section 5-5-6 to a domestic

1 violence shelter. The court shall determine the amount and  
2 conditions of payment;

3 (10) perform some reasonable public or community  
4 service;

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

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

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

1 for the purchase of evidence for investigation purposes and  
2 to conduct investigations as outlined in Section 805-105 of  
3 the Department of Natural Resources (Conservation) Law, or  
4 (iii) to a local high school after-prom program;

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

11 (15) refrain from having any contact, directly or  
12 indirectly, with certain specified persons or particular  
13 types of person, 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) refrain from operating any motor vehicle not  
23 equipped with an ignition interlock device as defined in  
24 Section 1-129.1 of the Illinois Vehicle Code; under this  
25 condition the court may allow a defendant who is not  
26 self-employed to operate a vehicle owned by the defendant's

1 employer that is not equipped with an ignition interlock  
2 device in the course and scope of the defendant's  
3 employment; and

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

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

17 (e) At the conclusion of the period of supervision, if the  
18 court determines that the defendant has successfully complied  
19 with all of the conditions of supervision, the court shall  
20 discharge the defendant and enter a judgment dismissing the  
21 charges.

22 (f) Discharge and dismissal upon a successful conclusion of  
23 a disposition of supervision shall be deemed without  
24 adjudication of guilt and shall not be termed a conviction for  
25 purposes of disqualification or disabilities imposed by law  
26 upon conviction of a crime. Two years after the discharge and

1 dismissal under this Section, unless the disposition of  
2 supervision was for a violation of Sections 3-707, 3-708,  
3 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a  
4 similar provision of a local ordinance, or for a violation of  
5 Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961  
6 or the Criminal Code of 2012, in which case it shall be 5 years  
7 after discharge and dismissal, a person may have his record of  
8 arrest sealed or expunged as may be provided by law. However,  
9 any defendant placed on supervision before January 1, 1980, may  
10 move for sealing or expungement of his arrest record, as  
11 provided by law, at any time after discharge and dismissal  
12 under this Section. A person placed on supervision for a sexual  
13 offense committed against a minor as defined in clause  
14 (a) (1) (L) of Section 5.2 of the Criminal Identification Act or  
15 for a violation of Section 11-501 of the Illinois Vehicle Code  
16 or a similar provision of a local ordinance shall not have his  
17 or her record of arrest sealed or expunged.

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

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

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

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



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

8 A circuit court may not impose a probation fee in excess of  
9 \$25 per month unless the circuit court has adopted, by  
10 administrative order issued by the chief judge, a standard  
11 probation fee guide determining an offender's ability to pay.  
12 Of the amount collected as a probation fee, not to exceed \$5 of  
13 that fee collected per month may be used to provide services to  
14 crime victims and their families.

15 The Court may only waive probation fees based on an  
16 offender's ability to pay. The probation department may  
17 re-evaluate an offender's ability to pay every 6 months, and,  
18 with the approval of the Director of Court Services or the  
19 Chief Probation Officer, adjust the monthly fee amount. An  
20 offender may elect to pay probation fees due in a lump sum. Any  
21 offender that has been assigned to the supervision of a  
22 probation department, or has been transferred either under  
23 subsection (h) of this Section or under any interstate compact,  
24 shall be required to pay probation fees to the department  
25 supervising the offender, based on the offender's ability to  
26 pay.

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

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

1 subsection (k) does not apply to a defendant who has a high  
2 school diploma or has successfully passed the GED test. This  
3 subsection (k) does not apply to a defendant who is determined  
4 by the court to be developmentally disabled or otherwise  
5 mentally incapable of completing the educational or vocational  
6 program.

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

20 (m) The Secretary of State shall require anyone placed on  
21 court supervision for a violation of Section 3-707 of the  
22 Illinois Vehicle Code or a similar provision of a local  
23 ordinance to give proof of his or her financial responsibility  
24 as defined in Section 7-315 of the Illinois Vehicle Code. The  
25 proof shall be maintained by the individual in a manner  
26 satisfactory to the Secretary of State for a minimum period of

1 3 years after the date the proof is first filed. The proof  
2 shall be limited to a single action per arrest and may not be  
3 affected by any post-sentence disposition. The Secretary of  
4 State shall suspend the driver's license of any person  
5 determined by the Secretary to be in violation of this  
6 subsection.

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

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

24 (p) An offender placed on supervision for an offense  
25 committed on or after June 1, 2008 (the effective date of  
26 Public Act 95-464) that would qualify the accused as a child

1 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
2 Criminal Code of 1961 or the Criminal Code of 2012 shall  
3 refrain from communicating with or contacting, by means of the  
4 Internet, a person who is not related to the accused and whom  
5 the accused reasonably believes to be under 18 years of age.  
6 For purposes of this subsection (p), "Internet" has the meaning  
7 ascribed to it in Section 16-0.1 of the Criminal Code of 2012;  
8 and a person is not related to the accused if the person is  
9 not: (i) the spouse, brother, or sister of the accused; (ii) a  
10 descendant of the accused; (iii) a first or second cousin of  
11 the accused; or (iv) a step-child or adopted child of the  
12 accused.

13 (q) An offender placed on supervision for an offense  
14 committed on or after June 1, 2008 (the effective date of  
15 Public Act 95-464) that would qualify the accused as a child  
16 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
17 Criminal Code of 1961 or the Criminal Code of 2012 shall, if so  
18 ordered by the court, refrain from communicating with or  
19 contacting, by means of the Internet, a person who is related  
20 to the accused and whom the accused reasonably believes to be  
21 under 18 years of age. For purposes of this subsection (q),  
22 "Internet" has the meaning ascribed to it in Section 16-0.1 of  
23 the Criminal Code of 2012; and a person is related to the  
24 accused if the person is: (i) the spouse, brother, or sister of  
25 the accused; (ii) a descendant of the accused; (iii) a first or  
26 second cousin of the accused; or (iv) a step-child or adopted

1 child of the accused.

2 (r) An offender placed on supervision for an offense under  
3 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a  
4 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or  
5 11-21 of the Criminal Code of 1961 or the Criminal Code of  
6 2012, or any attempt to commit any of these offenses, committed  
7 on or after the effective date of this amendatory Act of the  
8 95th General Assembly shall:

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

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

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

26 (iv) submit to any other appropriate restrictions

1           concerning the offender's use of or access to a computer or  
2           any other device with Internet capability imposed by the  
3           court.

4           (s) An offender placed on supervision for an offense that  
5           is a sex offense as defined in Section 2 of the Sex Offender  
6           Registration Act that is committed on or after January 1, 2010  
7           (the effective date of Public Act 96-362) that requires the  
8           person to register as a sex offender under that Act, may not  
9           knowingly use any computer scrub software on any computer that  
10          the sex offender uses.

11          (t) An offender placed on supervision for a sex offense as  
12          defined in the Sex Offender Registration Act committed on or  
13          after January 1, 2010 (the effective date of Public Act 96-262)  
14          shall refrain from accessing or using a social networking  
15          website as defined in Section 17-0.5 of the Criminal Code of  
16          2012.

17          (u) Jurisdiction over an offender may be transferred from  
18          the sentencing court to the court of another circuit with the  
19          concurrence of both courts. Further transfers or retransfers of  
20          jurisdiction are also authorized in the same manner. The court  
21          to which jurisdiction has been transferred shall have the same  
22          powers as the sentencing court. The probation department within  
23          the circuit to which jurisdiction has been transferred may  
24          impose probation fees upon receiving the transferred offender,  
25          as provided in subsection (i). The probation department from  
26          the original sentencing court shall retain all probation fees

1 collected prior to the transfer.

2 (Source: P.A. 96-262, eff. 1-1-10; 96-362, eff. 1-1-10; 96-409,  
3 eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1414, eff. 1-1-11;  
4 96-1551, Article 2, Section 1065, eff. 7-1-11; 96-1551, Article  
5 10, Section 10-150, eff. 7-1-11; 97-454, eff. 1-1-12; 97-597,  
6 eff. 1-1-12; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)