



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5282

by Rep. Naomi D. Jakobsson

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-1-2	from Ch. 38, par. 1003-1-2
730 ILCS 5/3-3-7	from Ch. 38, par. 1003-3-7
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

Amends the Unified Code of Corrections. Provides that as a condition of parole, aftercare release, mandatory supervised release, probation, conditional discharge, or supervision, a person convicted of, or placed on supervision for, a sex offense shall attend on Halloween or at any other day in which children under 18 years of age participate in Halloween activities a group meeting with other persons convicted of, or placed on supervision for, sex offenses.

LRB098 17190 RLC 55276 b

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 3-1-2, 3-3-7, 5-6-3, and 5-6-3.1 as follows:

6 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)
7 Sec. 3-1-2. Definitions.

8 (a) "Chief Administrative Officer" means the person
9 designated by the Director to exercise the powers and duties of
10 the Department of Corrections in regard to committed persons
11 within a correctional institution or facility, and includes the
12 superintendent of any juvenile institution or facility.

13 (a-3) "Aftercare release" means the conditional and
14 revocable release of a person committed to the Department of
15 Juvenile Justice under the Juvenile Court Act of 1987, under
16 the supervision of the Department of Juvenile Justice.

17 (a-5) "Sex offense" for the purposes of paragraph (16) or
18 (16.5) of subsection (a) of Section 3-3-7, paragraph (10) or
19 (10.5) of subsection (a) of Section 5-6-3, and paragraph (18)
20 or (18.5) of subsection (c) of Section 5-6-3.1 only means:

21 (i) A violation of any of the following Sections of the
22 Criminal Code of 1961 or the Criminal Code of 2012: 10-7
23 (aiding or abetting child abduction under Section

1 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent
2 solicitation of a child), 11-6.5 (indecent solicitation of
3 an adult), 11-14.4 (promoting juvenile prostitution),
4 11-15.1 (soliciting for a juvenile prostitute), 11-17.1
5 (keeping a place of juvenile prostitution), 11-18.1
6 (patronizing a juvenile prostitute), 11-19.1 (juvenile
7 pimping), 11-19.2 (exploitation of a child), 11-20.1
8 (child pornography), 11-20.1B or 11-20.3 (aggravated child
9 pornography), 11-1.40 or 12-14.1 (predatory criminal
10 sexual assault of a child), or 12-33 (ritualized abuse of a
11 child). An attempt to commit any of these offenses.

12 (ii) A violation of any of the following Sections of
13 the Criminal Code of 1961 or the Criminal Code of 2012:
14 11-1.20 or 12-13 (criminal sexual assault), 11-1.30 or
15 12-14 (aggravated criminal sexual assault), 11-1.60 or
16 12-16 (aggravated criminal sexual abuse), and subsection
17 (a) of Section 11-1.50 or subsection (a) of Section 12-15
18 (criminal sexual abuse). An attempt to commit any of these
19 offenses.

20 (iii) A violation of any of the following Sections of
21 the Criminal Code of 1961 or the Criminal Code of 2012 when
22 the defendant is not a parent of the victim:

23 10-1 (kidnapping),

24 10-2 (aggravated kidnapping),

25 10-3 (unlawful restraint),

26 10-3.1 (aggravated unlawful restraint).

1 An attempt to commit any of these offenses.

2 (iv) A violation of any former law of this State
3 substantially equivalent to any offense listed in this
4 subsection (a-5).

5 An offense violating federal law or the law of another
6 state that is substantially equivalent to any offense listed in
7 this subsection (a-5) shall constitute a sex offense for the
8 purpose of this subsection (a-5). A finding or adjudication as
9 a sexually dangerous person under any federal law or law of
10 another state that is substantially equivalent to the Sexually
11 Dangerous Persons Act shall constitute an adjudication for a
12 sex offense for the purposes of this subsection (a-5).

13 (b) "Commitment" means a judicially determined placement
14 in the custody of the Department of Corrections on the basis of
15 delinquency or conviction.

16 (c) "Committed Person" is a person committed to the
17 Department, however a committed person shall not be considered
18 to be an employee of the Department of Corrections for any
19 purpose, including eligibility for a pension, benefits, or any
20 other compensation or rights or privileges which may be
21 provided to employees of the Department.

22 (c-5) "Computer scrub software" means any third-party
23 added software, designed to delete information from the
24 computer unit, the hard drive, or other software, which would
25 eliminate and prevent discovery of browser activity, including
26 but not limited to Internet history, address bar or bars, cache

1 or caches, and/or cookies, and which would over-write files in
2 a way so as to make previous computer activity, including but
3 not limited to website access, more difficult to discover.

4 (d) "Correctional Institution or Facility" means any
5 building or part of a building where committed persons are kept
6 in a secured manner.

7 (e) In the case of functions performed before the effective
8 date of this amendatory Act of the 94th General Assembly,
9 "Department" means the Department of Corrections of this State.
10 In the case of functions performed on or after the effective
11 date of this amendatory Act of the 94th General Assembly,
12 "Department" has the meaning ascribed to it in subsection
13 (f-5).

14 (f) In the case of functions performed before the effective
15 date of this amendatory Act of the 94th General Assembly,
16 "Director" means the Director of the Department of Corrections.
17 In the case of functions performed on or after the effective
18 date of this amendatory Act of the 94th General Assembly,
19 "Director" has the meaning ascribed to it in subsection (f-5).

20 (f-5) In the case of functions performed on or after the
21 effective date of this amendatory Act of the 94th General
22 Assembly, references to "Department" or "Director" refer to
23 either the Department of Corrections or the Director of
24 Corrections or to the Department of Juvenile Justice or the
25 Director of Juvenile Justice unless the context is specific to
26 the Department of Juvenile Justice or the Director of Juvenile

1 Justice.

2 (g) "Discharge" means the final termination of a commitment
3 to the Department of Corrections.

4 (h) "Discipline" means the rules and regulations for the
5 maintenance of order and the protection of persons and property
6 within the institutions and facilities of the Department and
7 their enforcement.

8 (i) "Escape" means the intentional and unauthorized
9 absence of a committed person from the custody of the
10 Department.

11 (j) "Furlough" means an authorized leave of absence from
12 the Department of Corrections for a designated purpose and
13 period of time.

14 (k) "Parole" means the conditional and revocable release of
15 a person committed to the Department of Corrections under the
16 supervision of a parole officer.

17 (l) "Prisoner Review Board" means the Board established in
18 Section 3-3-1(a), independent of the Department, to review
19 rules and regulations with respect to good time credits, to
20 hear charges brought by the Department against certain
21 prisoners alleged to have violated Department rules with
22 respect to good time credits, to set release dates for certain
23 prisoners sentenced under the law in effect prior to the
24 effective date of this Amendatory Act of 1977, to hear and
25 decide the time of aftercare release for persons committed to
26 the Department of Juvenile Justice under the Juvenile Court Act

1 of 1987 to hear requests and make recommendations to the
2 Governor with respect to pardon, reprieve or commutation, to
3 set conditions for parole, aftercare release, and mandatory
4 supervised release and determine whether violations of those
5 conditions justify revocation of parole or release, and to
6 assume all other functions previously exercised by the Illinois
7 Parole and Pardon Board.

8 (m) Whenever medical treatment, service, counseling, or
9 care is referred to in this Unified Code of Corrections, such
10 term may be construed by the Department or Court, within its
11 discretion, to include treatment, service or counseling by a
12 Christian Science practitioner or nursing care appropriate
13 therewith whenever request therefor is made by a person subject
14 to the provisions of this Act.

15 (n) "Victim" shall have the meaning ascribed to it in
16 subsection (a) of Section 3 of the Bill of Rights for Victims
17 and Witnesses of Violent Crime Act.

18 (o) "Wrongfully imprisoned person" means a person who has
19 been discharged from a prison of this State and has received:

20 (1) a pardon from the Governor stating that such pardon
21 is issued on the ground of innocence of the crime for which
22 he or she was imprisoned; or

23 (2) a certificate of innocence from the Circuit Court
24 as provided in Section 2-702 of the Code of Civil
25 Procedure.

26 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13;

1 98-558, eff. 1-1-14.)

2 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

3 Sec. 3-3-7. Conditions of Parole, Mandatory Supervised
4 Release, or Aftercare Release.

5 (a) The conditions of parole, aftercare release, or
6 mandatory supervised release shall be such as the Prisoner
7 Review Board deems necessary to assist the subject in leading a
8 law-abiding life. The conditions of every parole, aftercare
9 release, and mandatory supervised release are that the subject:

10 (1) not violate any criminal statute of any
11 jurisdiction during the parole, aftercare release, or
12 release term;

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

15 (3) report to an agent of the Department of Corrections
16 or to the Department of Juvenile Justice;

17 (4) permit the agent or aftercare specialist to visit
18 him or her at his or her home, employment, or elsewhere to
19 the extent necessary for the agent or aftercare specialist
20 to discharge his or her duties;

21 (5) attend or reside in a facility established for the
22 instruction or residence of persons on parole, aftercare
23 release, or mandatory supervised release;

24 (6) secure permission before visiting or writing a
25 committed person in an Illinois Department of Corrections

1 facility;

2 (7) report all arrests to an agent of the Department of
3 Corrections or to the Department of Juvenile Justice as
4 soon as permitted by the arresting authority but in no
5 event later than 24 hours after release from custody and
6 immediately report service or notification of an order of
7 protection, a civil no contact order, or a stalking no
8 contact order to an agent of the Department of Corrections;

9 (7.5) if convicted of a sex offense as defined in the
10 Sex Offender Management Board Act, the individual shall
11 undergo and successfully complete sex offender treatment
12 conducted in conformance with the standards developed by
13 the Sex Offender Management Board Act by a treatment
14 provider approved by the Board;

15 (7.6) if convicted of a sex offense as defined in the
16 Sex Offender Management Board Act, refrain from residing at
17 the same address or in the same condominium unit or
18 apartment unit or in the same condominium complex or
19 apartment complex with another person he or she knows or
20 reasonably should know is a convicted sex offender or has
21 been placed on supervision for a sex offense; the
22 provisions of this paragraph do not apply to a person
23 convicted of a sex offense who is placed in a Department of
24 Corrections licensed transitional housing facility for sex
25 offenders, or is in any facility operated or licensed by
26 the Department of Children and Family Services or by the

1 Department of Human Services, or is in any licensed medical
2 facility;

3 (7.7) if convicted for an offense that would qualify
4 the accused as a sexual predator under the Sex Offender
5 Registration Act on or after January 1, 2007 (the effective
6 date of Public Act 94-988), wear an approved electronic
7 monitoring device as defined in Section 5-8A-2 for the
8 duration of the person's parole, aftercare release,
9 mandatory supervised release term, or extended mandatory
10 supervised release term and if convicted for an offense of
11 criminal sexual assault, aggravated criminal sexual
12 assault, predatory criminal sexual assault of a child,
13 criminal sexual abuse, aggravated criminal sexual abuse,
14 or ritualized abuse of a child committed on or after August
15 11, 2009 (the effective date of Public Act 96-236) when the
16 victim was under 18 years of age at the time of the
17 commission of the offense and the defendant used force or
18 the threat of force in the commission of the offense wear
19 an approved electronic monitoring device as defined in
20 Section 5-8A-2 that has Global Positioning System (GPS)
21 capability for the duration of the person's parole,
22 aftercare release, mandatory supervised release term, or
23 extended mandatory supervised release term;

24 (7.8) if convicted for an offense committed on or after
25 June 1, 2008 (the effective date of Public Act 95-464) that
26 would qualify the accused as a child sex offender as

1 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
2 1961 or the Criminal Code of 2012, refrain from
3 communicating with or contacting, by means of the Internet,
4 a person who is not related to the accused and whom the
5 accused reasonably believes to be under 18 years of age;
6 for purposes of this paragraph (7.8), "Internet" has the
7 meaning ascribed to it in Section 16-0.1 of the Criminal
8 Code of 2012; and a person is not related to the accused if
9 the person is not: (i) the spouse, brother, or sister of
10 the accused; (ii) a descendant of the accused; (iii) a
11 first or second cousin of the accused; or (iv) a step-child
12 or adopted child of the accused;

13 (7.9) if convicted under Section 11-6, 11-20.1,
14 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or
15 the Criminal Code of 2012, consent to search of computers,
16 PDAs, cellular phones, and other devices under his or her
17 control that are capable of accessing the Internet or
18 storing electronic files, in order to confirm Internet
19 protocol addresses reported in accordance with the Sex
20 Offender Registration Act and compliance with conditions
21 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 June 1, 2008 (the
25 effective date of Public Act 95-640), not possess
26 prescription drugs for erectile dysfunction;

1 (7.11) if convicted for an offense under Section 11-6,
2 11-9.1, 11-14.4 that involves soliciting for a juvenile
3 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
4 of the Criminal Code of 1961 or the Criminal Code of 2012,
5 or any attempt to commit any of these offenses, committed
6 on or after June 1, 2009 (the effective date of Public Act
7 95-983):

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

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

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

25 (iv) submit to any other appropriate restrictions
26 concerning the offender's use of or access to a

1 computer or any other device with Internet capability
2 imposed by the Board, the Department or the offender's
3 supervising agent or aftercare specialist;

4 (7.12) if convicted of a sex offense as defined in the
5 Sex Offender Registration Act committed on or after January
6 1, 2010 (the effective date of Public Act 96-262), refrain
7 from accessing or using a social networking website as
8 defined in Section 17-0.5 of the Criminal Code of 2012;

9 (7.13) if convicted of a sex offense as defined in
10 Section 2 of the Sex Offender Registration Act committed on
11 or after January 1, 2010 (the effective date of Public Act
12 96-362) that requires the person to register as a sex
13 offender under that Act, may not knowingly use any computer
14 scrub software on any computer that the sex offender uses;

15 (8) obtain permission of an agent of the Department of
16 Corrections or the Department of Juvenile Justice before
17 leaving the State of Illinois;

18 (9) obtain permission of an agent of the Department of
19 Corrections or the Department of Juvenile Justice before
20 changing his or her residence or employment;

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

23 (11) refrain from the use or possession of narcotics or
24 other controlled substances in any form, or both, or any
25 paraphernalia related to those substances and submit to a
26 urinalysis test as instructed by a parole agent of the

1 Department of Corrections or an aftercare specialist of the
2 Department of Juvenile Justice;

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

5 (13) not knowingly associate with other persons on
6 parole, aftercare release, or mandatory supervised release
7 without prior written permission of his or her parole agent
8 or aftercare specialist and not associate with persons who
9 are members of an organized gang as that term is defined in
10 the Illinois Streetgang Terrorism Omnibus Prevention Act;

11 (14) provide true and accurate information, as it
12 relates to his or her adjustment in the community while on
13 parole, aftercare release, or mandatory supervised release
14 or to his or her conduct while incarcerated, in response to
15 inquiries by his or her parole agent or of the Department
16 of Corrections or by his or her aftercare specialist or of
17 the Department of Juvenile Justice;

18 (15) follow any specific instructions provided by the
19 parole agent or aftercare specialist that are consistent
20 with furthering conditions set and approved by the Prisoner
21 Review Board or by law, exclusive of placement on
22 electronic detention, to achieve the goals and objectives
23 of his or her parole, aftercare release, or mandatory
24 supervised release or to protect the public. These
25 instructions by the parole agent or aftercare specialist
26 may be modified at any time, as the agent or aftercare

1 specialist deems appropriate;

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

12 (16.5) if convicted of a sex offense as defined in
13 subsection (a-5) of Section 3-1-2 of this Code, attend on
14 Halloween or on any other day in which children under 18
15 years of age participate in Halloween activities a group
16 meeting with other releasees convicted of sex offenses. The
17 meeting shall be held at a time of day or night coinciding
18 with the time set for Halloween activities by the
19 municipality where the sex offender resides, or if the sex
20 offender resides in an unincorporated area, the time set by
21 the county where the sex offender resides, and at a
22 location set by the parole agent or supervising officer.
23 The meeting shall be supervised by a parole agent or
24 supervising officer assigned by the Department of
25 Corrections;

26 (17) if convicted of a violation of an order of

1 protection under Section 12-3.4 or Section 12-30 of the
2 Criminal Code of 1961 or the Criminal Code of 2012, be
3 placed under electronic surveillance as provided in
4 Section 5-8A-7 of this Code;

5 (18) comply with the terms and conditions of an order
6 of protection issued pursuant to the Illinois Domestic
7 Violence Act of 1986; an order of protection issued by the
8 court of another state, tribe, or United States territory;
9 a no contact order issued pursuant to the Civil No Contact
10 Order Act; or a no contact order issued pursuant to the
11 Stalking No Contact Order Act; and

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

16 (A) prohibited from purchasing, possessing, or
17 having under his or her control any product containing
18 pseudoephedrine unless prescribed by a physician; and

19 (B) prohibited from purchasing, possessing, or
20 having under his or her control any product containing
21 ammonium nitrate.

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

24 (1) work or pursue a course of study or vocational
25 training;

26 (2) undergo medical or psychiatric treatment, or

1 treatment for drug addiction or alcoholism;

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

4 (4) support his or her dependents;

5 (5) (blank);

6 (6) (blank);

7 (7) (blank);

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 or the Criminal Code of 2012, refrain
13 from communicating with or contacting, by means of the
14 Internet, a person who is related to the accused and whom
15 the accused reasonably believes to be under 18 years of
16 age; for purposes of this paragraph (7.5), "Internet" has
17 the meaning ascribed to it in Section 16-0.1 of the
18 Criminal Code of 2012; and a person is related to the
19 accused if the person is: (i) the spouse, brother, or
20 sister of the accused; (ii) a descendant of the accused;
21 (iii) a first or second cousin of the accused; or (iv) a
22 step-child or adopted child of the accused;

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

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

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

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

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

23 (8) in addition, if a minor:

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

26 (ii) attend school;

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

2 or

3 (iv) contribute to his or her own support at home

4 or in a foster home.

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

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

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

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

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

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

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

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

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

16 (9) refrain from all contact, directly or indirectly,
17 personally, by telephone, letter, or through a third party,
18 with minor children without prior identification and
19 approval of an agent of the Department of Corrections or
20 the Department of Juvenile Justice;

21 (10) neither possess or have under his or her control
22 any material that is sexually oriented, sexually
23 stimulating, or that shows male or female sex organs or any
24 pictures depicting children under 18 years of age nude or
25 any written or audio material describing sexual
26 intercourse or that depicts or alludes to sexual activity,

1 including but not limited to visual, auditory, telephonic,
2 or electronic media, or any matter obtained through access
3 to any computer or material linked to computer access use;

4 (11) not patronize any business providing sexually
5 stimulating or sexually oriented entertainment nor utilize
6 "900" or adult telephone numbers;

7 (12) not reside near, visit, or be in or about parks,
8 schools, day care centers, swimming pools, beaches,
9 theaters, or any other places where minor children
10 congregate without advance approval of an agent of the
11 Department of Corrections or the Department of Juvenile
12 Justice and immediately report any incidental contact with
13 minor children to the Department;

14 (13) not possess or have under his or her control
15 certain specified items of contraband related to the
16 incidence of sexually offending as determined by an agent
17 of the Department of Corrections or the Department of
18 Juvenile Justice;

19 (14) may be required to provide a written daily log of
20 activities if directed by an agent of the Department of
21 Corrections or the Department of Juvenile Justice;

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

26 (16) take an annual polygraph exam;

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

2 (18) obtain prior approval of his or her parole officer
3 or aftercare specialist before driving alone in a motor
4 vehicle.

5 (c) The conditions under which the parole, aftercare
6 release, or mandatory supervised release is to be served shall
7 be communicated to the person in writing prior to his or her
8 release, and he or she shall sign the same before release. A
9 signed copy of these conditions, including a copy of an order
10 of protection where one had been issued by the criminal court,
11 shall be retained by the person and another copy forwarded to
12 the officer or aftercare specialist in charge of his or her
13 supervision.

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

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

21 (f) (Blank).

22 (Source: P.A. 97-50, eff. 6-28-11; 97-531, eff. 1-1-12; 97-560,
23 eff. 1-1-12; 97-597, eff. 1-1-12; 97-1109, eff. 1-1-13;
24 97-1150, eff. 1-25-13; 98-558, eff. 1-1-14.)

25 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

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

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

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

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

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

25 (6) perform no less than 30 hours of community service
26 and not more than 120 hours of community service, if

1 community service is available in the jurisdiction and is
2 funded and approved by the county board where the offense
3 was committed, where the offense was related to or in
4 furtherance of the criminal activities of an organized gang
5 and was motivated by the offender's membership in or
6 allegiance to an organized gang. The community service
7 shall include, but not be limited to, the cleanup and
8 repair of any damage caused by a violation of Section
9 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
10 2012 and similar damage to property located within the
11 municipality or county in which the violation occurred.
12 When possible and reasonable, the community service should
13 be performed in the offender's neighborhood. For purposes
14 of this Section, "organized gang" has the meaning ascribed
15 to it in Section 10 of the Illinois Streetgang Terrorism
16 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 or the Criminal Code of 2012, refrain from

1 communicating with or contacting, by means of the Internet,
2 a person who is not related to the accused and whom the
3 accused reasonably believes to be under 18 years of age;
4 for purposes of this paragraph (8.7), "Internet" has the
5 meaning ascribed to it in Section 16-0.1 of the Criminal
6 Code of 2012; and a person is not related to the accused if
7 the person is not: (i) the spouse, brother, or sister of
8 the accused; (ii) a descendant of the accused; (iii) a
9 first or second cousin of the accused; or (iv) a step-child
10 or adopted child of the accused;

11 (8.8) if convicted for an offense under Section 11-6,
12 11-9.1, 11-14.4 that involves soliciting for a juvenile
13 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
14 of the Criminal Code of 1961 or the Criminal Code of 2012,
15 or any attempt to commit any of these offenses, committed
16 on or after June 1, 2009 (the effective date of Public Act
17 95-983):

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

24 (ii) submit to periodic unannounced examinations
25 of the offender's computer or any other device with
26 Internet capability by the offender's probation

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

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

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

16 (8.9) if convicted of a sex offense as defined in the
17 Sex Offender Registration Act committed on or after January
18 1, 2010 (the effective date of Public Act 96-262), refrain
19 from accessing or using a social networking website as
20 defined in Section 17-0.5 of the Criminal Code of 2012;

21 (9) if convicted of a felony or of any misdemeanor
22 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
23 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
24 2012 that was determined, pursuant to Section 112A-11.1 of
25 the Code of Criminal Procedure of 1963, to trigger the
26 prohibitions of 18 U.S.C. 922(g)(9), physically surrender

1 at a time and place designated by the court, his or her
2 Firearm Owner's Identification Card and any and all
3 firearms in his or her possession. The Court shall return
4 to the Department of State Police Firearm Owner's
5 Identification Card Office the person's Firearm Owner's
6 Identification Card;

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;

17 (10.5) if convicted of a sex offense as defined in
18 subsection (a-5) of Section 3-1-2 of this Code, attend on
19 Halloween or on any other day in which children under 18
20 years of age participate in Halloween activities a group
21 meeting with other probationers convicted of sex offenses.
22 The meeting shall be held at a time of day or night
23 coinciding with the time set for Halloween activities by
24 the municipality where the sex offender resides, or if the
25 sex offender resides in an unincorporated area, the time
26 set by the county where the sex offender resides, and at a

1 location set by the probation officer assigned to the
2 probationer. The meeting shall be supervised by a probation
3 officer assigned by the Probation and Court Services
4 Department;

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

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

16 (A) prohibited from purchasing, possessing, or
17 having under his or her control any product containing
18 pseudoephedrine unless prescribed by a physician; and

19 (B) prohibited from purchasing, possessing, or
20 having under his or her control any product containing
21 ammonium nitrate.

22 (b) 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) serve a term of periodic imprisonment under Article
2 7 for a period not to exceed that specified in paragraph
3 (d) of Section 5-7-1;

4 (2) pay a fine and costs;

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

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

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

11 (6) support his dependents;

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

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

14 (ii) attend school;

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

16 (iv) contribute to his own support at home or in a
17 foster home;

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

26 (8) make restitution as provided in Section 5-5-6 of

1 this Code;

2 (9) perform some reasonable public or community
3 service;

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

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

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

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

19 (iv) for persons convicted of any alcohol,
20 cannabis or controlled substance violation who are
21 placed on an approved monitoring device as a condition
22 of probation or conditional discharge, the court shall
23 impose a reasonable fee for each day of the use of the
24 device, as established by the county board in
25 subsection (g) of this Section, unless after
26 determining the inability of the offender to pay the

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

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

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

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

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

24 (14) refrain from entering into a designated
25 geographic area except upon such terms as the court finds
26 appropriate. Such terms may include consideration of the

1 purpose of the entry, the time of day, other persons
2 accompanying the defendant, and advance approval by a
3 probation officer, if the defendant has been placed on
4 probation or advance approval by the court, if the
5 defendant was placed on conditional discharge;

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

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

17 (17) if convicted for an offense committed on or after
18 June 1, 2008 (the effective date of Public Act 95-464) that
19 would qualify the accused as a child sex offender as
20 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
21 1961 or the Criminal Code of 2012, refrain from
22 communicating with or contacting, by means of the Internet,
23 a person who is related to the accused and whom the accused
24 reasonably believes to be under 18 years of age; for
25 purposes of this paragraph (17), "Internet" has the meaning
26 ascribed to it in Section 16-0.1 of the Criminal Code of

1 2012; and a person is related to the accused if the person
2 is: (i) the spouse, brother, or sister of the accused; (ii)
3 a descendant of the accused; (iii) a first or second cousin
4 of the accused; or (iv) a step-child or adopted child of
5 the accused;

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

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

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

26 (iii) submit to the installation on the offender's

1 computer or device with Internet capability, at the
2 subject's expense, of one or more hardware or software
3 systems to monitor the Internet use; and

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

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

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

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

25 (e) Except where the offender has committed a fourth or
26 subsequent violation of subsection (c) of Section 6-303 of the

1 Illinois Vehicle Code, the court shall not require as a
2 condition of the sentence of probation or conditional discharge
3 that the offender be committed to a period of imprisonment in
4 excess of 6 months. This 6 month limit shall not include
5 periods of confinement given pursuant to a sentence of county
6 impact incarceration under Section 5-8-1.2.

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

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

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

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

11 (h) Jurisdiction over an offender may be transferred from
12 the sentencing court to the court of another circuit with the
13 concurrence of both courts. Further transfers or retransfers of
14 jurisdiction are also authorized in the same manner. The court
15 to which jurisdiction has been transferred shall have the same
16 powers as the sentencing court. The probation department within
17 the circuit to which jurisdiction has been transferred, or
18 which has agreed to provide supervision, may impose probation
19 fees upon receiving the transferred offender, as provided in
20 subsection (i). For all transfer cases, as defined in Section
21 9b of the Probation and Probation Officers Act, the probation
22 department from the original sentencing court shall retain all
23 probation fees collected prior to the transfer. After the
24 transfer all probation fees shall be paid to the probation
25 department within the circuit to which jurisdiction has been
26 transferred.

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

21 A circuit court may not impose a probation fee under this
22 subsection (i) in excess of \$25 per month unless the circuit
23 court has adopted, by administrative order issued by the chief
24 judge, a standard probation fee guide determining an offender's
25 ability to pay Of the amount collected as a probation fee, up
26 to \$5 of that fee collected per month may be used to provide

1 services to crime victims and their families.

2 The Court may only waive probation fees based on an
3 offender's ability to pay. The probation department may
4 re-evaluate an offender's ability to pay every 6 months, and,
5 with the approval of the Director of Court Services or the
6 Chief Probation Officer, adjust the monthly fee amount. An
7 offender may elect to pay probation fees due in a lump sum. Any
8 offender that has been assigned to the supervision of a
9 probation department, or has been transferred either under
10 subsection (h) of this Section or under any interstate compact,
11 shall be required to pay probation fees to the department
12 supervising the offender, based on the offender's ability to
13 pay.

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

19 (i-5) In addition to the fees imposed under subsection (i)
20 of this Section, in the case of an offender convicted of a
21 felony sex offense (as defined in the Sex Offender Management
22 Board Act) or an offense that the court or probation department
23 has determined to be sexually motivated (as defined in the Sex
24 Offender Management Board Act), the court or the probation
25 department shall assess additional fees to pay for all costs of
26 treatment, assessment, evaluation for risk and treatment, and

1 monitoring the offender, based on that offender's ability to
2 pay those costs either as they occur or under a payment plan.

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

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

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

23 (Source: P.A. 97-454, eff. 1-1-12; 97-560, eff. 1-1-12; 97-597,
24 eff. 1-1-12; 97-1109, eff. 1-1-13; 97-1131, eff. 1-1-13;
25 97-1150, eff. 1-25-13; 98-575, eff. 1-1-14.)

1 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

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

3 (a) When a defendant is placed on supervision, the court
4 shall enter an order for supervision specifying the period of
5 such supervision, and shall defer further proceedings in the
6 case until the conclusion of the period.

7 (b) The period of supervision shall be reasonable under all
8 of the circumstances of the case, but may not be longer than 2
9 years, unless the defendant has failed to pay the assessment
10 required by Section 10.3 of the Cannabis Control Act, Section
11 411.2 of the Illinois Controlled Substances Act, or Section 80
12 of the Methamphetamine Control and Community Protection Act, in
13 which case the court may extend supervision beyond 2 years.
14 Additionally, the court shall order the defendant to perform no
15 less than 30 hours of community service and not more than 120
16 hours of community service, if community service is available
17 in the jurisdiction and is funded and approved by the county
18 board where the offense was committed, when the offense (1) was
19 related to or in furtherance of the criminal activities of an
20 organized gang or was motivated by the defendant's membership
21 in or allegiance to an organized gang; or (2) is a violation of
22 any Section of Article 24 of the Criminal Code of 1961 or the
23 Criminal Code of 2012 where a disposition of supervision is not
24 prohibited by Section 5-6-1 of this Code. The community service
25 shall include, but not be limited to, the cleanup and repair of
26 any damage caused by violation of Section 21-1.3 of the

1 Criminal Code of 1961 or the Criminal Code of 2012 and similar
2 damages to property located within the municipality or county
3 in which the violation occurred. Where possible and reasonable,
4 the community service should be performed in the offender's
5 neighborhood.

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

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

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

18 (2) pay a fine and costs;

19 (3) work or pursue a course of study or vocational
20 training;

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

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

25 (6) support his dependents;

26 (7) refrain from possessing a firearm or other

1 dangerous weapon;

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

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

4 (ii) attend school;

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

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

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

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

21 (10) perform some reasonable public or community
22 service;

23 (11) comply with the terms and conditions of an order
24 of protection issued by the court pursuant to the Illinois
25 Domestic Violence Act of 1986 or an order of protection
26 issued by the court of another state, tribe, or United

1 States territory. If the court has ordered the defendant to
2 make a report and appear in person under paragraph (1) of
3 this subsection, a copy of the order of protection shall be
4 transmitted to the person or agency so designated by the
5 court;

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

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

22 (14) refrain from entering into a designated
23 geographic area except upon such terms as the court finds
24 appropriate. Such terms may include consideration of the
25 purpose of the entry, the time of day, other persons
26 accompanying the defendant, and advance approval by a

1 probation officer;

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

6 (16) refrain from having in his or her body the
7 presence of any illicit drug prohibited by the Cannabis
8 Control Act, the Illinois Controlled Substances Act, or the
9 Methamphetamine Control and Community Protection Act,
10 unless prescribed by a physician, and submit samples of his
11 or her blood or urine or both for tests to determine the
12 presence of any illicit drug;

13 (17) refrain from operating any motor vehicle not
14 equipped with an ignition interlock device as defined in
15 Section 1-129.1 of the Illinois Vehicle Code; under this
16 condition the court may allow a defendant who is not
17 self-employed to operate a vehicle owned by the defendant's
18 employer that is not equipped with an ignition interlock
19 device in the course and scope of the defendant's
20 employment; ~~and~~

21 (18) if placed on supervision for a sex offense as
22 defined in subsection (a-5) of Section 3-1-2 of this Code,
23 unless the offender is a parent or guardian of the person
24 under 18 years of age present in the home and no
25 non-familial minors are present, not participate in a
26 holiday event involving children under 18 years of age,

1 such as distributing candy or other items to children on
2 Halloween, wearing a Santa Claus costume on or preceding
3 Christmas, being employed as a department store Santa
4 Claus, or wearing an Easter Bunny costume on or preceding
5 Easter; and -

6 (18.5) if placed on supervision for a sex offense as
7 defined in subsection (a-5) of Section 3-1-2 of this Code,
8 attend on Halloween or on any other day in which children
9 under 18 years of age participate in Halloween activities a
10 group meeting with other persons placed on supervision for
11 sex offenses. The meeting shall be held at a time of day or
12 night coinciding with the time set for Halloween activities
13 by the municipality where the sex offender resides, or if
14 the sex offender resides in an unincorporated area, the
15 time set by the county where the sex offender resides, and
16 at a location set by the Probation and Court Services
17 Department. The meeting shall be supervised by a person
18 assigned by the Probation and Court Services Department.

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, 16-25, or 16A-3 of the Criminal Code of 1961
10 or the Criminal Code of 2012, in which case it shall be 5 years
11 after discharge and dismissal, a person may have his record of
12 arrest sealed or expunged as may be provided by law. However,
13 any defendant placed on supervision before January 1, 1980, may
14 move for sealing or expungement of his arrest record, as
15 provided by law, at any time after discharge and dismissal
16 under this Section. A person placed on supervision for a sexual
17 offense committed against a minor as defined in clause
18 (a)(1)(L) of Section 5.2 of the Criminal Identification Act or
19 for a violation of Section 11-501 of the Illinois Vehicle Code
20 or a similar provision of a local ordinance shall not have his
21 or her record of arrest 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 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 Of the amount collected as a probation fee, not to exceed \$5 of
17 that fee collected per month may be used to provide services to
18 crime victims and their families.

19 The Court may only waive probation fees based on an
20 offender's ability to pay. The probation department may
21 re-evaluate an offender's ability to pay every 6 months, and,
22 with the approval of the Director of Court Services or the
23 Chief Probation Officer, adjust the monthly fee amount. An
24 offender may elect to pay probation fees due in a lump sum. Any
25 offender that has been assigned to the supervision of a
26 probation department, or has been transferred either under

1 subsection (h) of this Section or under any interstate compact,
2 shall be required to pay probation fees to the department
3 supervising the offender, based on the offender's ability to
4 pay.

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

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

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

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

24 (m) The Secretary of State shall require anyone placed on
25 court supervision for a violation of Section 3-707 of the
26 Illinois Vehicle Code or a similar provision of a local

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

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

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

1 transitional housing facility for sex offenders.

2 (p) An offender placed on supervision for an offense
3 committed on or after June 1, 2008 (the effective date of
4 Public Act 95-464) that would qualify the accused as a child
5 sex offender as defined in Section 11-9.3 or 11-9.4 of the
6 Criminal Code of 1961 or the Criminal Code of 2012 shall
7 refrain from communicating with or contacting, by means of the
8 Internet, a person who is not related to the accused and whom
9 the accused reasonably believes to be under 18 years of age.
10 For purposes of this subsection (p), "Internet" has the meaning
11 ascribed to it in Section 16-0.1 of the Criminal Code of 2012;
12 and a person is not related to the accused if the person is
13 not: (i) the spouse, brother, or sister of the accused; (ii) a
14 descendant of the accused; (iii) a first or second cousin of
15 the accused; or (iv) a step-child or adopted child of the
16 accused.

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

1 the Criminal Code of 2012; and a person is related to the
2 accused if the person is: (i) the spouse, brother, or sister of
3 the accused; (ii) a descendant of the accused; (iii) a first or
4 second cousin of the accused; or (iv) a step-child or adopted
5 child of the accused.

6 (r) An offender placed on supervision for an offense under
7 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a
8 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or
9 11-21 of the Criminal Code of 1961 or the Criminal Code of
10 2012, or any attempt to commit any of these offenses, committed
11 on or after the effective date of this amendatory Act of the
12 95th General Assembly shall:

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

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

26 (iii) submit to the installation on the offender's

1 computer or device with Internet capability, at the
2 offender's expense, of one or more hardware or software
3 systems to monitor the Internet use; and

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

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

15 (t) An offender placed on supervision for a sex offense as
16 defined in the Sex Offender Registration Act committed on or
17 after January 1, 2010 (the effective date of Public Act 96-262)
18 shall refrain from accessing or using a social networking
19 website as defined in Section 17-0.5 of the Criminal Code of
20 2012.

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

1 the circuit to which jurisdiction has been transferred may
2 impose probation fees upon receiving the transferred offender,
3 as provided in subsection (i). The probation department from
4 the original sentencing court shall retain all probation fees
5 collected prior to the transfer.

6 (Source: P.A. 96-262, eff. 1-1-10; 96-362, eff. 1-1-10; 96-409,
7 eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1414, eff. 1-1-11;
8 96-1551, Article 2, Section 1065, eff. 7-1-11; 96-1551, Article
9 10, Section 10-150, eff. 7-1-11; 97-454, eff. 1-1-12; 97-597,
10 eff. 1-1-12; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)