



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5736

by Rep. Kathleen Willis

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-205	
625 ILCS 5/11-501.01	
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 Illinois Vehicle Code and the Unified Code of Corrections. Provides that as a condition of probation, conditional discharge, or supervision, the court shall require the defendant if convicted of one or more violations, or placed on supervision for a violation, relating to the offense of operating or being in physical control of a vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, and if issued a restricted driving permit, refrain from operating any motor vehicle not equipped with an ignition interlock device. Provides that under this condition the court may allow a defendant who is not self-employed to operate a vehicle owned by the defendant's employer that is not equipped with an ignition interlock device in the course and scope of the defendant's employment.

LRB098 17762 RLC 52883 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 Illinois Vehicle Code is amended by changing
5 Sections 6-205 and 11-501.01 as follows:

6 (625 ILCS 5/6-205)

7 Sec. 6-205. Mandatory revocation of license or permit;
8 Hardship cases.

9 (a) Except as provided in this Section, the Secretary of
10 State shall immediately revoke the license, permit, or driving
11 privileges of any driver upon receiving a report of the
12 driver's conviction of any of the following offenses:

13 1. Reckless homicide resulting from the operation of a
14 motor vehicle;

15 2. Violation of Section 11-501 of this Code or a
16 similar provision of a local ordinance relating to the
17 offense of operating or being in physical control of a
18 vehicle while under the influence of alcohol, other drug or
19 drugs, intoxicating compound or compounds, or any
20 combination thereof;

21 3. Any felony under the laws of any State or the
22 federal government in the commission of which a motor
23 vehicle was used;

1 4. Violation of Section 11-401 of this Code relating to
2 the offense of leaving the scene of a traffic accident
3 involving death or personal injury;

4 5. Perjury or the making of a false affidavit or
5 statement under oath to the Secretary of State under this
6 Code or under any other law relating to the ownership or
7 operation of motor vehicles;

8 6. Conviction upon 3 charges of violation of Section
9 11-503 of this Code relating to the offense of reckless
10 driving committed within a period of 12 months;

11 7. Conviction of any offense defined in Section 4-102
12 of this Code;

13 8. Violation of Section 11-504 of this Code relating to
14 the offense of drag racing;

15 9. Violation of Chapters 8 and 9 of this Code;

16 10. Violation of Section 12-5 of the Criminal Code of
17 1961 or the Criminal Code of 2012 arising from the use of a
18 motor vehicle;

19 11. Violation of Section 11-204.1 of this Code relating
20 to aggravated fleeing or attempting to elude a peace
21 officer;

22 12. Violation of paragraph (1) of subsection (b) of
23 Section 6-507, or a similar law of any other state,
24 relating to the unlawful operation of a commercial motor
25 vehicle;

26 13. Violation of paragraph (a) of Section 11-502 of

1 this Code or a similar provision of a local ordinance if
2 the driver has been previously convicted of a violation of
3 that Section or a similar provision of a local ordinance
4 and the driver was less than 21 years of age at the time of
5 the offense;

6 14. Violation of paragraph (a) of Section 11-506 of
7 this Code or a similar provision of a local ordinance
8 relating to the offense of street racing;

9 15. A second or subsequent conviction of driving while
10 the person's driver's license, permit or privileges was
11 revoked for reckless homicide or a similar out-of-state
12 offense;

13 16. Any offense against any provision in this Code, or
14 any local ordinance, regulating the movement of traffic
15 when that offense was the proximate cause of the death of
16 any person. Any person whose driving privileges have been
17 revoked pursuant to this paragraph may seek to have the
18 revocation terminated or to have the length of revocation
19 reduced by requesting an administrative hearing with the
20 Secretary of State prior to the projected driver's license
21 application eligibility date;

22 17. Violation of subsection (a-2) of Section 11-1301.3
23 of this Code or a similar provision of a local ordinance;

24 18. A second or subsequent conviction of illegal
25 possession, while operating or in actual physical control,
26 as a driver, of a motor vehicle, of any controlled

1 substance prohibited under the Illinois Controlled
2 Substances Act, any cannabis prohibited under the Cannabis
3 Control Act, or any methamphetamine prohibited under the
4 Methamphetamine Control and Community Protection Act. A
5 defendant found guilty of this offense while operating a
6 motor vehicle shall have an entry made in the court record
7 by the presiding judge that this offense did occur while
8 the defendant was operating a motor vehicle and order the
9 clerk of the court to report the violation to the Secretary
10 of State.

11 (b) The Secretary of State shall also immediately revoke
12 the license or permit of any driver in the following
13 situations:

14 1. Of any minor upon receiving the notice provided for
15 in Section 5-901 of the Juvenile Court Act of 1987 that the
16 minor has been adjudicated under that Act as having
17 committed an offense relating to motor vehicles prescribed
18 in Section 4-103 of this Code;

19 2. Of any person when any other law of this State
20 requires either the revocation or suspension of a license
21 or permit;

22 3. Of any person adjudicated under the Juvenile Court
23 Act of 1987 based on an offense determined to have been
24 committed in furtherance of the criminal activities of an
25 organized gang as provided in Section 5-710 of that Act,
26 and that involved the operation or use of a motor vehicle

1 or the use of a driver's license or permit. The revocation
2 shall remain in effect for the period determined by the
3 court. Upon the direction of the court, the Secretary shall
4 issue the person a judicial driving permit, also known as a
5 JDP. The JDP shall be subject to the same terms as a JDP
6 issued under Section 6-206.1, except that the court may
7 direct that a JDP issued under this subdivision (b)(3) be
8 effective immediately.

9 (c)(1) Whenever a person is convicted of any of the
10 offenses enumerated in this Section, the court may recommend
11 and the Secretary of State in his discretion, without regard to
12 whether the recommendation is made by the court may, upon
13 application, issue to the person a restricted driving permit
14 granting the privilege of driving a motor vehicle between the
15 petitioner's residence and petitioner's place of employment or
16 within the scope of the petitioner's employment related duties,
17 or to allow the petitioner to transport himself or herself or a
18 family member of the petitioner's household to a medical
19 facility for the receipt of necessary medical care or to allow
20 the petitioner to transport himself or herself to and from
21 alcohol or drug remedial or rehabilitative activity
22 recommended by a licensed service provider, or to allow the
23 petitioner to transport himself or herself or a family member
24 of the petitioner's household to classes, as a student, at an
25 accredited educational institution, or to allow the petitioner
26 to transport children, elderly persons, or disabled persons who

1 do not hold driving privileges and are living in the
2 petitioner's household to and from daycare; if the petitioner
3 is able to demonstrate that no alternative means of
4 transportation is reasonably available and that the petitioner
5 will not endanger the public safety or welfare; provided that
6 the Secretary's discretion shall be limited to cases where
7 undue hardship, as defined by the rules of the Secretary of
8 State, would result from a failure to issue the restricted
9 driving permit. Those multiple offenders identified in
10 subdivision (b)4 of Section 6-208 of this Code, however, shall
11 not be eligible for the issuance of a restricted driving
12 permit.

13 (2) If a person's license or permit is revoked or
14 suspended due to one ~~2~~ or more convictions of violating
15 Section 11-501 of this Code or a similar provision of a
16 local ordinance or a similar out-of-state offense, or
17 Section 9-3 of the Criminal Code of 1961 or the Criminal
18 Code of 2012, where the use of alcohol or other drugs is
19 recited as an element of the offense, or a similar
20 out-of-state offense, or a combination of these offenses,
21 arising out of separate occurrences, that person, if issued
22 a restricted driving permit, may not operate a vehicle
23 unless it has been equipped with an ignition interlock
24 device as defined in Section 1-129.1.

25 (3) If:

26 (A) a person's license or permit is revoked or

1 suspended 2 or more times within a 10 year period due
2 to any combination of:

3 (i) a single conviction of violating Section
4 11-501 of this Code or a similar provision of a
5 local ordinance or a similar out-of-state offense,
6 or Section 9-3 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, where the use of alcohol or
8 other drugs is recited as an element of the
9 offense, or a similar out-of-state offense; or

10 (ii) a statutory summary suspension or
11 revocation under Section 11-501.1; or

12 (iii) a suspension pursuant to Section
13 6-203.1;

14 arising out of separate occurrences; or

15 (B) a person has been convicted of one violation of
16 Section 6-303 of this Code committed while his or her
17 driver's license, permit, or privilege was revoked
18 because of a violation of Section 9-3 of the Criminal
19 Code of 1961 or the Criminal Code of 2012, relating to
20 the offense of reckless homicide where the use of
21 alcohol or other drugs was recited as an element of the
22 offense, or a similar provision of a law of another
23 state;

24 that person, if issued a restricted driving permit, may not
25 operate a vehicle unless it has been equipped with an
26 ignition interlock device as defined in Section 1-129.1.

1 (4) The person issued a permit conditioned on the use
2 of an ignition interlock device must pay to the Secretary
3 of State DUI Administration Fund an amount not to exceed
4 \$30 per month. The Secretary shall establish by rule the
5 amount and the procedures, terms, and conditions relating
6 to these fees.

7 (5) If the restricted driving permit is issued for
8 employment purposes, then the prohibition against
9 operating a motor vehicle that is not equipped with an
10 ignition interlock device does not apply to the operation
11 of an occupational vehicle owned or leased by that person's
12 employer when used solely for employment purposes.

13 (6) In each case the Secretary of State may issue a
14 restricted driving permit for a period he deems
15 appropriate, except that the permit shall expire within one
16 year from the date of issuance. The Secretary may not,
17 however, issue a restricted driving permit to any person
18 whose current revocation is the result of a second or
19 subsequent conviction for a violation of Section 11-501 of
20 this Code or a similar provision of a local ordinance or
21 any similar out-of-state offense, or Section 9-3 of the
22 Criminal Code of 1961 or the Criminal Code of 2012, where
23 the use of alcohol or other drugs is recited as an element
24 of the offense, or any similar out-of-state offense, or any
25 combination of these offenses, until the expiration of at
26 least one year from the date of the revocation. A

1 restricted driving permit issued under this Section shall
2 be subject to cancellation, revocation, and suspension by
3 the Secretary of State in like manner and for like cause as
4 a driver's license issued under this Code may be cancelled,
5 revoked, or suspended; except that a conviction upon one or
6 more offenses against laws or ordinances regulating the
7 movement of traffic shall be deemed sufficient cause for
8 the revocation, suspension, or cancellation of a
9 restricted driving permit. The Secretary of State may, as a
10 condition to the issuance of a restricted driving permit,
11 require the petitioner to participate in a designated
12 driver remedial or rehabilitative program. The Secretary
13 of State is authorized to cancel a restricted driving
14 permit if the permit holder does not successfully complete
15 the program. However, if an individual's driving
16 privileges have been revoked in accordance with paragraph
17 13 of subsection (a) of this Section, no restricted driving
18 permit shall be issued until the individual has served 6
19 months of the revocation period.

20 (c-5) (Blank).

21 (c-6) If a person is convicted of a second violation of
22 operating a motor vehicle while the person's driver's license,
23 permit or privilege was revoked, where the revocation was for a
24 violation of Section 9-3 of the Criminal Code of 1961 or the
25 Criminal Code of 2012 relating to the offense of reckless
26 homicide or a similar out-of-state offense, the person's

1 driving privileges shall be revoked pursuant to subdivision
2 (a) (15) of this Section. The person may not make application
3 for a license or permit until the expiration of five years from
4 the effective date of the revocation or the expiration of five
5 years from the date of release from a term of imprisonment,
6 whichever is later.

7 (c-7) If a person is convicted of a third or subsequent
8 violation of operating a motor vehicle while the person's
9 driver's license, permit or privilege was revoked, where the
10 revocation was for a violation of Section 9-3 of the Criminal
11 Code of 1961 or the Criminal Code of 2012 relating to the
12 offense of reckless homicide or a similar out-of-state offense,
13 the person may never apply for a license or permit.

14 (d) (1) Whenever a person under the age of 21 is convicted
15 under Section 11-501 of this Code or a similar provision of a
16 local ordinance or a similar out-of-state offense, the
17 Secretary of State shall revoke the driving privileges of that
18 person. One year after the date of revocation, and upon
19 application, the Secretary of State may, if satisfied that the
20 person applying will not endanger the public safety or welfare,
21 issue a restricted driving permit granting the privilege of
22 driving a motor vehicle only between the hours of 5 a.m. and 9
23 p.m. or as otherwise provided by this Section for a period of
24 one year. After this one year period, and upon reapplication
25 for a license as provided in Section 6-106, upon payment of the
26 appropriate reinstatement fee provided under paragraph (b) of

1 Section 6-118, the Secretary of State, in his discretion, may
2 reinstate the petitioner's driver's license and driving
3 privileges, or extend the restricted driving permit as many
4 times as the Secretary of State deems appropriate, by
5 additional periods of not more than 12 months each.

6 (2) If a person's license or permit is revoked or
7 suspended due to 2 or more convictions of violating Section
8 11-501 of this Code or a similar provision of a local
9 ordinance or a similar out-of-state offense, or Section 9-3
10 of the Criminal Code of 1961 or the Criminal Code of 2012,
11 where the use of alcohol or other drugs is recited as an
12 element of the offense, or a similar out-of-state offense,
13 or a combination of these offenses, arising out of separate
14 occurrences, that person, if issued a restricted driving
15 permit, may not operate a vehicle unless it has been
16 equipped with an ignition interlock device as defined in
17 Section 1-129.1.

18 (3) If a person's license or permit is revoked or
19 suspended 2 or more times within a 10 year period due to
20 any combination of:

21 (A) a single conviction of violating Section
22 11-501 of this Code or a similar provision of a local
23 ordinance or a similar out-of-state offense, or
24 Section 9-3 of the Criminal Code of 1961 or the
25 Criminal Code of 2012, where the use of alcohol or
26 other drugs is recited as an element of the offense, or

1 a similar out-of-state offense; or

2 (B) a statutory summary suspension or revocation
3 under Section 11-501.1; or

4 (C) a suspension pursuant to Section 6-203.1;
5 arising out of separate occurrences, that person, if issued
6 a restricted driving permit, may not operate a vehicle
7 unless it has been equipped with an ignition interlock
8 device as defined in Section 1-129.1.

9 (4) The person issued a permit conditioned upon the use
10 of an interlock device must pay to the Secretary of State
11 DUI Administration Fund an amount not to exceed \$30 per
12 month. The Secretary shall establish by rule the amount and
13 the procedures, terms, and conditions relating to these
14 fees.

15 (5) If the restricted driving permit is issued for
16 employment purposes, then the prohibition against driving
17 a vehicle that is not equipped with an ignition interlock
18 device does not apply to the operation of an occupational
19 vehicle owned or leased by that person's employer when used
20 solely for employment purposes.

21 (6) A restricted driving permit issued under this
22 Section shall be subject to cancellation, revocation, and
23 suspension by the Secretary of State in like manner and for
24 like cause as a driver's license issued under this Code may
25 be cancelled, revoked, or suspended; except that a
26 conviction upon one or more offenses against laws or

1 ordinances regulating the movement of traffic shall be
2 deemed sufficient cause for the revocation, suspension, or
3 cancellation of a restricted driving permit.

4 (d-5) The revocation of the license, permit, or driving
5 privileges of a person convicted of a third or subsequent
6 violation of Section 6-303 of this Code committed while his or
7 her driver's license, permit, or privilege was revoked because
8 of a violation of Section 9-3 of the Criminal Code of 1961 or
9 the Criminal Code of 2012, relating to the offense of reckless
10 homicide, or a similar provision of a law of another state, is
11 permanent. The Secretary may not, at any time, issue a license
12 or permit to that person.

13 (e) This Section is subject to the provisions of the Driver
14 License Compact.

15 (f) Any revocation imposed upon any person under
16 subsections 2 and 3 of paragraph (b) that is in effect on
17 December 31, 1988 shall be converted to a suspension for a like
18 period of time.

19 (g) The Secretary of State shall not issue a restricted
20 driving permit to a person under the age of 16 years whose
21 driving privileges have been revoked under any provisions of
22 this Code.

23 (h) The Secretary of State shall require the use of
24 ignition interlock devices on all vehicles owned by a person
25 who has been convicted of an ~~a second or subsequent~~ offense
26 under Section 11-501 of this Code or a similar provision of a

1 local ordinance. The person must pay to the Secretary of State
2 DUI Administration Fund an amount not to exceed \$30 for each
3 month that he or she uses the device. The Secretary shall
4 establish by rule and regulation the procedures for
5 certification and use of the interlock system, the amount of
6 the fee, and the procedures, terms, and conditions relating to
7 these fees.

8 (i) (Blank).

9 (j) In accordance with 49 C.F.R. 384, the Secretary of
10 State may not issue a restricted driving permit for the
11 operation of a commercial motor vehicle to a person holding a
12 CDL whose driving privileges have been revoked, suspended,
13 cancelled, or disqualified under any provisions of this Code.

14 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
15 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
16 7-1-11; 97-333, eff. 8-12-11; 97-838, eff. 1-1-13; 97-844, eff.
17 1-1-13; 97-1150, eff. 1-25-13.)

18 (625 ILCS 5/11-501.01)

19 Sec. 11-501.01. Additional administrative sanctions.

20 (a) After a finding of guilt and prior to any final
21 sentencing or an order for supervision, for an offense based
22 upon an arrest for a violation of Section 11-501 or a similar
23 provision of a local ordinance, individuals shall be required
24 to undergo a professional evaluation to determine if an
25 alcohol, drug, or intoxicating compound abuse problem exists

1 and the extent of the problem, and undergo the imposition of
2 treatment as appropriate. Programs conducting these
3 evaluations shall be licensed by the Department of Human
4 Services. The cost of any professional evaluation shall be paid
5 for by the individual required to undergo the professional
6 evaluation.

7 (b) Any person who is found guilty of or pleads guilty to
8 violating Section 11-501, including any person receiving a
9 disposition of court supervision for violating that Section,
10 may be required by the Court to attend a victim impact panel
11 offered by, or under contract with, a county State's Attorney's
12 office, a probation and court services department, Mothers
13 Against Drunk Driving, or the Alliance Against Intoxicated
14 Motorists. All costs generated by the victim impact panel shall
15 be paid from fees collected from the offender or as may be
16 determined by the court.

17 (c) Every person found guilty of violating Section 11-501,
18 whose operation of a motor vehicle while in violation of that
19 Section proximately caused any incident resulting in an
20 appropriate emergency response, shall be liable for the expense
21 of an emergency response as provided in subsection (i) of this
22 Section.

23 (d) The Secretary of State shall revoke the driving
24 privileges of any person convicted under Section 11-501 or a
25 similar provision of a local ordinance.

26 (e) The Secretary of State shall require the use of

1 ignition interlock devices on all vehicles owned by a person
2 who has been convicted of an ~~a second or subsequent~~ offense
3 under ~~of~~ Section 11-501 or a similar provision of a local
4 ordinance. The person must pay to the Secretary of State DUI
5 Administration Fund an amount not to exceed \$30 for each month
6 that he or she uses the device. The Secretary shall establish
7 by rule and regulation the procedures for certification and use
8 of the interlock system, the amount of the fee, and the
9 procedures, terms, and conditions relating to these fees.

10 (f) In addition to any other penalties and liabilities, a
11 person who is found guilty of or pleads guilty to violating
12 Section 11-501, including any person placed on court
13 supervision for violating Section 11-501, shall be assessed
14 \$750, payable to the circuit clerk, who shall distribute the
15 money as follows: \$350 to the law enforcement agency that made
16 the arrest, and \$400 shall be forwarded to the State Treasurer
17 for deposit into the General Revenue Fund. If the person has
18 been previously convicted of violating Section 11-501 or a
19 similar provision of a local ordinance, the fine shall be
20 \$1,000, and the circuit clerk shall distribute \$200 to the law
21 enforcement agency that made the arrest and \$800 to the State
22 Treasurer for deposit into the General Revenue Fund. In the
23 event that more than one agency is responsible for the arrest,
24 the amount payable to law enforcement agencies shall be shared
25 equally. Any moneys received by a law enforcement agency under
26 this subsection (f) shall be used for enforcement and

1 prevention of driving while under the influence of alcohol,
2 other drug or drugs, intoxicating compound or compounds or any
3 combination thereof, as defined by Section 11-501 of this Code,
4 including but not limited to the purchase of law enforcement
5 equipment and commodities that will assist in the prevention of
6 alcohol related criminal violence throughout the State; police
7 officer training and education in areas related to alcohol
8 related crime, including but not limited to DUI training; and
9 police officer salaries, including but not limited to salaries
10 for hire back funding for safety checkpoints, saturation
11 patrols, and liquor store sting operations. Any moneys received
12 by the Department of State Police under this subsection (f)
13 shall be deposited into the State Police DUI Fund and shall be
14 used to purchase law enforcement equipment that will assist in
15 the prevention of alcohol related criminal violence throughout
16 the State.

17 (g) The Secretary of State Police DUI Fund is created as a
18 special fund in the State treasury. All moneys received by the
19 Secretary of State Police under subsection (f) of this Section
20 shall be deposited into the Secretary of State Police DUI Fund
21 and, subject to appropriation, shall be used for enforcement
22 and prevention of driving while under the influence of alcohol,
23 other drug or drugs, intoxicating compound or compounds or any
24 combination thereof, as defined by Section 11-501 of this Code,
25 including but not limited to the purchase of law enforcement
26 equipment and commodities to assist in the prevention of

1 alcohol related criminal violence throughout the State; police
2 officer training and education in areas related to alcohol
3 related crime, including but not limited to DUI training; and
4 police officer salaries, including but not limited to salaries
5 for hire back funding for safety checkpoints, saturation
6 patrols, and liquor store sting operations.

7 (h) Whenever an individual is sentenced for an offense
8 based upon an arrest for a violation of Section 11-501 or a
9 similar provision of a local ordinance, and the professional
10 evaluation recommends remedial or rehabilitative treatment or
11 education, neither the treatment nor the education shall be the
12 sole disposition and either or both may be imposed only in
13 conjunction with another disposition. The court shall monitor
14 compliance with any remedial education or treatment
15 recommendations contained in the professional evaluation.
16 Programs conducting alcohol or other drug evaluation or
17 remedial education must be licensed by the Department of Human
18 Services. If the individual is not a resident of Illinois,
19 however, the court may accept an alcohol or other drug
20 evaluation or remedial education program in the individual's
21 state of residence. Programs providing treatment must be
22 licensed under existing applicable alcoholism and drug
23 treatment licensure standards.

24 (i) In addition to any other fine or penalty required by
25 law, an individual convicted of a violation of Section 11-501,
26 Section 5-7 of the Snowmobile Registration and Safety Act,

1 Section 5-16 of the Boat Registration and Safety Act, or a
2 similar provision, whose operation of a motor vehicle,
3 snowmobile, or watercraft while in violation of Section 11-501,
4 Section 5-7 of the Snowmobile Registration and Safety Act,
5 Section 5-16 of the Boat Registration and Safety Act, or a
6 similar provision proximately caused an incident resulting in
7 an appropriate emergency response, shall be required to make
8 restitution to a public agency for the costs of that emergency
9 response. The restitution may not exceed \$1,000 per public
10 agency for each emergency response. As used in this subsection
11 (i), "emergency response" means any incident requiring a
12 response by a police officer, a firefighter carried on the
13 rolls of a regularly constituted fire department, or an
14 ambulance. With respect to funds designated for the Department
15 of State Police, the moneys shall be remitted by the circuit
16 court clerk to the State Police within one month after receipt
17 for deposit into the State Police DUI Fund. With respect to
18 funds designated for the Department of Natural Resources, the
19 Department of Natural Resources shall deposit the moneys into
20 the Conservation Police Operations Assistance Fund.

21 (j) A person that is subject to a chemical test or tests of
22 blood under subsection (a) of Section 11-501.1 or subdivision
23 (c)(2) of Section 11-501.2 of this Code, whether or not that
24 person consents to testing, shall be liable for the expense up
25 to \$500 for blood withdrawal by a physician authorized to
26 practice medicine, a licensed physician assistant, a licensed

1 advanced practice nurse, a registered nurse, a trained
2 phlebotomist, a certified paramedic, or a qualified person
3 other than a police officer approved by the Department of State
4 Police to withdraw blood, who responds, whether at a law
5 enforcement facility or a health care facility, to a police
6 department request for the drawing of blood based upon refusal
7 of the person to submit to a lawfully requested breath test or
8 probable cause exists to believe the test would disclose the
9 ingestion, consumption, or use of drugs or intoxicating
10 compounds if:

11 (1) the person is found guilty of violating Section
12 11-501 of this Code or a similar provision of a local
13 ordinance; or

14 (2) the person pleads guilty to or stipulates to facts
15 supporting a violation of Section 11-503 of this Code or a
16 similar provision of a local ordinance when the plea or
17 stipulation was the result of a plea agreement in which the
18 person was originally charged with violating Section
19 11-501 of this Code or a similar local ordinance.

20 (Source: P.A. 97-931, eff. 1-1-13; 97-1050, eff. 1-1-13;
21 98-292, eff. 1-1-14; 98-463, eff. 8-16-13.)

22 Section 10. The Unified Code of Corrections is amended by
23 changing Sections 5-6-3 and 5-6-3.1 as follows:

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

24 (12) if convicted of a violation of the Methamphetamine
25 Control and Community Protection Act, the Methamphetamine
26 Precursor Control Act, or a methamphetamine related

1 offense:

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

5 (B) prohibited from purchasing, possessing, or
6 having under his or her control any product containing
7 ammonium nitrate; ~~and-~~

8 (13) if convicted of one or more violations of Section
9 11-501 of the Illinois Vehicle Code or a similar provision
10 of a local ordinance, and if issued a restricted driving
11 permit, refrain from operating any motor vehicle not
12 equipped with an ignition interlock device as defined in
13 Section 1-129.1 of the Illinois Vehicle Code; under this
14 condition the court may allow a defendant who is not
15 self-employed to operate a vehicle owned by the defendant's
16 employer that is not equipped with an ignition interlock
17 device in the course and scope of the defendant's
18 employment.

19 (b) The Court may in addition to other reasonable
20 conditions relating to the nature of the offense or the
21 rehabilitation of the defendant as determined for each
22 defendant in the proper discretion of the Court require that
23 the person:

24 (1) serve a term of periodic imprisonment under Article
25 7 for a period not to exceed that specified in paragraph
26 (d) of Section 5-7-1;

- 1 (2) pay a fine and costs;
- 2 (3) work or pursue a course of study or vocational
3 training;
- 4 (4) undergo medical, psychological or psychiatric
5 treatment; or treatment for drug addiction or alcoholism;
- 6 (5) attend or reside in a facility established for the
7 instruction or residence of defendants on probation;
- 8 (6) support his dependents;
- 9 (7) and in addition, if a minor:
 - 10 (i) reside with his parents or in a foster home;
 - 11 (ii) attend school;
 - 12 (iii) attend a non-residential program for youth;
 - 13 (iv) contribute to his own support at home or in a
14 foster home;
 - 15 (v) with the consent of the superintendent of the
16 facility, attend an educational program at a facility
17 other than the school in which the offense was
18 committed if he or she is convicted of a crime of
19 violence as defined in Section 2 of the Crime Victims
20 Compensation Act committed in a school, on the real
21 property comprising a school, or within 1,000 feet of
22 the real property comprising a school;
- 23 (8) make restitution as provided in Section 5-5-6 of
24 this Code;
- 25 (9) perform some reasonable public or community
26 service;

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

5 (i) remain within the interior premises of the
6 place designated for his confinement during the hours
7 designated by the court;

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

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

16 (iv) for persons convicted of any alcohol,
17 cannabis or controlled substance violation who are
18 placed on an approved monitoring device as a condition
19 of probation or conditional discharge, the court shall
20 impose a reasonable fee for each day of the use of the
21 device, as established by the county board in
22 subsection (g) of this Section, unless after
23 determining the inability of the offender to pay the
24 fee, the court assesses a lesser fee or no fee as the
25 case may be. This fee shall be imposed in addition to
26 the fees imposed under subsections (g) and (i) of this

1 Section. The fee shall be collected by the clerk of the
2 circuit court. The clerk of the circuit court shall pay
3 all monies collected from this fee to the county
4 treasurer for deposit in the substance abuse services
5 fund under Section 5-1086.1 of the Counties Code; and

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

24 (11) comply with the terms and conditions of an order
25 of protection issued by the court pursuant to the Illinois
26 Domestic Violence Act of 1986, as now or hereafter amended,

1 or an order of protection issued by the court of another
2 state, tribe, or United States territory. A copy of the
3 order of protection shall be transmitted to the probation
4 officer or agency having responsibility for the case;

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

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

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

1 probation or advance approval by the court, if the
2 defendant was placed on conditional discharge;

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

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

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

1 of the accused; or (iv) a step-child or adopted child of
2 the accused;

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

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

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

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

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

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

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

19 (d) An offender sentenced to probation or to conditional
20 discharge shall be given a certificate setting forth the
21 conditions thereof.

22 (e) Except where the offender has committed a fourth or
23 subsequent violation of subsection (c) of Section 6-303 of the
24 Illinois Vehicle Code, the court shall not require as a
25 condition of the sentence of probation or conditional discharge
26 that the offender be committed to a period of imprisonment in

1 excess of 6 months. This 6 month limit shall not include
2 periods of confinement given pursuant to a sentence of county
3 impact incarceration under Section 5-8-1.2.

4 Persons committed to imprisonment as a condition of
5 probation or conditional discharge shall not be committed to
6 the Department of Corrections.

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

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

1 of the circuit court. The clerk of the circuit court shall pay
2 all moneys collected from these fees to the county treasurer
3 who shall use the moneys collected to defray the costs of drug
4 testing, alcohol testing, and electronic monitoring. The
5 county treasurer shall deposit the fees collected in the county
6 working cash fund under Section 6-27001 or Section 6-29002 of
7 the Counties Code, as the case may be.

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

24 (i) The court shall impose upon an offender sentenced to
25 probation after January 1, 1989 or to conditional discharge
26 after January 1, 1992 or to community service under the

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

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

25 The Court may only waive probation fees based on an
26 offender's ability to pay. The probation department may

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

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

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

26 (j) All fines and costs imposed under this Section for any

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

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

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

20 (Source: P.A. 97-454, eff. 1-1-12; 97-560, eff. 1-1-12; 97-597,
21 eff. 1-1-12; 97-1109, eff. 1-1-13; 97-1131, eff. 1-1-13;
22 97-1150, eff. 1-25-13; 98-575, eff. 1-1-14.)

23 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

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

25 (a) When a defendant is placed on supervision, the court

1 shall enter an order for supervision specifying the period of
2 such supervision, and shall defer further proceedings in the
3 case until the conclusion of the period.

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

1 the community service should be performed in the offender's
2 neighborhood.

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

6 (b-5) The court shall require as a condition of supervision
7 that a person placed on supervision for a violation of Section
8 11-501 of the Illinois Vehicle Code or a similar provision of a
9 local ordinance, refrain from operating any motor vehicle not
10 equipped with an ignition interlock device as defined in
11 Section 1-129.1 of the Illinois Vehicle Code; under this
12 condition the court may allow a defendant who is not
13 self-employed to operate a vehicle owned by the defendant's
14 employer that is not equipped with an ignition interlock device
15 in the course and scope of the defendant's employment.

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

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

25 (2) pay a fine and costs;

26 (3) work or pursue a course of study or vocational

1 training;

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

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

6 (6) support his dependents;

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

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

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

11 (ii) attend school;

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

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

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

23 (9) make restitution or reparation in an amount not to
24 exceed actual loss or damage to property and pecuniary loss
25 or make restitution under Section 5-5-6 to a domestic
26 violence shelter. The court shall determine the amount and

1 conditions of payment;

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

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

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

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

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

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

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

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

20 (17) refrain from operating any motor vehicle not
21 equipped with an ignition interlock device as defined in
22 Section 1-129.1 of the Illinois Vehicle Code; under this
23 condition the court may allow a defendant who is not
24 self-employed to operate a vehicle owned by the defendant's
25 employer that is not equipped with an ignition interlock
26 device in the course and scope of the defendant's

1 employment; and

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

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

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

20 (f) Discharge and dismissal upon a successful conclusion of
21 a disposition of supervision shall be deemed without
22 adjudication of guilt and shall not be termed a conviction for
23 purposes of disqualification or disabilities imposed by law
24 upon conviction of a crime. Two years after the discharge and
25 dismissal under this Section, unless the disposition of
26 supervision was for a violation of Sections 3-707, 3-708,

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

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

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

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

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

1 fee shall be collected by the clerk of the circuit court. The
2 clerk of the circuit court shall pay all monies collected from
3 this fee to the county treasurer for deposit in the probation
4 and court services fund pursuant to Section 15.1 of the
5 Probation and Probation Officers Act.

6 A circuit court may not impose a probation fee in excess of
7 \$25 per month unless the circuit court has adopted, by
8 administrative order issued by the chief judge, a standard
9 probation fee guide determining an offender's ability to pay.
10 Of the amount collected as a probation fee, not to exceed \$5 of
11 that fee collected per month may be used to provide services to
12 crime victims and their families.

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

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

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

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

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

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

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

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

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

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

22 (p) An offender placed on supervision for an offense
23 committed on or after June 1, 2008 (the effective date of
24 Public Act 95-464) that would qualify the accused as a child
25 sex offender as defined in Section 11-9.3 or 11-9.4 of the
26 Criminal Code of 1961 or the Criminal Code of 2012 shall

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

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

26 (r) An offender placed on supervision for an offense under

1 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a
2 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or
3 11-21 of the Criminal Code of 1961 or the Criminal Code of
4 2012, or any attempt to commit any of these offenses, committed
5 on or after the effective date of this amendatory Act of the
6 95th General Assembly shall:

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

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

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

24 (iv) submit to any other appropriate restrictions
25 concerning the offender's use of or access to a computer or
26 any other device with Internet capability imposed by the

1 court.

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

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

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

26 (Source: P.A. 96-262, eff. 1-1-10; 96-362, eff. 1-1-10; 96-409,

1 eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1414, eff. 1-1-11;
2 96-1551, Article 2, Section 1065, eff. 7-1-11; 96-1551, Article
3 10, Section 10-150, eff. 7-1-11; 97-454, eff. 1-1-12; 97-597,
4 eff. 1-1-12; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)