



Rep. Kathleen Willis

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09800HB5736ham001

LRB098 17762 RLC 57556 a

1 AMENDMENT TO HOUSE BILL 5736

2 AMENDMENT NO. _____. Amend House Bill 5736 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 6-205 and 6-206 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

1 offense of operating or being in physical control of a
2 vehicle while under the influence of alcohol, other drug or
3 drugs, intoxicating compound or compounds, or any
4 combination thereof;

5 3. Any felony under the laws of any State or the
6 federal government in the commission of which a motor
7 vehicle was used;

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

11 5. Perjury or the making of a false affidavit or
12 statement under oath to the Secretary of State under this
13 Code or under any other law relating to the ownership or
14 operation of motor vehicles;

15 6. Conviction upon 3 charges of violation of Section
16 11-503 of this Code relating to the offense of reckless
17 driving committed within a period of 12 months;

18 7. Conviction of any offense defined in Section 4-102
19 of this Code;

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

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

23 10. Violation of Section 12-5 of the Criminal Code of
24 1961 or the Criminal Code of 2012 arising from the use of a
25 motor vehicle;

26 11. Violation of Section 11-204.1 of this Code relating

1 to aggravated fleeing or attempting to elude a peace
2 officer;

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

7 13. Violation of paragraph (a) of Section 11-502 of
8 this Code or a similar provision of a local ordinance if
9 the driver has been previously convicted of a violation of
10 that Section or a similar provision of a local ordinance
11 and the driver was less than 21 years of age at the time of
12 the offense;

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

16 15. A second or subsequent conviction of driving while
17 the person's driver's license, permit or privileges was
18 revoked for reckless homicide or a similar out-of-state
19 offense;

20 16. Any offense against any provision in this Code, or
21 any local ordinance, regulating the movement of traffic
22 when that offense was the proximate cause of the death of
23 any person. Any person whose driving privileges have been
24 revoked pursuant to this paragraph may seek to have the
25 revocation terminated or to have the length of revocation
26 reduced by requesting an administrative hearing with the

1 Secretary of State prior to the projected driver's license
2 application eligibility date;

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

5 18. A second or subsequent conviction of illegal
6 possession, while operating or in actual physical control,
7 as a driver, of a motor vehicle, of any controlled
8 substance prohibited under the Illinois Controlled
9 Substances Act, any cannabis prohibited under the Cannabis
10 Control Act, or any methamphetamine prohibited under the
11 Methamphetamine Control and Community Protection Act. A
12 defendant found guilty of this offense while operating a
13 motor vehicle shall have an entry made in the court record
14 by the presiding judge that this offense did occur while
15 the defendant was operating a motor vehicle and order the
16 clerk of the court to report the violation to the Secretary
17 of State.

18 (b) The Secretary of State shall also immediately revoke
19 the license or permit of any driver in the following
20 situations:

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

26 2. Of any person when any other law of this State

1 requires either the revocation or suspension of a license
2 or permit;

3 3. Of any person adjudicated under the Juvenile Court
4 Act of 1987 based on an offense determined to have been
5 committed in furtherance of the criminal activities of an
6 organized gang as provided in Section 5-710 of that Act,
7 and that involved the operation or use of a motor vehicle
8 or the use of a driver's license or permit. The revocation
9 shall remain in effect for the period determined by the
10 court. Upon the direction of the court, the Secretary shall
11 issue the person a judicial driving permit, also known as a
12 JDP. The JDP shall be subject to the same terms as a JDP
13 issued under Section 6-206.1, except that the court may
14 direct that a JDP issued under this subdivision (b) (3) be
15 effective immediately.

16 (c) (1) Whenever a person is convicted of any of the
17 offenses enumerated in this Section, the court may recommend
18 and the Secretary of State in his discretion, without regard to
19 whether the recommendation is made by the court may, upon
20 application, issue to the person a restricted driving permit
21 granting the privilege of driving a motor vehicle between the
22 petitioner's residence and petitioner's place of employment or
23 within the scope of the petitioner's employment related duties,
24 or to allow the petitioner to transport himself or herself or a
25 family member of the petitioner's household to a medical
26 facility for the receipt of necessary medical care or to allow

1 the petitioner to transport himself or herself to and from
2 alcohol or drug remedial or rehabilitative activity
3 recommended by a licensed service provider, or to allow the
4 petitioner to transport himself or herself or a family member
5 of the petitioner's household to classes, as a student, at an
6 accredited educational institution, or to allow the petitioner
7 to transport children, elderly persons, or disabled persons who
8 do not hold driving privileges and are living in the
9 petitioner's household to and from daycare; if the petitioner
10 is able to demonstrate that no alternative means of
11 transportation is reasonably available and that the petitioner
12 will not endanger the public safety or welfare; provided that
13 the Secretary's discretion shall be limited to cases where
14 undue hardship, as defined by the rules of the Secretary of
15 State, would result from a failure to issue the restricted
16 driving permit. Those multiple offenders identified in
17 subdivision (b)4 of Section 6-208 of this Code, however, shall
18 not be eligible for the issuance of a restricted driving
19 permit.

20 (2) If a person's license or permit is revoked or
21 suspended due to one ~~2~~ or more convictions of violating
22 Section 11-501 of this Code or a similar provision of a
23 local ordinance or a similar out-of-state offense, or
24 Section 9-3 of the Criminal Code of 1961 or the Criminal
25 Code of 2012, where the use of alcohol or other drugs is
26 recited as an element of the offense, or a similar

1 out-of-state offense, or a combination of these offenses,
2 arising out of separate occurrences, that person, if issued
3 a restricted driving permit, may not operate a vehicle
4 unless it has been equipped with an ignition interlock
5 device as defined in Section 1-129.1, except as authorized
6 by a court under paragraph (13) of subsection (a) of
7 Section 5-6-3 of the Unified Code of Corrections.

8 (3) If:

9 (A) a person's license or permit is revoked or
10 suspended 2 or more times within a 10 year period due
11 to any combination of:

12 (i) a single conviction of violating Section
13 11-501 of this Code or a similar provision of a
14 local ordinance or a similar out-of-state offense,
15 or Section 9-3 of the Criminal Code of 1961 or the
16 Criminal Code of 2012, where the use of alcohol or
17 other drugs is recited as an element of the
18 offense, or a similar out-of-state offense; or

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

21 (iii) a suspension pursuant to Section
22 6-203.1;

23 arising out of separate occurrences; or

24 (B) a person has been convicted of one violation of
25 Section 6-303 of this Code committed while his or her
26 driver's license, permit, or privilege was revoked

1 because of a violation of Section 9-3 of the Criminal
2 Code of 1961 or the Criminal Code of 2012, relating to
3 the offense of reckless homicide where the use of
4 alcohol or other drugs was recited as an element of the
5 offense, or a similar provision of a law of another
6 state;

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

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

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

22 (6) In each case the Secretary of State may issue a
23 restricted driving permit for a period he deems
24 appropriate, except that the permit shall expire within one
25 year from the date of issuance. The Secretary may not,
26 however, issue a restricted driving permit to any person

1 whose current revocation is the result of a second or
2 subsequent conviction for a violation of Section 11-501 of
3 this Code or a similar provision of a local ordinance or
4 any similar out-of-state offense, or Section 9-3 of the
5 Criminal Code of 1961 or the Criminal Code of 2012, where
6 the use of alcohol or other drugs is recited as an element
7 of the offense, or any similar out-of-state offense, or any
8 combination of these offenses, until the expiration of at
9 least one year from the date of the revocation. A
10 restricted driving permit issued under this Section shall
11 be subject to cancellation, revocation, and suspension by
12 the Secretary of State in like manner and for like cause as
13 a driver's license issued under this Code may be cancelled,
14 revoked, or suspended; except that a conviction upon one or
15 more offenses against laws or ordinances regulating the
16 movement of traffic shall be deemed sufficient cause for
17 the revocation, suspension, or cancellation of a
18 restricted driving permit. The Secretary of State may, as a
19 condition to the issuance of a restricted driving permit,
20 require the petitioner to participate in a designated
21 driver remedial or rehabilitative program. The Secretary
22 of State is authorized to cancel a restricted driving
23 permit if the permit holder does not successfully complete
24 the program. However, if an individual's driving
25 privileges have been revoked in accordance with paragraph
26 13 of subsection (a) of this Section, no restricted driving

1 permit shall be issued until the individual has served 6
2 months of the revocation period.

3 (c-5) (Blank).

4 (c-6) If a person is convicted of a second violation of
5 operating a motor vehicle while the person's driver's license,
6 permit or privilege was revoked, where the revocation was for a
7 violation of Section 9-3 of the Criminal Code of 1961 or the
8 Criminal Code of 2012 relating to the offense of reckless
9 homicide or a similar out-of-state offense, the person's
10 driving privileges shall be revoked pursuant to subdivision
11 (a) (15) of this Section. The person may not make application
12 for a license or permit until the expiration of five years from
13 the effective date of the revocation or the expiration of five
14 years from the date of release from a term of imprisonment,
15 whichever is later.

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

23 (d) (1) Whenever a person under the age of 21 is convicted
24 under Section 11-501 of this Code or a similar provision of a
25 local ordinance or a similar out-of-state offense, the
26 Secretary of State shall revoke the driving privileges of that

1 person. One year after the date of revocation, and upon
2 application, the Secretary of State may, if satisfied that the
3 person applying will not endanger the public safety or welfare,
4 issue a restricted driving permit granting the privilege of
5 driving a motor vehicle only between the hours of 5 a.m. and 9
6 p.m. or as otherwise provided by this Section for a period of
7 one year. After this one year period, and upon reapplication
8 for a license as provided in Section 6-106, upon payment of the
9 appropriate reinstatement fee provided under paragraph (b) of
10 Section 6-118, the Secretary of State, in his discretion, may
11 reinstate the petitioner's driver's license and driving
12 privileges, or extend the restricted driving permit as many
13 times as the Secretary of State deems appropriate, by
14 additional periods of not more than 12 months each.

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

1 by a court under paragraph (13) of subsection (a) of
2 Section 5-6-3 of the Unified Code of Corrections.

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

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

13 (B) a statutory summary suspension or revocation
14 under Section 11-501.1; or

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

20 (4) The person issued a permit conditioned upon the use
21 of an interlock device must pay to the Secretary of State
22 DUI Administration Fund an amount not to exceed \$30 per
23 month. The Secretary shall establish by rule the amount and
24 the procedures, terms, and conditions relating to these
25 fees.

26 (5) If the restricted driving permit is issued for

1 employment purposes, then the prohibition against driving
2 a vehicle that is not equipped with an ignition interlock
3 device does not apply to the operation of an occupational
4 vehicle owned or leased by that person's employer when used
5 solely for employment purposes.

6 (6) A restricted driving permit issued under this
7 Section shall be subject to cancellation, revocation, and
8 suspension by the Secretary of State in like manner and for
9 like cause as a driver's license issued under this Code may
10 be cancelled, revoked, or suspended; except that a
11 conviction upon one or more offenses against laws or
12 ordinances regulating the movement of traffic shall be
13 deemed sufficient cause for the revocation, suspension, or
14 cancellation of a restricted driving permit.

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

24 (e) This Section is subject to the provisions of the Driver
25 License Compact.

26 (f) Any revocation imposed upon any person under

1 subsections 2 and 3 of paragraph (b) that is in effect on
2 December 31, 1988 shall be converted to a suspension for a like
3 period of time.

4 (g) The Secretary of State shall not issue a restricted
5 driving permit to a person under the age of 16 years whose
6 driving privileges have been revoked under any provisions of
7 this Code.

8 (h) The Secretary of State shall require the use of
9 ignition interlock devices on all vehicles owned by a person
10 who has been convicted of a second or subsequent offense under
11 Section 11-501 of this Code or a similar provision of a local
12 ordinance. The person must pay to the Secretary of State DUI
13 Administration Fund an amount not to exceed \$30 for each month
14 that he or she uses the device. The Secretary shall establish
15 by rule and regulation the procedures for certification and use
16 of the interlock system, the amount of the fee, and the
17 procedures, terms, and conditions relating to these fees.

18 (i) (Blank).

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

24 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
25 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
26 7-1-11; 97-333, eff. 8-12-11; 97-838, eff. 1-1-13; 97-844, eff.

1 1-1-13; 97-1150, eff. 1-25-13.)

2 (625 ILCS 5/6-206)

3 Sec. 6-206. Discretionary authority to suspend or revoke
4 license or permit; Right to a hearing.

5 (a) The Secretary of State is authorized to suspend or
6 revoke the driving privileges of any person without preliminary
7 hearing upon a showing of the person's records or other
8 sufficient evidence that the person:

9 1. Has committed an offense for which mandatory
10 revocation of a driver's license or permit is required upon
11 conviction;

12 2. Has been convicted of not less than 3 offenses
13 against traffic regulations governing the movement of
14 vehicles committed within any 12 month period. No
15 revocation or suspension shall be entered more than 6
16 months after the date of last conviction;

17 3. Has been repeatedly involved as a driver in motor
18 vehicle collisions or has been repeatedly convicted of
19 offenses against laws and ordinances regulating the
20 movement of traffic, to a degree that indicates lack of
21 ability to exercise ordinary and reasonable care in the
22 safe operation of a motor vehicle or disrespect for the
23 traffic laws and the safety of other persons upon the
24 highway;

25 4. Has by the unlawful operation of a motor vehicle

1 caused or contributed to an accident resulting in injury
2 requiring immediate professional treatment in a medical
3 facility or doctor's office to any person, except that any
4 suspension or revocation imposed by the Secretary of State
5 under the provisions of this subsection shall start no
6 later than 6 months after being convicted of violating a
7 law or ordinance regulating the movement of traffic, which
8 violation is related to the accident, or shall start not
9 more than one year after the date of the accident,
10 whichever date occurs later;

11 5. Has permitted an unlawful or fraudulent use of a
12 driver's license, identification card, or permit;

13 6. Has been lawfully convicted of an offense or
14 offenses in another state, including the authorization
15 contained in Section 6-203.1, which if committed within
16 this State would be grounds for suspension or revocation;

17 7. Has refused or failed to submit to an examination
18 provided for by Section 6-207 or has failed to pass the
19 examination;

20 8. Is ineligible for a driver's license or permit under
21 the provisions of Section 6-103;

22 9. Has made a false statement or knowingly concealed a
23 material fact or has used false information or
24 identification in any application for a license,
25 identification card, or permit;

26 10. Has possessed, displayed, or attempted to

1 fraudulently use any license, identification card, or
2 permit not issued to the person;

3 11. Has operated a motor vehicle upon a highway of this
4 State when the person's driving privilege or privilege to
5 obtain a driver's license or permit was revoked or
6 suspended unless the operation was authorized by a
7 monitoring device driving permit, judicial driving permit
8 issued prior to January 1, 2009, probationary license to
9 drive, or a restricted driving permit issued under this
10 Code;

11 12. Has submitted to any portion of the application
12 process for another person or has obtained the services of
13 another person to submit to any portion of the application
14 process for the purpose of obtaining a license,
15 identification card, or permit for some other person;

16 13. Has operated a motor vehicle upon a highway of this
17 State when the person's driver's license or permit was
18 invalid under the provisions of Sections 6-107.1 and 6-110;

19 14. Has committed a violation of Section 6-301,
20 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
21 of the Illinois Identification Card Act;

22 15. Has been convicted of violating Section 21-2 of the
23 Criminal Code of 1961 or the Criminal Code of 2012 relating
24 to criminal trespass to vehicles in which case, the
25 suspension shall be for one year;

26 16. Has been convicted of violating Section 11-204 of

1 this Code relating to fleeing from a peace officer;

2 17. Has refused to submit to a test, or tests, as
3 required under Section 11-501.1 of this Code and the person
4 has not sought a hearing as provided for in Section
5 11-501.1;

6 18. Has, since issuance of a driver's license or
7 permit, been adjudged to be afflicted with or suffering
8 from any mental disability or disease;

9 19. Has committed a violation of paragraph (a) or (b)
10 of Section 6-101 relating to driving without a driver's
11 license;

12 20. Has been convicted of violating Section 6-104
13 relating to classification of driver's license;

14 21. Has been convicted of violating Section 11-402 of
15 this Code relating to leaving the scene of an accident
16 resulting in damage to a vehicle in excess of \$1,000, in
17 which case the suspension shall be for one year;

18 22. Has used a motor vehicle in violating paragraph
19 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
20 the Criminal Code of 1961 or the Criminal Code of 2012
21 relating to unlawful use of weapons, in which case the
22 suspension shall be for one year;

23 23. Has, as a driver, been convicted of committing a
24 violation of paragraph (a) of Section 11-502 of this Code
25 for a second or subsequent time within one year of a
26 similar violation;

1 24. Has been convicted by a court-martial or punished
2 by non-judicial punishment by military authorities of the
3 United States at a military installation in Illinois of or
4 for a traffic related offense that is the same as or
5 similar to an offense specified under Section 6-205 or
6 6-206 of this Code;

7 25. Has permitted any form of identification to be used
8 by another in the application process in order to obtain or
9 attempt to obtain a license, identification card, or
10 permit;

11 26. Has altered or attempted to alter a license or has
12 possessed an altered license, identification card, or
13 permit;

14 27. Has violated Section 6-16 of the Liquor Control Act
15 of 1934;

16 28. Has been convicted for a first time of the illegal
17 possession, while operating or in actual physical control,
18 as a driver, of a motor vehicle, of any controlled
19 substance prohibited under the Illinois Controlled
20 Substances Act, any cannabis prohibited under the Cannabis
21 Control Act, or any methamphetamine prohibited under the
22 Methamphetamine Control and Community Protection Act, in
23 which case the person's driving privileges shall be
24 suspended for one year. Any defendant found guilty of this
25 offense while operating a motor vehicle, shall have an
26 entry made in the court record by the presiding judge that

1 this offense did occur while the defendant was operating a
2 motor vehicle and order the clerk of the court to report
3 the violation to the Secretary of State;

4 29. Has been convicted of the following offenses that
5 were committed while the person was operating or in actual
6 physical control, as a driver, of a motor vehicle: criminal
7 sexual assault, predatory criminal sexual assault of a
8 child, aggravated criminal sexual assault, criminal sexual
9 abuse, aggravated criminal sexual abuse, juvenile pimping,
10 soliciting for a juvenile prostitute, promoting juvenile
11 prostitution as described in subdivision (a)(1), (a)(2),
12 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961
13 or the Criminal Code of 2012, and the manufacture, sale or
14 delivery of controlled substances or instruments used for
15 illegal drug use or abuse in which case the driver's
16 driving privileges shall be suspended for one year;

17 30. Has been convicted a second or subsequent time for
18 any combination of the offenses named in paragraph 29 of
19 this subsection, in which case the person's driving
20 privileges shall be suspended for 5 years;

21 31. Has refused to submit to a test as required by
22 Section 11-501.6 of this Code or Section 5-16c of the Boat
23 Registration and Safety Act or has submitted to a test
24 resulting in an alcohol concentration of 0.08 or more or
25 any amount of a drug, substance, or compound resulting from
26 the unlawful use or consumption of cannabis as listed in

1 the Cannabis Control Act, a controlled substance as listed
2 in the Illinois Controlled Substances Act, an intoxicating
3 compound as listed in the Use of Intoxicating Compounds
4 Act, or methamphetamine as listed in the Methamphetamine
5 Control and Community Protection Act, in which case the
6 penalty shall be as prescribed in Section 6-208.1;

7 32. Has been convicted of Section 24-1.2 of the
8 Criminal Code of 1961 or the Criminal Code of 2012 relating
9 to the aggravated discharge of a firearm if the offender
10 was located in a motor vehicle at the time the firearm was
11 discharged, in which case the suspension shall be for 3
12 years;

13 33. Has as a driver, who was less than 21 years of age
14 on the date of the offense, been convicted a first time of
15 a violation of paragraph (a) of Section 11-502 of this Code
16 or a similar provision of a local ordinance;

17 34. Has committed a violation of Section 11-1301.5 of
18 this Code or a similar provision of a local ordinance;

19 35. Has committed a violation of Section 11-1301.6 of
20 this Code or a similar provision of a local ordinance;

21 36. Is under the age of 21 years at the time of arrest
22 and has been convicted of not less than 2 offenses against
23 traffic regulations governing the movement of vehicles
24 committed within any 24 month period. No revocation or
25 suspension shall be entered more than 6 months after the
26 date of last conviction;

1 37. Has committed a violation of subsection (c) of
2 Section 11-907 of this Code that resulted in damage to the
3 property of another or the death or injury of another;

4 38. Has been convicted of a violation of Section 6-20
5 of the Liquor Control Act of 1934 or a similar provision of
6 a local ordinance;

7 39. Has committed a second or subsequent violation of
8 Section 11-1201 of this Code;

9 40. Has committed a violation of subsection (a-1) of
10 Section 11-908 of this Code;

11 41. Has committed a second or subsequent violation of
12 Section 11-605.1 of this Code, a similar provision of a
13 local ordinance, or a similar violation in any other state
14 within 2 years of the date of the previous violation, in
15 which case the suspension shall be for 90 days;

16 42. Has committed a violation of subsection (a-1) of
17 Section 11-1301.3 of this Code or a similar provision of a
18 local ordinance;

19 43. Has received a disposition of court supervision for
20 a violation of subsection (a), (d), or (e) of Section 6-20
21 of the Liquor Control Act of 1934 or a similar provision of
22 a local ordinance, in which case the suspension shall be
23 for a period of 3 months;

24 44. Is under the age of 21 years at the time of arrest
25 and has been convicted of an offense against traffic
26 regulations governing the movement of vehicles after

1 having previously had his or her driving privileges
2 suspended or revoked pursuant to subparagraph 36 of this
3 Section;

4 45. Has, in connection with or during the course of a
5 formal hearing conducted under Section 2-118 of this Code:
6 (i) committed perjury; (ii) submitted fraudulent or
7 falsified documents; (iii) submitted documents that have
8 been materially altered; or (iv) submitted, as his or her
9 own, documents that were in fact prepared or composed for
10 another person;

11 46. Has committed a violation of subsection (j) of
12 Section 3-413 of this Code; or

13 47. Has committed a violation of Section 11-502.1 of
14 this Code.

15 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
16 and 27 of this subsection, license means any driver's license,
17 any traffic ticket issued when the person's driver's license is
18 deposited in lieu of bail, a suspension notice issued by the
19 Secretary of State, a duplicate or corrected driver's license,
20 a probationary driver's license or a temporary driver's
21 license.

22 (b) If any conviction forming the basis of a suspension or
23 revocation authorized under this Section is appealed, the
24 Secretary of State may rescind or withhold the entry of the
25 order of suspension or revocation, as the case may be, provided
26 that a certified copy of a stay order of a court is filed with

1 the Secretary of State. If the conviction is affirmed on
2 appeal, the date of the conviction shall relate back to the
3 time the original judgment of conviction was entered and the 6
4 month limitation prescribed shall not apply.

5 (c) 1. Upon suspending or revoking the driver's license or
6 permit of any person as authorized in this Section, the
7 Secretary of State shall immediately notify the person in
8 writing of the revocation or suspension. The notice to be
9 deposited in the United States mail, postage prepaid, to the
10 last known address of the person.

11 2. If the Secretary of State suspends the driver's
12 license of a person under subsection 2 of paragraph (a) of
13 this Section, a person's privilege to operate a vehicle as
14 an occupation shall not be suspended, provided an affidavit
15 is properly completed, the appropriate fee received, and a
16 permit issued prior to the effective date of the
17 suspension, unless 5 offenses were committed, at least 2 of
18 which occurred while operating a commercial vehicle in
19 connection with the driver's regular occupation. All other
20 driving privileges shall be suspended by the Secretary of
21 State. Any driver prior to operating a vehicle for
22 occupational purposes only must submit the affidavit on
23 forms to be provided by the Secretary of State setting
24 forth the facts of the person's occupation. The affidavit
25 shall also state the number of offenses committed while
26 operating a vehicle in connection with the driver's regular

1 occupation. The affidavit shall be accompanied by the
2 driver's license. Upon receipt of a properly completed
3 affidavit, the Secretary of State shall issue the driver a
4 permit to operate a vehicle in connection with the driver's
5 regular occupation only. Unless the permit is issued by the
6 Secretary of State prior to the date of suspension, the
7 privilege to drive any motor vehicle shall be suspended as
8 set forth in the notice that was mailed under this Section.
9 If an affidavit is received subsequent to the effective
10 date of this suspension, a permit may be issued for the
11 remainder of the suspension period.

12 The provisions of this subparagraph shall not apply to
13 any driver required to possess a CDL for the purpose of
14 operating a commercial motor vehicle.

15 Any person who falsely states any fact in the affidavit
16 required herein shall be guilty of perjury under Section
17 6-302 and upon conviction thereof shall have all driving
18 privileges revoked without further rights.

19 3. At the conclusion of a hearing under Section 2-118
20 of this Code, the Secretary of State shall either rescind
21 or continue an order of revocation or shall substitute an
22 order of suspension; or, good cause appearing therefor,
23 rescind, continue, change, or extend the order of
24 suspension. If the Secretary of State does not rescind the
25 order, the Secretary may upon application, to relieve undue
26 hardship (as defined by the rules of the Secretary of

1 State), issue a restricted driving permit granting the
2 privilege of driving a motor vehicle between the
3 petitioner's residence and petitioner's place of
4 employment or within the scope of the petitioner's
5 employment related duties, or to allow the petitioner to
6 transport himself or herself, or a family member of the
7 petitioner's household to a medical facility, to receive
8 necessary medical care, to allow the petitioner to
9 transport himself or herself to and from alcohol or drug
10 remedial or rehabilitative activity recommended by a
11 licensed service provider, or to allow the petitioner to
12 transport himself or herself or a family member of the
13 petitioner's household to classes, as a student, at an
14 accredited educational institution, or to allow the
15 petitioner to transport children, elderly persons, or
16 disabled persons who do not hold driving privileges and are
17 living in the petitioner's household to and from daycare.
18 The petitioner must demonstrate that no alternative means
19 of transportation is reasonably available and that the
20 petitioner will not endanger the public safety or welfare.
21 Those multiple offenders identified in subdivision (b)4 of
22 Section 6-208 of this Code, however, shall not be eligible
23 for the issuance of a restricted driving permit.

24 (A) If a person's license or permit is revoked or
25 suspended due to one ~~2~~ or more convictions of violating
26 Section 11-501 of this Code or a similar provision of a

1 local ordinance or a similar out-of-state offense, or
2 Section 9-3 of the Criminal Code of 1961 or the
3 Criminal Code of 2012, where the use of alcohol or
4 other drugs is recited as an element of the offense, or
5 a similar out-of-state offense, or a combination of
6 these offenses, arising out of separate occurrences,
7 that person, if issued a restricted driving permit, may
8 not operate a vehicle unless it has been equipped with
9 an ignition interlock device as defined in Section
10 1-129.1, except as authorized by a court under
11 paragraph (13) of subsection (a) of Section 5-6-3 of
12 the Unified Code of Corrections.

13 (B) If a person's license or permit is revoked or
14 suspended 2 or more times within a 10 year period due
15 to any combination of:

16 (i) a single conviction of violating Section
17 11-501 of this Code or a similar provision of a
18 local ordinance or a similar out-of-state offense
19 or Section 9-3 of the Criminal Code of 1961 or the
20 Criminal Code of 2012, where the use of alcohol or
21 other drugs is recited as an element of the
22 offense, or a similar out-of-state offense; or

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

25 (iii) a suspension under Section 6-203.1;
26 arising out of separate occurrences; that person, if

1 issued a restricted driving permit, may not operate a
2 vehicle unless it has been equipped with an ignition
3 interlock device as defined in Section 1-129.1.

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

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

17 (E) In each case the Secretary may issue a
18 restricted driving permit for a period deemed
19 appropriate, except that all permits shall expire
20 within one year from the date of issuance. The
21 Secretary may not, however, issue a restricted driving
22 permit to any person whose current revocation is the
23 result of a second or subsequent conviction for a
24 violation of Section 11-501 of this Code or a similar
25 provision of a local ordinance or any similar
26 out-of-state offense, or Section 9-3 of the Criminal

1 Code of 1961 or the Criminal Code of 2012, where the
2 use of alcohol or other drugs is recited as an element
3 of the offense, or any similar out-of-state offense, or
4 any combination of those offenses, until the
5 expiration of at least one year from the date of the
6 revocation. A restricted driving permit issued under
7 this Section shall be subject to cancellation,
8 revocation, and suspension by the Secretary of State in
9 like manner and for like cause as a driver's license
10 issued under this Code may be cancelled, revoked, or
11 suspended; except that a conviction upon one or more
12 offenses against laws or ordinances regulating the
13 movement of traffic shall be deemed sufficient cause
14 for the revocation, suspension, or cancellation of a
15 restricted driving permit. The Secretary of State may,
16 as a condition to the issuance of a restricted driving
17 permit, require the applicant to participate in a
18 designated driver remedial or rehabilitative program.
19 The Secretary of State is authorized to cancel a
20 restricted driving permit if the permit holder does not
21 successfully complete the program.

22 (c-3) In the case of a suspension under paragraph 43 of
23 subsection (a), reports received by the Secretary of State
24 under this Section shall, except during the actual time the
25 suspension is in effect, be privileged information and for use
26 only by the courts, police officers, prosecuting authorities,

1 the driver licensing administrator of any other state, the
2 Secretary of State, or the parent or legal guardian of a driver
3 under the age of 18. However, beginning January 1, 2008, if the
4 person is a CDL holder, the suspension shall also be made
5 available to the driver licensing administrator of any other
6 state, the U.S. Department of Transportation, and the affected
7 driver or motor carrier or prospective motor carrier upon
8 request.

9 (c-4) In the case of a suspension under paragraph 43 of
10 subsection (a), the Secretary of State shall notify the person
11 by mail that his or her driving privileges and driver's license
12 will be suspended one month after the date of the mailing of
13 the notice.

14 (c-5) The Secretary of State may, as a condition of the
15 reissuance of a driver's license or permit to an applicant
16 whose driver's license or permit has been suspended before he
17 or she reached the age of 21 years pursuant to any of the
18 provisions of this Section, require the applicant to
19 participate in a driver remedial education course and be
20 retested under Section 6-109 of this Code.

21 (d) This Section is subject to the provisions of the
22 Drivers License Compact.

23 (e) The Secretary of State shall not issue a restricted
24 driving permit to a person under the age of 16 years whose
25 driving privileges have been suspended or revoked under any
26 provisions of this Code.

1 (f) In accordance with 49 C.F.R. 384, the Secretary of
2 State may not issue a restricted driving permit for the
3 operation of a commercial motor vehicle to a person holding a
4 CDL whose driving privileges have been suspended, revoked,
5 cancelled, or disqualified under any provisions of this Code.

6 (Source: P.A. 97-229, eff. 7-28-11; 97-333, eff. 8-12-11;
7 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844, eff. 1-1-13;
8 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-103, eff.
9 1-1-14; 98-122, eff. 1-1-14; revised 9-19-13.)

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

12 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

13 Sec. 5-6-3. Conditions of Probation and of Conditional
14 Discharge.

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

17 (1) not violate any criminal statute of any
18 jurisdiction;

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

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

1 (4) not leave the State without the consent of the
2 court or, in circumstances in which the reason for the
3 absence is of such an emergency nature that prior consent
4 by the court is not possible, without the prior
5 notification and approval of the person's probation
6 officer. Transfer of a person's probation or conditional
7 discharge supervision to another state is subject to
8 acceptance by the other state pursuant to the Interstate
9 Compact for Adult Offender Supervision;

10 (5) permit the probation officer to visit him at his
11 home or elsewhere to the extent necessary to discharge his
12 duties;

13 (6) perform no less than 30 hours of community service
14 and not more than 120 hours of community service, if
15 community service is available in the jurisdiction and is
16 funded and approved by the county board where the offense
17 was committed, where the offense was related to or in
18 furtherance of the criminal activities of an organized gang
19 and was motivated by the offender's membership in or
20 allegiance to an organized gang. The community service
21 shall include, but not be limited to, the cleanup and
22 repair of any damage caused by a violation of Section
23 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
24 2012 and similar damage to property located within the
25 municipality or county in which the violation occurred.
26 When possible and reasonable, the community service should

1 be performed in the offender's neighborhood. For purposes
2 of this Section, "organized gang" has the meaning ascribed
3 to it in Section 10 of the Illinois Streetgang Terrorism
4 Omnibus Prevention Act;

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

1 school diploma or has successfully passed the GED test.
2 This clause (7) does not apply to a person who is
3 determined by the court to be developmentally disabled or
4 otherwise mentally incapable of completing the educational
5 or vocational program;

6 (8) if convicted of possession of a substance
7 prohibited by the Cannabis Control Act, the Illinois
8 Controlled Substances Act, or the Methamphetamine Control
9 and Community Protection Act after a previous conviction or
10 disposition of supervision for possession of a substance
11 prohibited by the Cannabis Control Act or Illinois
12 Controlled Substances Act or after a sentence of probation
13 under Section 10 of the Cannabis Control Act, Section 410
14 of the Illinois Controlled Substances Act, or Section 70 of
15 the Methamphetamine Control and Community Protection Act
16 and upon a finding by the court that the person is
17 addicted, undergo treatment at a substance abuse program
18 approved by the court;

19 (8.5) if convicted of a felony sex offense as defined
20 in the Sex Offender Management Board Act, the person shall
21 undergo and successfully complete sex offender treatment
22 by a treatment provider approved by the Board and conducted
23 in conformance with the standards developed under the Sex
24 Offender Management Board Act;

25 (8.6) if convicted of a sex offense as defined in the
26 Sex Offender Management Board Act, refrain from residing at

1 the same address or in the same condominium unit or
2 apartment unit or in the same condominium complex or
3 apartment complex with another person he or she knows or
4 reasonably should know is a convicted sex offender or has
5 been placed on supervision for a sex offense; the
6 provisions of this paragraph do not apply to a person
7 convicted of a sex offense who is placed in a Department of
8 Corrections licensed transitional housing facility for sex
9 offenders;

10 (8.7) if convicted for an offense committed on or after
11 June 1, 2008 (the effective date of Public Act 95-464) that
12 would qualify the accused as a child sex offender as
13 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
14 1961 or the Criminal Code of 2012, refrain from
15 communicating with or contacting, by means of the Internet,
16 a person who is not related to the accused and whom the
17 accused reasonably believes to be under 18 years of age;
18 for purposes of this paragraph (8.7), "Internet" has the
19 meaning ascribed to it in Section 16-0.1 of the Criminal
20 Code of 2012; and a person is not related to the accused if
21 the person is not: (i) the spouse, brother, or sister of
22 the accused; (ii) a descendant of the accused; (iii) a
23 first or second cousin of the accused; or (iv) a step-child
24 or adopted child of the accused;

25 (8.8) if convicted for an offense under Section 11-6,
26 11-9.1, 11-14.4 that involves soliciting for a juvenile

1 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
2 of the Criminal Code of 1961 or the Criminal Code of 2012,
3 or any attempt to commit any of these offenses, committed
4 on or after June 1, 2009 (the effective date of Public Act
5 95-983):

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

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

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

26 (iv) submit to any other appropriate restrictions

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

4 (8.9) 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 (9) if convicted of a felony or of any misdemeanor
10 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
11 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
12 2012 that was determined, pursuant to Section 112A-11.1 of
13 the Code of Criminal Procedure of 1963, to trigger the
14 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
15 at a time and place designated by the court, his or her
16 Firearm Owner's Identification Card and any and all
17 firearms in his or her possession. The Court shall return
18 to the Department of State Police Firearm Owner's
19 Identification Card Office the person's Firearm Owner's
20 Identification Card;

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

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

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; ~~and.~~

22 (13) if convicted of one or more violations of Section
23 11-501 of the Illinois Vehicle Code or a similar provision
24 of a local ordinance, and if issued a restricted driving
25 permit, refrain from operating any motor vehicle not
26 equipped with an ignition interlock device as defined in

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

7 (b) The Court may in addition to other reasonable
8 conditions relating to the nature of the offense or the
9 rehabilitation of the defendant as determined for each
10 defendant in the proper discretion of the Court require that
11 the person:

12 (1) serve a term of periodic imprisonment under Article
13 7 for a period not to exceed that specified in paragraph
14 (d) of Section 5-7-1;

15 (2) pay a fine and costs;

16 (3) work or pursue a course of study or vocational
17 training;

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

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

22 (6) support his dependents;

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

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

25 (ii) attend school;

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

1 (iv) contribute to his own support at home or in a
2 foster home;

3 (v) with the consent of the superintendent of the
4 facility, attend an educational program at a facility
5 other than the school in which the offense was
6 committed if he or she is convicted of a crime of
7 violence as defined in Section 2 of the Crime Victims
8 Compensation Act committed in a school, on the real
9 property comprising a school, or within 1,000 feet of
10 the real property comprising a school;

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

13 (9) perform some reasonable public or community
14 service;

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

19 (i) remain within the interior premises of the
20 place designated for his confinement during the hours
21 designated by the court;

22 (ii) admit any person or agent designated by the
23 court into the offender's place of confinement at any
24 time for purposes of verifying the offender's
25 compliance with the conditions of his confinement; and

26 (iii) if further deemed necessary by the court or

1 the Probation or Court Services Department, be placed
2 on an approved electronic monitoring device, subject
3 to Article 8A of Chapter V;

4 (iv) for persons convicted of any alcohol,
5 cannabis or controlled substance violation who are
6 placed on an approved monitoring device as a condition
7 of probation or conditional discharge, the court shall
8 impose a reasonable fee for each day of the use of the
9 device, as established by the county board in
10 subsection (g) of this Section, unless after
11 determining the inability of the offender to pay the
12 fee, the court assesses a lesser fee or no fee as the
13 case may be. This fee shall be imposed in addition to
14 the fees imposed under subsections (g) and (i) of this
15 Section. The fee shall be collected by the clerk of the
16 circuit court. The clerk of the circuit court shall pay
17 all monies collected from this fee to the county
18 treasurer for deposit in the substance abuse services
19 fund under Section 5-1086.1 of the Counties Code; and

20 (v) for persons convicted of offenses other than
21 those referenced in clause (iv) above and who are
22 placed on an approved monitoring device as a condition
23 of probation or conditional discharge, the court shall
24 impose a reasonable fee for each day of the use of the
25 device, as established by the county board in
26 subsection (g) of this Section, unless after

1 determining the inability of the defendant to pay the
2 fee, the court assesses a lesser fee or no fee as the
3 case may be. This fee shall be imposed in addition to
4 the fees imposed under subsections (g) and (i) of this
5 Section. The fee shall be collected by the clerk of the
6 circuit court. The clerk of the circuit court shall pay
7 all monies collected from this fee to the county
8 treasurer who shall use the monies collected to defray
9 the costs of corrections. The county treasurer shall
10 deposit the fee collected in the probation and court
11 services fund.

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

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

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

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

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

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

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

1 presence of any illicit drug;

2 (17) if convicted for an offense committed on or after
3 June 1, 2008 (the effective date of Public Act 95-464) that
4 would qualify the accused as a child sex offender as
5 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
6 1961 or the Criminal Code of 2012, refrain from
7 communicating with or contacting, by means of the Internet,
8 a person who is related to the accused and whom the accused
9 reasonably believes to be under 18 years of age; for
10 purposes of this paragraph (17), "Internet" has the meaning
11 ascribed to it in Section 16-0.1 of the Criminal Code of
12 2012; and a person is related to the accused if the person
13 is: (i) the spouse, brother, or sister of the accused; (ii)
14 a descendant of the accused; (iii) a first or second cousin
15 of the accused; or (iv) a step-child or adopted child of
16 the accused;

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

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

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

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

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

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

23 (c) The court may as a condition of probation or of
24 conditional discharge require that a person under 18 years of
25 age found guilty of any alcohol, cannabis or controlled
26 substance violation, refrain from acquiring a driver's license

1 during the period of probation or conditional discharge. If
2 such person is in possession of a permit or license, the court
3 may require that the minor refrain from driving or operating
4 any motor vehicle during the period of probation or conditional
5 discharge, except as may be necessary in the course of the
6 minor's lawful employment.

7 (d) An offender sentenced to probation or to conditional
8 discharge shall be given a certificate setting forth the
9 conditions thereof.

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

18 Persons committed to imprisonment as a condition of
19 probation or conditional discharge shall not be committed to
20 the Department of Corrections.

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

25 (g) An offender sentenced to probation or to conditional
26 discharge and who during the term of either undergoes mandatory

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

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

1 powers as the sentencing court. The probation department within
2 the circuit to which jurisdiction has been transferred, or
3 which has agreed to provide supervision, may impose probation
4 fees upon receiving the transferred offender, as provided in
5 subsection (i). For all transfer cases, as defined in Section
6 9b of the Probation and Probation Officers Act, the probation
7 department from the original sentencing court shall retain all
8 probation fees collected prior to the transfer. After the
9 transfer all probation fees shall be paid to the probation
10 department within the circuit to which jurisdiction has been
11 transferred.

12 (i) The court shall impose upon an offender sentenced to
13 probation after January 1, 1989 or to conditional discharge
14 after January 1, 1992 or to community service under the
15 supervision of a probation or court services department after
16 January 1, 2004, as a condition of such probation or
17 conditional discharge or supervised community service, a fee of
18 \$50 for each month of probation or conditional discharge
19 supervision or supervised community service ordered by the
20 court, unless after determining the inability of the person
21 sentenced to probation or conditional discharge or supervised
22 community service to pay the fee, the court assesses a lesser
23 fee. The court may not impose the fee on a minor who is made a
24 ward of the State under the Juvenile Court Act of 1987 while
25 the minor is in placement. The fee shall be imposed only upon
26 an offender who is actively supervised by the probation and

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

6 A circuit court may not impose a probation fee under this
7 subsection (i) in excess of \$25 per month unless the circuit
8 court has adopted, by administrative order issued by the chief
9 judge, a standard probation fee guide determining an offender's
10 ability to pay. Of the amount collected as a probation fee, up
11 to \$5 of that fee collected per month may be used to provide
12 services to 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 This amendatory Act of the 93rd General Assembly deletes
26 the \$10 increase in the fee under this subsection that was

1 imposed by Public Act 93-616. This deletion is intended to
2 control over any other Act of the 93rd General Assembly that
3 retains or incorporates that fee increase.

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

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

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

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

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

8 (Source: P.A. 97-454, eff. 1-1-12; 97-560, eff. 1-1-12; 97-597,
9 eff. 1-1-12; 97-1109, eff. 1-1-13; 97-1131, eff. 1-1-13;
10 97-1150, eff. 1-25-13; 98-575, eff. 1-1-14.)

11 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

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

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

17 (b) The period of supervision shall be reasonable under all
18 of the circumstances of the case, but may not be longer than 2
19 years, unless the defendant has failed to pay the assessment
20 required by Section 10.3 of the Cannabis Control Act, Section
21 411.2 of the Illinois Controlled Substances Act, or Section 80
22 of the Methamphetamine Control and Community Protection Act, in
23 which case the court may extend supervision beyond 2 years.
24 Additionally, the court shall order the defendant to perform no
25 less than 30 hours of community service and not more than 120

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

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

20 (b-5) The court shall require as a condition of supervision
21 that a person placed on supervision for a violation of Section
22 11-501 of the Illinois Vehicle Code or a similar provision of a
23 local ordinance, refrain from operating any motor vehicle not
24 equipped with an ignition interlock device as defined in
25 Section 1-129.1 of the Illinois Vehicle Code; under this
26 condition the court may allow a defendant who is not

1 self-employed to operate a vehicle owned by the defendant's
2 employer that is not equipped with an ignition interlock device
3 in the course and scope of the defendant's employment.

4 (c) The court may in addition to other reasonable
5 conditions relating to the nature of the offense or the
6 rehabilitation of the defendant as determined for each
7 defendant in the proper discretion of the court require that
8 the person:

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

13 (2) pay a fine and costs;

14 (3) work or pursue a course of study or vocational
15 training;

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

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

20 (6) support his dependents;

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

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

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

25 (ii) attend school;

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

1 (iv) contribute to his own support at home or in a
2 foster home; or

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

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

16 (10) perform some reasonable public or community
17 service;

18 (11) comply with the terms and conditions of an order
19 of protection issued by the court pursuant to the Illinois
20 Domestic Violence Act of 1986 or an order of protection
21 issued by the court of another state, tribe, or United
22 States territory. If the court has ordered the defendant to
23 make a report and appear in person under paragraph (1) of
24 this subsection, a copy of the order of protection shall be
25 transmitted to the person or agency so designated by the
26 court;

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

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

17 (14) refrain from entering into a designated
18 geographic area except upon such terms as the court finds
19 appropriate. Such terms may include consideration of the
20 purpose of the entry, the time of day, other persons
21 accompanying the defendant, and advance approval by a
22 probation officer;

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

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

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

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

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

3 (e) At the conclusion of the period of supervision, if the
4 court determines that the defendant has successfully complied
5 with all of the conditions of supervision, the court shall
6 discharge the defendant and enter a judgment dismissing the
7 charges.

8 (f) Discharge and dismissal upon a successful conclusion of
9 a disposition of supervision shall be deemed without
10 adjudication of guilt and shall not be termed a conviction for
11 purposes of disqualification or disabilities imposed by law
12 upon conviction of a crime. Two years after the discharge and
13 dismissal under this Section, unless the disposition of
14 supervision was for a violation of Sections 3-707, 3-708,
15 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
16 similar provision of a local ordinance, or for a violation of
17 Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961
18 or the Criminal Code of 2012, in which case it shall be 5 years
19 after discharge and dismissal, a person may have his record of
20 arrest sealed or expunged as may be provided by law. However,
21 any defendant placed on supervision before January 1, 1980, may
22 move for sealing or expungement of his arrest record, as
23 provided by law, at any time after discharge and dismissal
24 under this Section. A person placed on supervision for a sexual
25 offense committed against a minor as defined in clause
26 (a) (1) (L) of Section 5.2 of the Criminal Identification Act or

1 for a violation of Section 11-501 of the Illinois Vehicle Code
2 or a similar provision of a local ordinance shall not have his
3 or her record of arrest sealed or expunged.

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

26 (h) A disposition of supervision is a final order for the

1 purposes of appeal.

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

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

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

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

20 (k) A defendant at least 17 years of age who is placed on
21 supervision for a misdemeanor in a county of 3,000,000 or more
22 inhabitants and who has not been previously convicted of a
23 misdemeanor or felony may as a condition of his or her
24 supervision be required by the court to attend educational
25 courses designed to prepare the defendant for a high school
26 diploma and to work toward a high school diploma or to work

1 toward passing the high school level Test of General
2 Educational Development (GED) or to work toward completing a
3 vocational training program approved by the court. The
4 defendant placed on supervision must attend a public
5 institution of education to obtain the educational or
6 vocational training required by this subsection (k). The
7 defendant placed on supervision shall be required to pay for
8 the cost of the educational courses or GED test, if a fee is
9 charged for those courses or test. The court shall revoke the
10 supervision of a person who wilfully fails to comply with this
11 subsection (k). The court shall resentence the defendant upon
12 revocation of supervision as provided in Section 5-6-4. This
13 subsection (k) does not apply to a defendant who has a high
14 school diploma or has successfully passed the GED test. This
15 subsection (k) does not apply to a defendant who is determined
16 by the court to be developmentally disabled or otherwise
17 mentally incapable of completing the educational or vocational
18 program.

19 (1) The court shall require a defendant placed on
20 supervision for possession of a substance prohibited by the
21 Cannabis Control Act, the Illinois Controlled Substances Act,
22 or the Methamphetamine Control and Community Protection Act
23 after a previous conviction or disposition of supervision for
24 possession of a substance prohibited by the Cannabis Control
25 Act, the Illinois Controlled Substances Act, or the
26 Methamphetamine Control and Community Protection Act or a

1 sentence of probation under Section 10 of the Cannabis Control
2 Act or Section 410 of the Illinois Controlled Substances Act
3 and after a finding by the court that the person is addicted,
4 to undergo treatment at a substance abuse program approved by
5 the court.

6 (m) The Secretary of State shall require anyone placed on
7 court supervision for a violation of Section 3-707 of the
8 Illinois Vehicle Code or a similar provision of a local
9 ordinance to give proof of his or her financial responsibility
10 as defined in Section 7-315 of the Illinois Vehicle Code. The
11 proof shall be maintained by the individual in a manner
12 satisfactory to the Secretary of State for a minimum period of
13 3 years after the date the proof is first filed. The proof
14 shall be limited to a single action per arrest and may not be
15 affected by any post-sentence disposition. The Secretary of
16 State shall suspend the driver's license of any person
17 determined by the Secretary to be in violation of this
18 subsection.

19 (n) Any offender placed on supervision for any offense that
20 the court or probation department has determined to be sexually
21 motivated as defined in the Sex Offender Management Board Act
22 shall be required to refrain from any contact, directly or
23 indirectly, with any persons specified by the court and shall
24 be available for all evaluations and treatment programs
25 required by the court or the probation department.

26 (o) An offender placed on supervision for a sex offense as

1 defined in the Sex Offender Management Board Act shall refrain
2 from residing at the same address or in the same condominium
3 unit or apartment unit or in the same condominium complex or
4 apartment complex with another person he or she knows or
5 reasonably should know is a convicted sex offender or has been
6 placed on supervision for a sex offense. The provisions of this
7 subsection (o) do not apply to a person convicted of a sex
8 offense who is placed in a Department of Corrections licensed
9 transitional housing facility for sex offenders.

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

25 (q) An offender placed on supervision for an offense
26 committed on or after June 1, 2008 (the effective date of

1 Public Act 95-464) that would qualify the accused as a child
2 sex offender as defined in Section 11-9.3 or 11-9.4 of the
3 Criminal Code of 1961 or the Criminal Code of 2012 shall, if so
4 ordered by the court, refrain from communicating with or
5 contacting, by means of the Internet, a person who is related
6 to the accused and whom the accused reasonably believes to be
7 under 18 years of age. For purposes of this subsection (q),
8 "Internet" has the meaning ascribed to it in Section 16-0.1 of
9 the Criminal Code of 2012; and a person is related to the
10 accused if the person is: (i) the spouse, brother, or sister of
11 the accused; (ii) a descendant of the accused; (iii) a first or
12 second cousin of the accused; or (iv) a step-child or adopted
13 child of the accused.

14 (r) An offender placed on supervision for an offense under
15 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a
16 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or
17 11-21 of the Criminal Code of 1961 or the Criminal Code of
18 2012, or any attempt to commit any of these offenses, committed
19 on or after the effective date of this amendatory Act of the
20 95th General Assembly shall:

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

26 (ii) submit to periodic unannounced examinations of

1 the offender's computer or any other device with Internet
2 capability by the offender's probation officer, a law
3 enforcement officer, or assigned computer or information
4 technology specialist, including the retrieval and copying
5 of all data from the computer or device and any internal or
6 external peripherals and removal of such information,
7 equipment, or device to conduct a more thorough 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 computer or
14 any other device with Internet capability imposed by the
15 court.

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

23 (t) An offender placed on supervision for a sex offense as
24 defined in the Sex Offender Registration Act committed on or
25 after January 1, 2010 (the effective date of Public Act 96-262)
26 shall refrain from accessing or using a social networking

1 website as defined in Section 17-0.5 of the Criminal Code of
2 2012.

3 (u) Jurisdiction over an offender may be transferred from
4 the sentencing court to the court of another circuit with the
5 concurrence of both courts. Further transfers or retransfers of
6 jurisdiction are also authorized in the same manner. The court
7 to which jurisdiction has been transferred shall have the same
8 powers as the sentencing court. The probation department within
9 the circuit to which jurisdiction has been transferred may
10 impose probation fees upon receiving the transferred offender,
11 as provided in subsection (i). The probation department from
12 the original sentencing court shall retain all probation fees
13 collected prior to the transfer.

14 (Source: P.A. 96-262, eff. 1-1-10; 96-362, eff. 1-1-10; 96-409,
15 eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1414, eff. 1-1-11;
16 96-1551, Article 2, Section 1065, eff. 7-1-11; 96-1551, Article
17 10, Section 10-150, eff. 7-1-11; 97-454, eff. 1-1-12; 97-597,
18 eff. 1-1-12; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

19 Section 99. Effective date. This Act takes effect July 1,
20 2015."