



Sen. John G. Mulroe

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LRB098 09873 RLC 43691 a

1 AMENDMENT TO SENATE BILL 1843

2 AMENDMENT NO. _____. Amend Senate Bill 1843 on page 1, by
3 inserting immediately below line 3 the following:

4 "Section 2. The Juvenile Court Act of 1987 is amended by
5 changing Section 5-715 as follows:

6 (705 ILCS 405/5-715)

7 Sec. 5-715. Probation.

8 (1) The period of probation or conditional discharge shall
9 not exceed 5 years or until the minor has attained the age of
10 21 years, whichever is less, except as provided in this Section
11 for a minor who is found to be guilty for an offense which is
12 first degree murder, a Class X felony or a forcible felony. The
13 juvenile court may terminate probation or conditional
14 discharge and discharge the minor at any time if warranted by
15 the conduct of the minor and the ends of justice; provided,
16 however, that the period of probation for a minor who is found

1 to be guilty for an offense which is first degree murder, a
2 Class X felony, or a forcible felony shall be at least 5 years.

3 (2) The court may as a condition of probation or of
4 conditional discharge require that the minor:

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

7 (b) make a report to and appear in person before any
8 person or agency as directed by the court;

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

11 (d) undergo medical or psychiatric treatment, rendered
12 by a psychiatrist or psychological treatment rendered by a
13 clinical psychologist or social work services rendered by a
14 clinical social worker, or treatment for drug addiction or
15 alcoholism;

16 (e) attend or reside in a facility established for the
17 instruction or residence of persons on probation;

18 (f) support his or her dependents, if any;

19 (g) refrain from possessing a firearm or other
20 dangerous weapon, or an automobile;

21 (h) permit the probation officer to visit him or her at
22 his or her home or elsewhere;

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

24 (j) attend school;

25 (j-5) with the consent of the superintendent of the
26 facility, attend an educational program at a facility other

1 than the school in which the offense was committed if he or
2 she committed a crime of violence as defined in Section 2
3 of the Crime Victims Compensation Act in a school, on the
4 real property comprising a school, or within 1,000 feet of
5 the real property comprising a school;

6 (k) attend a non-residential program for youth;

7 (l) make restitution under the terms of subsection (4)
8 of Section 5-710;

9 (m) contribute to his or her own support at home or in
10 a foster home;

11 (n) perform some reasonable public or community
12 service;

13 (o) participate with community corrections programs
14 including unified delinquency intervention services
15 administered by the Department of Human Services subject to
16 Section 5 of the Children and Family Services Act;

17 (p) pay costs;

18 (q) serve a term of home confinement. In addition to
19 any other applicable condition of probation or conditional
20 discharge, the conditions of home confinement shall be that
21 the minor:

22 (i) remain within the interior premises of the
23 place designated for his or her confinement during the
24 hours designated by the court;

25 (ii) admit any person or agent designated by the
26 court into the minor's place of confinement at any time

1 for purposes of verifying the minor's compliance with
2 the conditions of his or her confinement; and

3 (iii) use an approved electronic monitoring device
4 if ordered by the court subject to Article 8A of
5 Chapter V of the Unified Code of Corrections;

6 (r) refrain from entering into a designated geographic
7 area except upon terms as the court finds appropriate. The
8 terms may include consideration of the purpose of the
9 entry, the time of day, other persons accompanying the
10 minor, and advance approval by a probation officer, if the
11 minor has been placed on probation, or advance approval by
12 the court, if the minor has been placed on conditional
13 discharge;

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

18 (s-5) undergo a medical or other procedure to have a
19 tattoo symbolizing allegiance to a street gang removed from
20 his or her body;

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

1 the presence of any illicit drug; or

2 (u) comply with other conditions as may be ordered by
3 the court.

4 (3) The court may as a condition of probation or of
5 conditional discharge require that a minor found guilty on any
6 alcohol, cannabis, methamphetamine, or controlled substance
7 violation, refrain from acquiring a driver's license during the
8 period of probation or conditional discharge. If the minor is
9 in possession of a permit or license, the court may require
10 that the minor refrain from driving or operating any motor
11 vehicle during the period of probation or conditional
12 discharge, except as may be necessary in the course of the
13 minor's lawful employment.

14 (3.5) The court shall, as a condition of probation or of
15 conditional discharge, require that a minor found to be guilty
16 and placed on probation for reasons that include a violation of
17 Section 3.02 or Section 3.03 of the Humane Care for Animals Act
18 or paragraph (4) of subsection (a) of Section 21-1 of the
19 Criminal Code of 2012 undergo medical or psychiatric treatment
20 rendered by a psychiatrist or psychological treatment rendered
21 by a clinical psychologist. The condition may be in addition to
22 any other condition.

23 (3.10) The court shall order that a minor placed on
24 probation or conditional discharge for a sex offense as defined
25 in the Sex Offender Management Board Act undergo and
26 successfully complete sex offender treatment. The treatment

1 shall be in conformance with the standards developed under the
2 Sex Offender Management Board Act and conducted by a treatment
3 provider approved by the Board. The treatment shall be at the
4 expense of the person evaluated based upon that person's
5 ability to pay for the treatment.

6 (4) A minor on probation or conditional discharge shall be
7 given a certificate setting forth the conditions upon which he
8 or she is being released.

9 (5) The court shall impose upon a minor placed on probation
10 or conditional discharge, as a condition of the probation or
11 conditional discharge, a fee of \$50 for each month of probation
12 or conditional discharge supervision ordered by the court,
13 unless after determining the inability of the minor placed on
14 probation or conditional discharge to pay the fee, the court
15 assesses a lesser amount. The court may not impose the fee on a
16 minor who is made a ward of the State under this Act while the
17 minor is in placement. The fee shall be imposed only upon a
18 minor who is actively supervised by the probation and court
19 services department. The court may order the parent, guardian,
20 or legal custodian of the minor to pay some or all of the fee on
21 the minor's behalf.

22 (5.5) 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) of Section 5-6-3 of the Unified Code of
6 Corrections. For all transfer cases, as defined in Section 9b
7 of the Probation and Probation Officers Act, the probation
8 department from the original sentencing court shall retain all
9 probation fees collected prior to the transfer. After the
10 transfer all probation fees shall be paid to the probation
11 department within the circuit to which jurisdiction has been
12 transferred.

13 (6) The General Assembly finds that in order to protect the
14 public, the juvenile justice system must compel compliance with
15 the conditions of probation by responding to violations with
16 swift, certain, and fair punishments and intermediate
17 sanctions. The Chief Judge of each circuit shall adopt a system
18 of structured, intermediate sanctions for violations of the
19 terms and conditions of a sentence of supervision, probation or
20 conditional discharge, under this Act.

21 The court shall provide as a condition of a disposition of
22 probation, conditional discharge, or supervision, that the
23 probation agency may invoke any sanction from the list of
24 intermediate sanctions adopted by the chief judge of the
25 circuit court for violations of the terms and conditions of the
26 sentence of probation, conditional discharge, or supervision,

1 subject to the provisions of Section 5-720 of this Act.

2 (Source: P.A. 96-1414, eff. 1-1-11; 97-1108, eff. 1-1-13;
3 97-1150, eff. 1-25-13.)

4 Section 3. The Unified Code of Corrections is amended by
5 changing Section 5-6-3 as follows:

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

7 Sec. 5-6-3. Conditions of Probation and of Conditional
8 Discharge.

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

11 (1) not violate any criminal statute of any
12 jurisdiction;

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

15 (3) refrain from possessing a firearm or other
16 dangerous weapon where the offense is a felony or, if a
17 misdemeanor, the offense involved the intentional or
18 knowing infliction of bodily harm or threat of bodily harm;

19 (4) not leave the State without the consent of the
20 court or, in circumstances in which the reason for the
21 absence is of such an emergency nature that prior consent
22 by the court is not possible, without the prior
23 notification and approval of the person's probation
24 officer. Transfer of a person's probation or conditional

1 discharge supervision to another state is subject to
2 acceptance by the other state pursuant to the Interstate
3 Compact for Adult Offender Supervision;

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

7 (6) perform no less than 30 hours of community service
8 and not more than 120 hours of community service, if
9 community service is available in the jurisdiction and is
10 funded and approved by the county board where the offense
11 was committed, where the offense was related to or in
12 furtherance of the criminal activities of an organized gang
13 and was motivated by the offender's membership in or
14 allegiance to an organized gang. The community service
15 shall include, but not be limited to, the cleanup and
16 repair of any damage caused by a violation of Section
17 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
18 2012 and similar damage to property located within the
19 municipality or county in which the violation occurred.
20 When possible and reasonable, the community service should
21 be performed in the offender's neighborhood. For purposes
22 of this Section, "organized gang" has the meaning ascribed
23 to it in Section 10 of the Illinois Streetgang Terrorism
24 Omnibus Prevention Act;

25 (7) if he or she is at least 17 years of age and has
26 been sentenced to probation or conditional discharge for a

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

26 (8) if convicted of possession of a substance

1 prohibited by the Cannabis Control Act, the Illinois
2 Controlled Substances Act, or the Methamphetamine Control
3 and Community Protection Act after a previous conviction or
4 disposition of supervision for possession of a substance
5 prohibited by the Cannabis Control Act or Illinois
6 Controlled Substances Act or after a sentence of probation
7 under Section 10 of the Cannabis Control Act, Section 410
8 of the Illinois Controlled Substances Act, or Section 70 of
9 the Methamphetamine Control and Community Protection Act
10 and upon a finding by the court that the person is
11 addicted, undergo treatment at a substance abuse program
12 approved by the court;

13 (8.5) if convicted of a felony sex offense as defined
14 in the Sex Offender Management Board Act, the person shall
15 undergo and successfully complete sex offender treatment
16 by a treatment provider approved by the Board and conducted
17 in conformance with the standards developed under the Sex
18 Offender Management Board Act;

19 (8.6) if convicted of a sex offense as defined in the
20 Sex Offender Management Board Act, refrain from residing at
21 the same address or in the same condominium unit or
22 apartment unit or in the same condominium complex or
23 apartment complex with another person he or she knows or
24 reasonably should know is a convicted sex offender or has
25 been placed on supervision for a sex offense; the
26 provisions of this paragraph do not apply to a person

1 convicted of a sex offense who is placed in a Department of
2 Corrections licensed transitional housing facility for sex
3 offenders;

4 (8.7) if convicted for an offense committed on or after
5 June 1, 2008 (the effective date of Public Act 95-464) that
6 would qualify the accused as a child sex offender as
7 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
8 1961 or the Criminal Code of 2012, refrain from
9 communicating with or contacting, by means of the Internet,
10 a person who is not related to the accused and whom the
11 accused reasonably believes to be under 18 years of age;
12 for purposes of this paragraph (8.7), "Internet" has the
13 meaning ascribed to it in Section 16-0.1 of the Criminal
14 Code of 2012; and a person is not related to the accused if
15 the person is not: (i) the spouse, brother, or sister of
16 the accused; (ii) a descendant of the accused; (iii) a
17 first or second cousin of the accused; or (iv) a step-child
18 or adopted child of the accused;

19 (8.8) if convicted for an offense under Section 11-6,
20 11-9.1, 11-14.4 that involves soliciting for a juvenile
21 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
22 of the Criminal Code of 1961 or the Criminal Code of 2012,
23 or any attempt to commit any of these offenses, committed
24 on or after June 1, 2009 (the effective date of Public Act
25 95-983):

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

1 device with Internet capability without the prior
2 written approval of the offender's probation officer,
3 except in connection with the offender's employment or
4 search for employment with the prior approval of the
5 offender's probation officer;

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

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

20 (iv) submit to any other appropriate restrictions
21 concerning the offender's use of or access to a
22 computer or any other device with Internet capability
23 imposed by the offender's probation officer;

24 (8.9) if convicted of a sex offense as defined in the
25 Sex Offender Registration Act committed on or after January
26 1, 2010 (the effective date of Public Act 96-262), refrain

1 from accessing or using a social networking website as
2 defined in Section 17-0.5 of the Criminal Code of 2012;

3 (9) if convicted of a felony or of any misdemeanor
4 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
5 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
6 2012 that was determined, pursuant to Section 112A-11.1 of
7 the Code of Criminal Procedure of 1963, to trigger the
8 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
9 at a time and place designated by the court, his or her
10 Firearm Owner's Identification Card and any and all
11 firearms in his or her possession. The Court shall return
12 to the Department of State Police Firearm Owner's
13 Identification Card Office the person's Firearm Owner's
14 Identification Card;

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

25 (11) if convicted of a sex offense as defined in
26 Section 2 of the Sex Offender Registration Act committed on

1 or after January 1, 2010 (the effective date of Public Act
2 96-362) that requires the person to register as a sex
3 offender under that Act, may not knowingly use any computer
4 scrub software on any computer that the sex offender uses;
5 and

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

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

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

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

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

24 (2) pay a fine and costs;

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

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

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

5 (6) support his dependents;

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

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

8 (ii) attend school;

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

10 (iv) contribute to his own support at home or in a
11 foster home;

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

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

22 (9) perform some reasonable public or community
23 service;

24 (10) serve a term of home confinement. In addition to
25 any other applicable condition of probation or conditional
26 discharge, the conditions of home confinement shall be that

1 the offender:

2 (i) remain within the interior premises of the
3 place designated for his confinement during the hours
4 designated by the court;

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

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

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

1 treasurer for deposit in the substance abuse services
2 fund under Section 5-1086.1 of the Counties Code; and

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

21 (11) comply with the terms and conditions of an order
22 of protection issued by the court pursuant to the Illinois
23 Domestic Violence Act of 1986, as now or hereafter amended,
24 or an order of protection issued by the court of another
25 state, tribe, or United States territory. A copy of the
26 order of protection shall be transmitted to the probation

1 officer or agency having responsibility for the case;

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

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

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

26 (15) refrain from having any contact, directly or

1 indirectly, with certain specified persons or particular
2 types of persons, including but not limited to members of
3 street gangs and drug users or dealers;

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

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

26 (18) if convicted for an offense committed on or after

1 June 1, 2009 (the effective date of Public Act 95-983) that
2 would qualify as a sex offense as defined in the Sex
3 Offender Registration Act:

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

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

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

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

1 imposed by the offender's probation officer; and

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

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

16 (d) An offender sentenced to probation or to conditional
17 discharge shall be given a certificate setting forth the
18 conditions thereof.

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

1 Persons committed to imprisonment as a condition of
2 probation or conditional discharge shall not be committed to
3 the Department of Corrections.

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

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

1 testing, alcohol testing, and electronic monitoring. The
2 county treasurer shall deposit the fees collected in the county
3 working cash fund under Section 6-27001 or Section 6-29002 of
4 the Counties Code, as the case may be.

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

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

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

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

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

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

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

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

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

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

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

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

17 (Source: P.A. 96-262, eff. 1-1-10; 96-328, eff. 8-11-09;
18 96-362, eff. 1-1-10; 96-695, eff. 8-25-09; 96-1000, eff.
19 7-2-10; 96-1414, eff. 1-1-11; 96-1551, Article 2, Section 1065,
20 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
21 97-454, eff. 1-1-12; 97-560, eff. 1-1-12; 97-597, eff. 1-1-12;
22 97-1109, eff. 1-1-13; 97-1131, eff. 1-1-13; 97-1150, eff.
23 1-25-13.)".