



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3267

Introduced 2/14/2014, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-1-9.5 new	
730 ILCS 5/5-6-1	from Ch. 38, par. 1005-6-1
730 ILCS 5/5-6-2	from Ch. 38, par. 1005-6-2
730 ILCS 5/5-6-3	from Ch. 38, par. 1005-6-3

Amends the Unified Code of Correction. Requires as a condition of probation, conditional discharge, and supervision that the defendant provides the court with satisfactory proof of level of education and require the defendant, at his or her expense, to make a good faith effort to raise his or her level of education. Failure to achieve the educational goal shall not be grounds for revocation of probation, conditional discharge, or supervision. If the defendant has a child, a condition of sentence shall be to attend a course on strengthening families and parenting. A credit of up to 180 days shall be given towards completion of probation and conditional discharge for achieving educational goal. Defines "good faith effort". Effective immediately.

LRB098 17826 MRW 52950 b

1 AN ACT concerning criminal law, which may be referred to as
2 the Incentivized Education and Family Support for Community
3 Corrections Amendments.

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

6 Section 5. Purpose. The General Assembly finds and declares
7 the following:

8 (1) The General Assembly reaffirms its commitment to
9 reducing recidivism among criminal offenders.

10 (2) Despite the dramatic increase in corrections
11 spending over the past several decades, nationwide
12 recidivism levels remain unchanged or have worsened.
13 National data show that about 40 percent of persons
14 released from prison are re-incarcerated within three
15 years. In this State, the recidivism rate is around 50
16 percent for adult offenders, and recent numbers suggest
17 young offenders have a recidivism rate approaching 70
18 percent.

19 (3) One consequence of recidivism has been a steady
20 increase over the last 25 years in prison population.
21 Between 1988 and 2001, the number of prisoners in this
22 State has more than doubled, and between 2002 and 2013, the
23 prison population rose an additional 14.6 percent.

24 (4) Criminal justice policies that rely on building and

1 operating more prisons to address community safety
2 concerns are not sustainable and will not result in
3 improved public safety.

4 (5) Education of criminal offenders is a sustainable
5 and proven evidence-based method of reducing recidivism.

6 (6) State policy must focus its criminal justice
7 policies on sustainable, evidence-based practices and
8 education, in particular practices that will reduce
9 recidivism, and improve public safety.

10 (7) State policy must recognize, and facilitate
11 through policy whenever possible, the key supports and
12 services which are crucial during reentry for persons who
13 are released from prison, or for persons who are on
14 supervised release or community corrections. These key
15 supports include but are not limited to social
16 relationships such as family, friends, and the faith
17 community all of which can facilitate and improve access to
18 other community-based supports and services.

19 (8) State policy must also focus on, recognize, and
20 facilitate whenever possible, the educational and familial
21 support for children of parents who are incarcerated, or
22 otherwise in the criminal justice system, such as,
23 supervised release or community corrections, with the
24 express purpose of protecting this vulnerable population
25 who without proper support are most likely themselves to
26 become offenders, and which is a contributing factor to the

1 continuation of the cycle of crime and recidivism.

2 Section 10. The Unified Code of Corrections is amended by
3 changing Sections 5-6-1, 5-6-2, and 5-6-3 and by adding Section
4 5-1-9.5 as follows:

5 (730 ILCS 5/5-1-9.5 new)

6 Sec. 5-1-9.5. Good faith effort. "Good faith effort" means
7 the defendant is taking all reasonable steps to enroll in a
8 course or program of instruction, and once enrolled is taking
9 all possible reasonable steps to attend and make satisfactory
10 progress toward completion of the course or program
11 requirements. Employment, parenting, or other family
12 obligations shall not be a satisfactory excuse for failure to
13 make a good faith effort.

14 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

15 Sec. 5-6-1. Sentences of Probation and of Conditional
16 Discharge and Disposition of Supervision. The General Assembly
17 finds that in order to protect the public, the criminal justice
18 system must compel compliance with the conditions of probation
19 by responding to violations with swift, certain and fair
20 punishments and intermediate sanctions. The Chief Judge of each
21 circuit shall adopt a system of structured, intermediate
22 sanctions for violations of the terms and conditions of a
23 sentence of probation, conditional discharge or disposition of

1 supervision.

2 (a) Except where specifically prohibited by other
3 provisions of this Code, the court shall impose a sentence of
4 probation or conditional discharge upon a defendant ~~an offender~~
5 unless, having regard to the nature and circumstance of the
6 offense, and to the history, character and condition of the
7 defendant ~~offender~~, the court is of the opinion that:

8 (1) his or her imprisonment or periodic imprisonment is
9 necessary for the protection of the public; or

10 (2) probation or conditional discharge would deprecate
11 the seriousness of the defendant's ~~offender's~~ conduct and
12 would be inconsistent with the ends of justice; or

13 (3) a combination of imprisonment with concurrent or
14 consecutive probation when a defendant ~~an offender~~ has been
15 admitted into a drug court program under Section 20 of the
16 Drug Court Treatment Act is necessary for the protection of
17 the public and for the rehabilitation of the defendant
18 ~~offender~~.

19 (a-1) As a condition of probation, conditional discharge,
20 or supervision, the court shall require a defendant to
21 demonstrate to the court's satisfaction his or her educational
22 level, minimally by proof of a high school diploma or that he
23 or she has passed the high school level test of General
24 Educational Development (GED).

25 (1) If the defendant lacks a high school diploma or
26 GED, the defendant shall be required to make a good faith

1 effort, at his or her sole expense, to have his or her
2 reading level assessed to determine high school or GED
3 readiness. If the defendant's reading level is not high
4 school or GED ready, the defendant shall be required to
5 make a good faith effort to enroll and remain enrolled, at
6 his or her sole expense, in an adaptive or remedial
7 learning program to achieve high school or GED readiness.

8 (2) A defendant who is high school or GED ready shall
9 make a good faith effort to enroll, and remain enrolled
10 throughout the term of his or her probation sentence, at
11 his or her sole expense, in an online or on-the-ground
12 educational program that leads to a high school diploma or
13 the high school level test of General Educational
14 Development (GED).

15 (3) A defendant who has a high school diploma or GED,
16 or who during but before the end of his or her probation
17 sentence acquires a high school diploma or GED, shall be
18 required to make a good faith effort to enroll, and remain
19 enrolled throughout the term or remaining term of his or
20 her probation, at his or her sole expense, in community
21 college, college, career certificate, career diploma, or
22 workforce development courses or programs.

23 (4) The court shall not revoke probation, conditional
24 discharge, or supervision because of the defendant's
25 inability or failure to achieve the educational objectives
26 in subparagraphs (1) through (3) of this paragraph (a-1),

1 but may revoke probation, conditional discharge, or
2 supervision if the defendant fails to establish to the
3 court's satisfaction that he or she has made a good faith
4 effort to achieve these objectives.

5 (a-2) As a condition of probation, conditional discharge,
6 or supervision, the court shall determine if a defendant has a
7 child for whose care he or she is responsible through
8 paternity, maternity, marriage, or child support order. A
9 defendant who has a child shall be required to enroll and
10 remain enrolled, participate or continue to participate,
11 throughout the term of his or her sentence, at his or her sole
12 expense, in courses or programs designed to encourage family
13 support and strengthening of families, parenting, co-parenting
14 and the building of parent-child relationships.

15 (a-3) In addition to the above requirements, the court
16 shall impose as a condition of a sentence of probation,
17 conditional discharge, or supervision, that the probation
18 agency may invoke any sanction from the list of intermediate
19 sanctions adopted by the chief judge of the circuit court for
20 violations of the terms and conditions of the sentence of
21 probation, conditional discharge, or supervision, subject to
22 the provisions of Section 5-6-4 of this Code.

23 The court shall impose as a condition of a sentence of
24 probation, conditional discharge, or supervision, that the
25 probation agency may invoke any sanction from the list of
26 intermediate sanctions adopted by the chief judge of the

1 circuit court for violations of the terms and conditions of the
2 sentence of probation, conditional discharge, or supervision,
3 subject to the provisions of Section 5-6-4 of this Act.

4 (b) The court may impose a sentence of conditional
5 discharge for an offense if the court is of the opinion that
6 neither a sentence of imprisonment nor of periodic imprisonment
7 nor of probation supervision is appropriate.

8 (b-1) Subsections (a) and (b) of this Section do not apply
9 to a defendant charged with a misdemeanor or felony under the
10 Illinois Vehicle Code or reckless homicide under Section 9-3 of
11 the Criminal Code of 1961 or the Criminal Code of 2012 if the
12 defendant within the past 12 months has been convicted of or
13 pleaded guilty to a misdemeanor or felony under the Illinois
14 Vehicle Code or reckless homicide under Section 9-3 of the
15 Criminal Code of 1961 or the Criminal Code of 2012.

16 (c) The court may, upon a plea of guilty or a stipulation
17 by the defendant of the facts supporting the charge or a
18 finding of guilt, defer further proceedings and the imposition
19 of a sentence, and enter an order for supervision of the
20 defendant, if the defendant is not charged with: (i) a Class A
21 misdemeanor, as defined by the following provisions of the
22 Criminal Code of 1961 or the Criminal Code of 2012: Sections
23 11-9.1; 12-3.2; 11-1.50 or 12-15; 26-5 or 48-1; 31-1; 31-6;
24 31-7; paragraphs (2) and (3) of subsection (a) of Section 21-1;
25 paragraph (1) through (5), (8), (10), and (11) of subsection
26 (a) of Section 24-1; (ii) a Class A misdemeanor violation of

1 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals
2 Act; or (iii) a felony. If the defendant is not barred from
3 receiving an order for supervision as provided in this
4 subsection, the court may enter an order for supervision after
5 considering the circumstances of the offense, and the history,
6 character and condition of the offender, if the court is of the
7 opinion that:

8 (1) the offender is not likely to commit further
9 crimes;

10 (2) the defendant and the public would be best served
11 if the defendant were not to receive a criminal record; and

12 (3) in the best interests of justice an order of
13 supervision is more appropriate than a sentence otherwise
14 permitted under this Code.

15 (c-5) Subsections (a), (b), and (c) of this Section do not
16 apply to a defendant charged with a second or subsequent
17 violation of Section 6-303 of the Illinois Vehicle Code
18 committed while his or her driver's license, permit or
19 privileges were revoked because of a violation of Section 9-3
20 of the Criminal Code of 1961 or the Criminal Code of 2012,
21 relating to the offense of reckless homicide, or a similar
22 provision of a law of another state.

23 (d) The provisions of paragraph (c) shall not apply to a
24 defendant charged with violating Section 11-501 of the Illinois
25 Vehicle Code or a similar provision of a local ordinance when
26 the defendant has previously been:

1 (1) convicted for a violation of Section 11-501 of the
2 Illinois Vehicle Code or a similar provision of a local
3 ordinance or any similar law or ordinance of another state;
4 or

5 (2) assigned supervision for a violation of Section
6 11-501 of the Illinois Vehicle Code or a similar provision
7 of a local ordinance or any similar law or ordinance of
8 another state; or

9 (3) pleaded guilty to or stipulated to the facts
10 supporting a charge or a finding of guilty to a violation
11 of Section 11-503 of the Illinois Vehicle Code or a similar
12 provision of a local ordinance or any similar law or
13 ordinance of another state, and the plea or stipulation was
14 the result of a plea agreement.

15 The court shall consider the statement of the prosecuting
16 authority with regard to the standards set forth in this
17 Section.

18 (e) The provisions of paragraph (c) shall not apply to a
19 defendant charged with violating Section 16-25 or 16A-3 of the
20 Criminal Code of 1961 or the Criminal Code of 2012 if said
21 defendant has within the last 5 years been:

22 (1) convicted for a violation of Section 16-25 or 16A-3
23 of the Criminal Code of 1961 or the Criminal Code of 2012;
24 or

25 (2) assigned supervision for a violation of Section
26 16-25 or 16A-3 of the Criminal Code of 1961 or the Criminal

1 Code of 2012.

2 The court shall consider the statement of the prosecuting
3 authority with regard to the standards set forth in this
4 Section.

5 (f) The provisions of paragraph (c) shall not apply to a
6 defendant charged with violating Sections 15-111, 15-112,
7 15-301, paragraph (b) of Section 6-104, Section 11-605, Section
8 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a
9 similar provision of a local ordinance.

10 (g) Except as otherwise provided in paragraph (i) of this
11 Section, the provisions of paragraph (c) shall not apply to a
12 defendant charged with violating Section 3-707, 3-708, 3-710,
13 or 5-401.3 of the Illinois Vehicle Code or a similar provision
14 of a local ordinance if the defendant has within the last 5
15 years been:

16 (1) convicted for a violation of Section 3-707, 3-708,
17 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
18 provision of a local ordinance; or

19 (2) assigned supervision for a violation of Section
20 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
21 Code or a similar provision of a local ordinance.

22 The court shall consider the statement of the prosecuting
23 authority with regard to the standards set forth in this
24 Section.

25 (h) The provisions of paragraph (c) shall not apply to a
26 defendant under the age of 21 years charged with violating a

1 serious traffic offense as defined in Section 1-187.001 of the
2 Illinois Vehicle Code:

3 (1) unless the defendant, upon payment of the fines,
4 penalties, and costs provided by law, agrees to attend and
5 successfully complete a traffic safety program approved by
6 the court under standards set by the Conference of Chief
7 Circuit Judges. The accused shall be responsible for
8 payment of any traffic safety program fees. If the accused
9 fails to file a certificate of successful completion on or
10 before the termination date of the supervision order, the
11 supervision shall be summarily revoked and conviction
12 entered. The provisions of Supreme Court Rule 402 relating
13 to pleas of guilty do not apply in cases when a defendant
14 enters a guilty plea under this provision; or

15 (2) if the defendant has previously been sentenced
16 under the provisions of paragraph (c) on or after January
17 1, 1998 for any serious traffic offense as defined in
18 Section 1-187.001 of the Illinois Vehicle Code.

19 (h-1) The provisions of paragraph (c) shall not apply to a
20 defendant under the age of 21 years charged with an offense
21 against traffic regulations governing the movement of vehicles
22 or any violation of Section 6-107 or Section 12-603.1 of the
23 Illinois Vehicle Code, unless the defendant, upon payment of
24 the fines, penalties, and costs provided by law, agrees to
25 attend and successfully complete a traffic safety program
26 approved by the court under standards set by the Conference of

1 Chief Circuit Judges. The accused shall be responsible for
2 payment of any traffic safety program fees. If the accused
3 fails to file a certificate of successful completion on or
4 before the termination date of the supervision order, the
5 supervision shall be summarily revoked and conviction entered.
6 The provisions of Supreme Court Rule 402 relating to pleas of
7 guilty do not apply in cases when a defendant enters a guilty
8 plea under this provision.

9 (i) The provisions of paragraph (c) shall not apply to a
10 defendant charged with violating Section 3-707 of the Illinois
11 Vehicle Code or a similar provision of a local ordinance if the
12 defendant has been assigned supervision for a violation of
13 Section 3-707 of the Illinois Vehicle Code or a similar
14 provision of a local ordinance.

15 (j) The provisions of paragraph (c) shall not apply to a
16 defendant charged with violating Section 6-303 of the Illinois
17 Vehicle Code or a similar provision of a local ordinance when
18 the revocation or suspension was for a violation of Section
19 11-501 or a similar provision of a local ordinance or a
20 violation of Section 11-501.1 or paragraph (b) of Section
21 11-401 of the Illinois Vehicle Code if the defendant has within
22 the last 10 years been:

23 (1) convicted for a violation of Section 6-303 of the
24 Illinois Vehicle Code or a similar provision of a local
25 ordinance; or

26 (2) assigned supervision for a violation of Section

1 6-303 of the Illinois Vehicle Code or a similar provision
2 of a local ordinance.

3 (k) The provisions of paragraph (c) shall not apply to a
4 defendant charged with violating any provision of the Illinois
5 Vehicle Code or a similar provision of a local ordinance that
6 governs the movement of vehicles if, within the 12 months
7 preceding the date of the defendant's arrest, the defendant has
8 been assigned court supervision on 2 occasions for a violation
9 that governs the movement of vehicles under the Illinois
10 Vehicle Code or a similar provision of a local ordinance. The
11 provisions of this paragraph (k) do not apply to a defendant
12 charged with violating Section 11-501 of the Illinois Vehicle
13 Code or a similar provision of a local ordinance.

14 (l) A defendant charged with violating any provision of the
15 Illinois Vehicle Code or a similar provision of a local
16 ordinance who receives a disposition of supervision under
17 subsection (c) shall pay an additional fee of \$29, to be
18 collected as provided in Sections 27.5 and 27.6 of the Clerks
19 of Courts Act. In addition to the \$29 fee, the person shall
20 also pay a fee of \$6, which, if not waived by the court, shall
21 be collected as provided in Sections 27.5 and 27.6 of the
22 Clerks of Courts Act. The \$29 fee shall be disbursed as
23 provided in Section 16-104c of the Illinois Vehicle Code. If
24 the \$6 fee is collected, \$5.50 of the fee shall be deposited
25 into the Circuit Court Clerk Operation and Administrative Fund
26 created by the Clerk of the Circuit Court and 50 cents of the

1 fee shall be deposited into the Prisoner Review Board Vehicle
2 and Equipment Fund in the State treasury.

3 (m) Any person convicted of, pleading guilty to, or placed
4 on supervision for a serious traffic violation, as defined in
5 Section 1-187.001 of the Illinois Vehicle Code, a violation of
6 Section 11-501 of the Illinois Vehicle Code, or a violation of
7 a similar provision of a local ordinance shall pay an
8 additional fee of \$35, to be disbursed as provided in Section
9 16-104d of that Code.

10 This subsection (m) becomes inoperative 7 years after
11 October 13, 2007 (the effective date of Public Act 95-154).

12 (n) The provisions of paragraph (c) shall not apply to any
13 person under the age of 18 who commits an offense against
14 traffic regulations governing the movement of vehicles or any
15 violation of Section 6-107 or Section 12-603.1 of the Illinois
16 Vehicle Code, except upon personal appearance of the defendant
17 in court and upon the written consent of the defendant's parent
18 or legal guardian, executed before the presiding judge. The
19 presiding judge shall have the authority to waive this
20 requirement upon the showing of good cause by the defendant.

21 (o) The provisions of paragraph (c) shall not apply to a
22 defendant charged with violating Section 6-303 of the Illinois
23 Vehicle Code or a similar provision of a local ordinance when
24 the suspension was for a violation of Section 11-501.1 of the
25 Illinois Vehicle Code and when:

26 (1) at the time of the violation of Section 11-501.1 of

1 the Illinois Vehicle Code, the defendant was a first
2 offender pursuant to Section 11-500 of the Illinois Vehicle
3 Code and the defendant failed to obtain a monitoring device
4 driving permit; or

5 (2) at the time of the violation of Section 11-501.1 of
6 the Illinois Vehicle Code, the defendant was a first
7 offender pursuant to Section 11-500 of the Illinois Vehicle
8 Code, had subsequently obtained a monitoring device
9 driving permit, but was driving a vehicle not equipped with
10 a breath alcohol ignition interlock device as defined in
11 Section 1-129.1 of the Illinois Vehicle Code.

12 (p) The provisions of paragraph (c) shall not apply to a
13 defendant charged with violating Section 11-601.5 of the
14 Illinois Vehicle Code or a similar provision of a local
15 ordinance.

16 (q) The provisions of paragraph (c) shall not apply to a
17 defendant charged with violating subsection (b) of Section
18 11-601 of the Illinois Vehicle Code when the defendant was
19 operating a vehicle, in an urban district, at a speed in excess
20 of 25 miles per hour over the posted speed limit.

21 (r) The provisions of paragraph (c) shall not apply to a
22 defendant charged with violating any provision of the Illinois
23 Vehicle Code or a similar provision of a local ordinance if the
24 violation was the proximate cause of the death of another and
25 the defendant's driving abstract contains a prior conviction or
26 disposition of court supervision for any violation of the

1 Illinois Vehicle Code, other than an equipment violation, or a
2 suspension, revocation, or cancellation of the driver's
3 license.

4 (Source: P.A. 97-333, eff. 8-12-11; 97-597, eff. 1-1-12;
5 97-831, eff. 7-1-13; 97-1108, eff. 1-1-13; 97-1150, eff.
6 1-25-13; 98-169, eff. 1-1-14.)

7 (730 ILCS 5/5-6-2) (from Ch. 38, par. 1005-6-2)

8 Sec. 5-6-2. Incidents of Probation and of Conditional
9 Discharge.

10 (a) When a defendant ~~an offender~~ is sentenced to probation
11 or conditional discharge, the court shall impose a period as
12 provided in Article 4.5 of Chapter V, and shall specify the
13 conditions under Section 5-6-3.

14 (b) Multiple terms of probation imposed at the same time
15 shall run concurrently.

16 (c) The court may at any time terminate probation or
17 conditional discharge if warranted by the conduct of the
18 defendant ~~offender~~ and the ends of justice, as provided in
19 Section 5-6-4.

20 (c-1) A defendant shall be entitled to a time credit toward
21 the completion of the defendant's probation or conditional
22 discharge as follows:

23 (1) Completion of remedial or adaptive courses or
24 programs and achievement of documented high school or GED
25 readiness: 60 days.

1 (2) A high school diploma or GED: 90 days.

2 (3) An associate's degree: 120 days.

3 (4) A bachelor's degree: 180 days.

4 (5) Sixty days for demonstrable engagement in the
5 defendant's child educational attainment, demonstrable
6 efforts towards healthy co-parenting, and demonstrable
7 civic engagement, including but not limited to
8 volunteering or teaching in a secular or faith-based
9 educational course or program that focuses on parenting or
10 family health and welfare.

11 A defendant's supervising officer shall promptly and as
12 soon as practicable notify the court of the defendant's right
13 to time credits under this subsection (c-1). Upon receipt of
14 this notification, the court shall enter an order modifying the
15 defendant's remaining period of probation or conditional
16 discharge to reflect the time credit earned by the defendant.
17 If, before the expiration of the original period or a reduced
18 period of probation or conditional discharge, the court after a
19 hearing under Section 5-6-4, finds that a defendant violated
20 one or more conditions of probation or conditional discharge,
21 the court may order that some or all of the time credit to
22 which a defendant is entitled under this Section be forfeited.

23 (d) Upon the expiration or termination of the period of
24 probation or of conditional discharge, the court shall enter an
25 order discharging the offender.

26 (e) The court may extend any period of probation or

1 conditional discharge beyond the limits set forth in Article
2 4.5 of Chapter V upon a violation of a condition of the
3 probation or conditional discharge, for the payment of an
4 assessment required by Section 10.3 of the Cannabis Control
5 Act, Section 411.2 of the Illinois Controlled Substances Act,
6 or Section 80 of the Methamphetamine Control and Community
7 Protection Act, or for the payment of restitution as provided
8 by an order of restitution under Section 5-5-6 of this Code.

9 (f) The court may impose a term of probation that is
10 concurrent or consecutive to a term of imprisonment so long as
11 the maximum term imposed does not exceed the maximum term
12 provided under Article 4.5 of Chapter V or Article 8 of this
13 Chapter. The court may provide that probation may commence
14 while an offender is on mandatory supervised release,
15 participating in a day release program, or being monitored by
16 an electronic monitoring device.

17 (Source: P.A. 94-556, eff. 9-11-05; 95-1052, eff. 7-1-09.)

18 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

19 Sec. 5-6-3. Conditions of Probation and of Conditional
20 Discharge.

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

23 (1) not violate any criminal statute of any
24 jurisdiction;

25 (2) report to or appear in person before such person or

1 agency as directed by the court;

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

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

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

18 (6) perform no less than 30 hours of community service
19 and not more than 120 hours of community service, if
20 community service is available in the jurisdiction and is
21 funded and approved by the county board where the offense
22 was committed, where the offense was related to or in
23 furtherance of the criminal activities of an organized gang
24 and was motivated by the offender's membership in or
25 allegiance to an organized gang. The community service
26 shall include, but not be limited to, the cleanup and

1 repair of any damage caused by a violation of Section
2 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
3 2012 and similar damage to property located within the
4 municipality or county in which the violation occurred.
5 When possible and reasonable, the community service should
6 be performed in the offender's neighborhood. For purposes
7 of this Section, "organized gang" has the meaning ascribed
8 to it in Section 10 of the Illinois Streetgang Terrorism
9 Omnibus Prevention Act;

10 (7) if he or she is at least 17 years of age and has
11 been sentenced to probation or conditional discharge for a
12 misdemeanor or felony in a county of 3,000,000 or more
13 inhabitants and has not been previously convicted of a
14 misdemeanor or felony, may be required by the sentencing
15 court ~~to attend educational courses designed to prepare the~~
16 ~~defendant for a high school diploma and to work toward a~~
17 ~~high school diploma or to work toward passing the high~~
18 ~~school level Test of General Educational Development (GED)~~
19 ~~or~~ to work toward completing a vocational training program
20 approved by the court. The person on probation or
21 conditional discharge must attend a public institution of
22 education to obtain the ~~educational or~~ vocational training
23 required by this clause (7). The court shall revoke the
24 probation or conditional discharge of a person who wilfully
25 fails to make a good faith effort to comply with this
26 clause (7). The person on probation or conditional

1 discharge shall be required to pay for the cost of the
2 vocational training ~~educational courses or GED test~~, if a
3 fee is charged for the training ~~those courses or test~~. The
4 court shall resentence the offender whose probation or
5 conditional discharge has been revoked as provided in
6 Section 5-6-4. ~~This clause (7) does not apply to a person~~
7 ~~who has a high school diploma or has successfully passed~~
8 ~~the GED test.~~ This clause (7) does not apply to a person
9 who is determined by the court to be developmentally
10 disabled or otherwise mentally incapable of completing the
11 educational or vocational program;

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

25 (8.5) if convicted of a felony sex offense as defined
26 in the Sex Offender Management Board Act, the person shall

1 undergo and successfully complete sex offender treatment
2 by a treatment provider approved by the Board and conducted
3 in conformance with the standards developed under the Sex
4 Offender Management Board Act;

5 (8.6) if convicted of a sex offense as defined in the
6 Sex Offender Management Board Act, refrain from residing at
7 the same address or in the same condominium unit or
8 apartment unit or in the same condominium complex or
9 apartment complex with another person he or she knows or
10 reasonably should know is a convicted sex offender or has
11 been placed on supervision for a sex offense; the
12 provisions of this paragraph do not apply to a person
13 convicted of a sex offense who is placed in a Department of
14 Corrections licensed transitional housing facility for sex
15 offenders;

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

1 the person is not: (i) the spouse, brother, or sister of
2 the accused; (ii) a descendant of the accused; (iii) a
3 first or second cousin of the accused; or (iv) a step-child
4 or adopted child of the accused;

5 (8.8) if convicted for an offense under Section 11-6,
6 11-9.1, 11-14.4 that involves soliciting for a juvenile
7 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
8 of the Criminal Code of 1961 or the Criminal Code of 2012,
9 or any attempt to commit any of these offenses, committed
10 on or after June 1, 2009 (the effective date of Public Act
11 95-983):

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

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

1 inspection;

2 (iii) submit to the installation on the offender's
3 computer or device with Internet capability, at the
4 offender's expense, of one or more hardware or software
5 systems to monitor the Internet use; and

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

10 (8.9) if convicted of a sex offense as defined in the
11 Sex Offender Registration Act committed on or after January
12 1, 2010 (the effective date of Public Act 96-262), refrain
13 from accessing or using a social networking website as
14 defined in Section 17-0.5 of the Criminal Code of 2012;

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

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

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

18 (12) if convicted of a violation of the Methamphetamine
19 Control and Community Protection Act, the Methamphetamine
20 Precursor Control Act, or a methamphetamine related
21 offense:

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

25 (B) prohibited from purchasing, possessing, or
26 having under his or her control any product containing

1 ammonium nitrate.

2 (b) The Court may in addition to other reasonable
3 conditions relating to the nature of the offense or the
4 rehabilitation of the defendant as determined for each
5 defendant in the proper discretion of the Court require that
6 the person:

7 (1) serve a term of periodic imprisonment under Article
8 7 for a period not to exceed that specified in paragraph
9 (d) of Section 5-7-1;

10 (2) pay a fine and costs;

11 (3) work or pursue a course of study or vocational
12 training;

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

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

17 (6) support his dependents;

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

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

20 (ii) attend school;

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

22 (iv) contribute to his own support at home or in a
23 foster home;

24 (v) with the consent of the superintendent of the
25 facility, attend an educational program at a facility
26 other than the school in which the offense was

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

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

8 (9) perform some reasonable public or community
9 service;

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

14 (i) remain within the interior premises of the
15 place designated for his confinement during the hours
16 designated by the court;

17 (ii) admit any person or agent designated by the
18 court into the offender's place of confinement at any
19 time for purposes of verifying the offender's
20 compliance with the conditions of his confinement; and

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

25 (iv) for persons convicted of any alcohol,
26 cannabis or controlled substance violation who are

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

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

1 circuit court. The clerk of the circuit court shall pay
2 all monies collected from this fee to the county
3 treasurer who shall use the monies collected to defray
4 the costs of corrections. The county treasurer shall
5 deposit the fee collected in the probation and court
6 services fund.

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

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

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

1 for the purchase of evidence for investigation purposes and
2 to conduct investigations as outlined in Section 805-105 of
3 the Department of Natural Resources (Conservation) Law;

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

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

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

23 (17) if convicted for an offense committed on or after
24 June 1, 2008 (the effective date of Public Act 95-464) that
25 would qualify the accused as a child sex offender as
26 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of

1 1961 or the Criminal Code of 2012, refrain from
2 communicating with or contacting, by means of the Internet,
3 a person who is related to the accused and whom the accused
4 reasonably believes to be under 18 years of age; for
5 purposes of this paragraph (17), "Internet" has the meaning
6 ascribed to it in Section 16-0.1 of the Criminal Code of
7 2012; and a person is related to the accused if the person
8 is: (i) the spouse, brother, or sister of the accused; (ii)
9 a descendant of the accused; (iii) a first or second cousin
10 of the accused; or (iv) a step-child or adopted child of
11 the accused;

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

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

22 (ii) submit to periodic unannounced examinations
23 of the offender's computer or any other device with
24 Internet capability by the offender's probation
25 officer, a law enforcement officer, or assigned
26 computer or information technology specialist,

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

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

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

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

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

1 minor's lawful employment.

2 (d) An offender sentenced to probation or to conditional
3 discharge shall be given a certificate setting forth the
4 conditions thereof.

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

13 Persons committed to imprisonment as a condition of
14 probation or conditional discharge shall not be committed to
15 the Department of Corrections.

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

20 (g) An offender sentenced to probation or to conditional
21 discharge and who during the term of either undergoes mandatory
22 drug or alcohol testing, or both, or is assigned to be placed
23 on an approved electronic monitoring device, shall be ordered
24 to pay all costs incidental to such mandatory drug or alcohol
25 testing, or both, and all costs incidental to such approved
26 electronic monitoring in accordance with the defendant's

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

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

1 9b of the Probation and Probation Officers Act, the probation
2 department from the original sentencing court shall retain all
3 probation fees collected prior to the transfer. After the
4 transfer all probation fees shall be paid to the probation
5 department within the circuit to which jurisdiction has been
6 transferred.

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

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

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

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

25 (i-5) In addition to the fees imposed under subsection (i)
26 of this Section, in the case of an offender convicted of a

1 felony sex offense (as defined in the Sex Offender Management
2 Board Act) or an offense that the court or probation department
3 has determined to be sexually motivated (as defined in the Sex
4 Offender Management Board Act), the court or the probation
5 department shall assess additional fees to pay for all costs of
6 treatment, assessment, evaluation for risk and treatment, and
7 monitoring the offender, based on that offender's ability to
8 pay those costs either as they occur or under a payment plan.

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

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

25 (l) The court may order an offender who is sentenced to
26 probation or conditional discharge for a violation of an order

1 of protection be placed under electronic surveillance as
2 provided in Section 5-8A-7 of this Code.

3 (Source: P.A. 97-454, eff. 1-1-12; 97-560, eff. 1-1-12; 97-597,
4 eff. 1-1-12; 97-1109, eff. 1-1-13; 97-1131, eff. 1-1-13;
5 97-1150, eff. 1-25-13; 98-575, eff. 1-1-14.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.