



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6301

Introduced 2/11/2016, by Rep. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

725 ILCS 5/110-10	from Ch. 38, par. 110-10
730 ILCS 5/5-6-3	from Ch. 38, par. 1005-6-3
730 ILCS 5/5-6-3.1	from Ch. 38, par. 1005-6-3.1
730 ILCS 5/5-7-1	from Ch. 38, par. 1005-7-1

Amends the Code of Criminal Procedure of 1963 and the Unified Code of Corrections. Provides that the Chief Judge of the circuit court of the county may by administrative order establish a program for electronic monitoring of offenders with regard to drug-related and alcohol-related offenses, in which a vendor approved by the county board supplies and monitors the electronic monitoring device, and collects the fees on behalf of the county. Provides that the program shall include provisions for indigent offenders and the collection of unpaid fees. Provides that the program shall not unduly burden the offender and shall be subject to review by the Chief Judge. Effective immediately.

LRB099 19900 RLC 44299 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 110-10 as follows:

6 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

7 Sec. 110-10. Conditions of bail bond.

8 (a) If a person is released prior to conviction, either
9 upon payment of bail security or on his or her own
10 recognizance, the conditions of the bail bond shall be that he
11 or she will:

12 (1) Appear to answer the charge in the court having
13 jurisdiction on a day certain and thereafter as ordered by
14 the court until discharged or final order of the court;

15 (2) Submit himself or herself to the orders and process
16 of the court;

17 (3) Not depart this State without leave of the court;

18 (4) Not violate any criminal statute of any
19 jurisdiction;

20 (5) At a time and place designated by the court,
21 surrender all firearms in his or her possession to a law
22 enforcement officer designated by the court to take custody
23 of and impound the firearms and physically surrender his or

1 her Firearm Owner's Identification Card to the clerk of the
2 circuit court when the offense the person has been charged
3 with is a forcible felony, stalking, aggravated stalking,
4 domestic battery, any violation of the Illinois Controlled
5 Substances Act, the Methamphetamine Control and Community
6 Protection Act, or the Cannabis Control Act that is
7 classified as a Class 2 or greater felony, or any felony
8 violation of Article 24 of the Criminal Code of 1961 or the
9 Criminal Code of 2012; the court may, however, forgo the
10 imposition of this condition when the circumstances of the
11 case clearly do not warrant it or when its imposition would
12 be impractical; if the Firearm Owner's Identification Card
13 is confiscated, the clerk of the circuit court shall mail
14 the confiscated card to the Illinois State Police; all
15 legally possessed firearms shall be returned to the person
16 upon the charges being dismissed, or if the person is found
17 not guilty, unless the finding of not guilty is by reason
18 of insanity; and

19 (6) At a time and place designated by the court, submit
20 to a psychological evaluation when the person has been
21 charged with a violation of item (4) of subsection (a) of
22 Section 24-1 of the Criminal Code of 1961 or the Criminal
23 Code of 2012 and that violation occurred in a school or in
24 any conveyance owned, leased, or contracted by a school to
25 transport students to or from school or a school-related
26 activity, or on any public way within 1,000 feet of real

1 property comprising any school.

2 Psychological evaluations ordered pursuant to this Section
3 shall be completed promptly and made available to the State,
4 the defendant, and the court. As a further condition of bail
5 under these circumstances, the court shall order the defendant
6 to refrain from entering upon the property of the school,
7 including any conveyance owned, leased, or contracted by a
8 school to transport students to or from school or a
9 school-related activity, or on any public way within 1,000 feet
10 of real property comprising any school. Upon receipt of the
11 psychological evaluation, either the State or the defendant may
12 request a change in the conditions of bail, pursuant to Section
13 110-6 of this Code. The court may change the conditions of bail
14 to include a requirement that the defendant follow the
15 recommendations of the psychological evaluation, including
16 undergoing psychiatric treatment. The conclusions of the
17 psychological evaluation and any statements elicited from the
18 defendant during its administration are not admissible as
19 evidence of guilt during the course of any trial on the charged
20 offense, unless the defendant places his or her mental
21 competency in issue.

22 (b) The court may impose other conditions, such as the
23 following, if the court finds that such conditions are
24 reasonably necessary to assure the defendant's appearance in
25 court, protect the public from the defendant, or prevent the
26 defendant's unlawful interference with the orderly

1 administration of justice:

2 (1) Report to or appear in person before such person or
3 agency as the court may direct;

4 (2) Refrain from possessing a firearm or other
5 dangerous weapon;

6 (3) Refrain from approaching or communicating with
7 particular persons or classes of persons;

8 (4) Refrain from going to certain described
9 geographical areas or premises;

10 (5) Refrain from engaging in certain activities or
11 indulging in intoxicating liquors or in certain drugs;

12 (6) Undergo treatment for drug addiction or
13 alcoholism;

14 (7) Undergo medical or psychiatric treatment;

15 (8) Work or pursue a course of study or vocational
16 training;

17 (9) Attend or reside in a facility designated by the
18 court;

19 (10) Support his or her dependents;

20 (11) If a minor resides with his or her parents or in a
21 foster home, attend school, attend a non-residential
22 program for youths, and contribute to his or her own
23 support at home or in a foster home;

24 (12) Observe any curfew ordered by the court;

25 (13) Remain in the custody of such designated person or
26 organization agreeing to supervise his release. Such third

1 party custodian shall be responsible for notifying the
2 court if the defendant fails to observe the conditions of
3 release which the custodian has agreed to monitor, and
4 shall be subject to contempt of court for failure so to
5 notify the court;

6 (14) Be placed under direct supervision of the Pretrial
7 Services Agency, Probation Department or Court Services
8 Department in a pretrial bond home supervision capacity
9 with or without the use of an approved electronic
10 monitoring device subject to Article 8A of Chapter V of the
11 Unified Code of Corrections;

12 (14.1) The court shall impose upon a defendant who is
13 charged with any alcohol, cannabis, methamphetamine, or
14 controlled substance violation and is placed under direct
15 supervision of the Pretrial Services Agency, Probation
16 Department or Court Services Department in a pretrial bond
17 home supervision capacity with the use of an approved
18 monitoring device, as a condition of such bail bond, a fee
19 that represents costs incidental to the electronic
20 monitoring for each day of such bail supervision ordered by
21 the court, unless after determining the inability of the
22 defendant to pay the fee, the court assesses a lesser fee
23 or no fee as the case may be. The fee shall be collected by
24 the clerk of the circuit court, except as provided in an
25 administrative order of the Chief Judge of the circuit
26 court. The clerk of the circuit court shall pay all monies

1 collected from this fee to the county treasurer for deposit
2 in the substance abuse services fund under Section 5-1086.1
3 of the Counties Code, except as provided in an
4 administrative order of the Chief Judge of the circuit
5 court.

6 The Chief Judge of the circuit court of the county may
7 by administrative order establish a program for electronic
8 monitoring of offenders with regard to drug-related and
9 alcohol-related offenses, in which a vendor approved by the
10 county board supplies and monitors the electronic
11 monitoring device, and collects the fees on behalf of the
12 county. The program shall include provisions for indigent
13 offenders and the collection of unpaid fees. The program
14 shall not unduly burden the offender and shall be subject
15 to review by the Chief Judge;

16 (14.2) The court shall impose upon all defendants,
17 including those defendants subject to paragraph (14.1)
18 above, placed under direct supervision of the Pretrial
19 Services Agency, Probation Department or Court Services
20 Department in a pretrial bond home supervision capacity
21 with the use of an approved monitoring device, as a
22 condition of such bail bond, a fee which shall represent
23 costs incidental to such electronic monitoring for each day
24 of such bail supervision ordered by the court, unless after
25 determining the inability of the defendant to pay the fee,
26 the court assesses a lesser fee or no fee as the case may

1 be. The fee shall be collected by the clerk of the circuit
2 court, except as provided in an administrative order of the
3 Chief Judge of the circuit court. The clerk of the circuit
4 court shall pay all monies collected from this fee to the
5 county treasurer who shall use the monies collected to
6 defray the costs of corrections. The county treasurer shall
7 deposit the fee collected in the county working cash fund
8 under Section 6-27001 or Section 6-29002 of the Counties
9 Code, as the case may be, except as provided in an
10 administrative order of the Chief Judge of the circuit
11 court.

12 The Chief Judge of the circuit court of the county may
13 by administrative order establish a program for electronic
14 monitoring of offenders with regard to drug-related and
15 alcohol-related offenses, in which a vendor approved by the
16 county board supplies and monitors the electronic
17 monitoring device, and collects the fees on behalf of the
18 county. The program shall include provisions for indigent
19 offenders and the collection of unpaid fees. The program
20 shall not unduly burden the offender and shall be subject
21 to review by the Chief Judge;

22 (14.3) The Chief Judge of the Judicial Circuit may
23 establish reasonable fees to be paid by a person receiving
24 pretrial services while under supervision of a pretrial
25 services agency, probation department, or court services
26 department. Reasonable fees may be charged for pretrial

1 services including, but not limited to, pretrial
2 supervision, diversion programs, electronic monitoring,
3 victim impact services, drug and alcohol testing, DNA
4 testing, GPS electronic monitoring, assessments and
5 evaluations related to domestic violence and other
6 victims, and victim mediation services. The person
7 receiving pretrial services may be ordered to pay all costs
8 incidental to pretrial services in accordance with his or
9 her ability to pay those costs;

10 (14.4) For persons charged with violating Section
11 11-501 of the Illinois Vehicle Code, refrain from operating
12 a motor vehicle not equipped with an ignition interlock
13 device, as defined in Section 1-129.1 of the Illinois
14 Vehicle Code, pursuant to the rules promulgated by the
15 Secretary of State for the installation of ignition
16 interlock devices. Under this condition the court may allow
17 a defendant who is not self-employed to operate a vehicle
18 owned by the defendant's employer that is not equipped with
19 an ignition interlock device in the course and scope of the
20 defendant's employment;

21 (15) Comply with the terms and conditions of an order
22 of protection issued by the court under the Illinois
23 Domestic Violence Act of 1986 or an order of protection
24 issued by the court of another state, tribe, or United
25 States territory;

26 (16) Under Section 110-6.5 comply with the conditions

1 of the drug testing program; and

2 (17) Such other reasonable conditions as the court may
3 impose.

4 (c) When a person is charged with an offense under Section
5 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
6 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, involving a victim who is a minor under
8 18 years of age living in the same household with the defendant
9 at the time of the offense, in granting bail or releasing the
10 defendant on his own recognizance, the judge shall impose
11 conditions to restrict the defendant's access to the victim
12 which may include, but are not limited to conditions that he
13 will:

- 14 1. Vacate the Household.
15 2. Make payment of temporary support to his dependents.
16 3. Refrain from contact or communication with the child
17 victim, except as ordered by the court.

18 (d) When a person is charged with a criminal offense and
19 the victim is a family or household member as defined in
20 Article 112A, conditions shall be imposed at the time of the
21 defendant's release on bond that restrict the defendant's
22 access to the victim. Unless provided otherwise by the court,
23 the restrictions shall include requirements that the defendant
24 do the following:

- 25 (1) refrain from contact or communication with the
26 victim for a minimum period of 72 hours following the

1 defendant's release; and

2 (2) refrain from entering or remaining at the victim's
3 residence for a minimum period of 72 hours following the
4 defendant's release.

5 (e) Local law enforcement agencies shall develop
6 standardized bond forms for use in cases involving family or
7 household members as defined in Article 112A, including
8 specific conditions of bond as provided in subsection (d).
9 Failure of any law enforcement department to develop or use
10 those forms shall in no way limit the applicability and
11 enforcement of subsections (d) and (f).

12 (f) If the defendant is admitted to bail after conviction
13 the conditions of the bail bond shall be that he will, in
14 addition to the conditions set forth in subsections (a) and (b)
15 hereof:

16 (1) Duly prosecute his appeal;

17 (2) Appear at such time and place as the court may
18 direct;

19 (3) Not depart this State without leave of the court;

20 (4) Comply with such other reasonable conditions as the
21 court may impose; and

22 (5) If the judgment is affirmed or the cause reversed
23 and remanded for a new trial, forthwith surrender to the
24 officer from whose custody he was bailed.

25 (g) Upon a finding of guilty for any felony offense, the
26 defendant shall physically surrender, at a time and place

1 designated by the court, any and all firearms in his or her
2 possession and his or her Firearm Owner's Identification Card
3 as a condition of remaining on bond pending sentencing.

4 (Source: P.A. 96-340, eff. 8-11-09; 96-1551, eff. 7-1-11;
5 97-401, eff. 1-1-12; 97-1109, eff. 1-1-13; 97-1150, eff.
6 1-25-13.)

7 Section 10. The Unified Code of Corrections is amended by
8 changing Sections 5-6-3, 5-6-3.1, and 5-7-1 as follows:

9 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

10 Sec. 5-6-3. Conditions of Probation and of Conditional
11 Discharge.

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

14 (1) not violate any criminal statute of any
15 jurisdiction;

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

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

22 (4) not leave the State without the consent of the
23 court or, in circumstances in which the reason for the
24 absence is of such an emergency nature that prior consent

1 by the court is not possible, without the prior
2 notification and approval of the person's probation
3 officer. Transfer of a person's probation or conditional
4 discharge supervision to another state is subject to
5 acceptance by the other state pursuant to the Interstate
6 Compact for Adult Offender Supervision;

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

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

1 Omnibus Prevention Act;

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

1 otherwise mentally incapable of completing the educational
2 or vocational program;

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

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

22 (8.6) if convicted of a sex offense as defined in the
23 Sex Offender Management Board Act, refrain from residing at
24 the same address or in the same condominium unit or
25 apartment unit or in the same condominium complex or
26 apartment complex with another person he or she knows or

1 reasonably should know is a convicted sex offender or has
2 been placed on supervision for a sex offense; the
3 provisions of this paragraph do not apply to a person
4 convicted of a sex offense who is placed in a Department of
5 Corrections licensed transitional housing facility for sex
6 offenders;

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

22 (8.8) if convicted for an offense under Section 11-6,
23 11-9.1, 11-14.4 that involves soliciting for a juvenile
24 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
25 of the Criminal Code of 1961 or the Criminal Code of 2012,
26 or any attempt to commit any of these offenses, committed

1 on or after June 1, 2009 (the effective date of Public Act
2 95-983):

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

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

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

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

1 (8.9) if convicted of a sex offense as defined in the
2 Sex Offender Registration Act committed on or after January
3 1, 2010 (the effective date of Public Act 96-262), refrain
4 from accessing or using a social networking website as
5 defined in Section 17-0.5 of the Criminal Code of 2012;

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

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

1 costume on or preceding Easter;

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

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

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

16 (B) prohibited from purchasing, possessing, or
17 having under his or her control any product containing
18 ammonium nitrate.

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

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

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

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

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

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

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

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

1 Section. The fee shall be collected by the clerk of the
2 circuit court, except as provided in an administrative
3 order of the Chief Judge of the circuit court. The
4 clerk of the circuit court shall pay all monies
5 collected from this fee to the county treasurer for
6 deposit in the substance abuse services fund under
7 Section 5-1086.1 of the Counties Code, except as
8 provided in an administrative order of the Chief Judge
9 of the circuit court.

10 The Chief Judge of the circuit court of the county
11 may by administrative order establish a program for
12 electronic monitoring of offenders with regard to
13 drug-related and alcohol-related offenses, in which a
14 vendor approved by the county board supplies and
15 monitors the electronic monitoring device, and
16 collects the fees on behalf of the county. The program
17 shall include provisions for indigent offenders and
18 the collection of unpaid fees. The program shall not
19 unduly burden the offender and shall be subject to
20 review by the Chief Judge; and

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

1 subsection (g) of this Section, unless after
2 determining the inability of the defendant to pay the
3 fee, the court assesses a lesser fee or no fee as the
4 case may be. This fee shall be imposed in addition to
5 the fees imposed under subsections (g) and (i) of this
6 Section. The fee shall be collected by the clerk of the
7 circuit court, except as provided in an administrative
8 order of the Chief Judge of the circuit court. The
9 clerk of the circuit court shall pay all monies
10 collected from this fee to the county treasurer who
11 shall use the monies collected to defray the costs of
12 corrections. The county treasurer shall deposit the
13 fee collected in the probation and court services fund.
14 The Chief Judge of the circuit court of the county may
15 by administrative order establish a program for
16 electronic monitoring of offenders with regard to
17 drug-related and alcohol-related offenses, in which a
18 vendor approved by the county board supplies and
19 monitors the electronic monitoring device, and
20 collects the fees on behalf of the county. The program
21 shall include provisions for indigent offenders and
22 the collection of unpaid fees. The program shall not
23 unduly burden the offender and shall be subject to
24 review by the Chief Judge.

25 (11) comply with the terms and conditions of an order
26 of protection issued by the court pursuant to the Illinois

1 Domestic Violence Act of 1986, as now or hereafter amended,
2 or an order of protection issued by the court of another
3 state, tribe, or United States territory. A copy of the
4 order of protection shall be transmitted to the probation
5 officer or agency having responsibility for the case;

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

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

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

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

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

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

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

1 a descendant of the accused; (iii) a first or second cousin
2 of the accused; or (iv) a step-child or adopted child of
3 the accused;

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

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

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

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

1 systems to monitor the Internet use; and

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

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

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

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

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

1 that the offender be committed to a period of imprisonment in
2 excess of 6 months. This 6 month limit shall not include
3 periods of confinement given pursuant to a sentence of county
4 impact incarceration under Section 5-8-1.2.

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

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

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

1 administrative order. The fees shall be collected by the clerk
2 of the circuit court, except as provided in an administrative
3 order of the Chief Judge of the circuit court. The clerk of the
4 circuit court shall pay all moneys collected from these fees to
5 the county treasurer who shall use the moneys collected to
6 defray the costs of drug testing, alcohol testing, and
7 electronic monitoring. The county treasurer shall deposit the
8 fees collected in the county working cash fund under Section
9 6-27001 or Section 6-29002 of the Counties Code, as the case
10 may be. The Chief Judge of the circuit court of the county may
11 by administrative order establish a program for electronic
12 monitoring of offenders with regard to drug-related and
13 alcohol-related offenses, in which a vendor approved by the
14 county board supplies and monitors the electronic monitoring
15 device, and collects the fees on behalf of the county. The
16 program shall include provisions for indigent offenders and the
17 collection of unpaid fees. The program shall not unduly burden
18 the offender and shall be subject to review by the Chief Judge.

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

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

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

1 treasurer for deposit in the probation and court services fund
2 under Section 15.1 of the Probation and Probation Officers Act.

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

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

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

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

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

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

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

5 (Source: P.A. 98-575, eff. 1-1-14; 98-718, eff. 1-1-15; 99-143,
6 eff. 7-27-15.)

7 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

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

9 (a) When a defendant is placed on supervision, the court
10 shall enter an order for supervision specifying the period of
11 such supervision, and shall defer further proceedings in the
12 case until the conclusion of the period.

13 (b) The period of supervision shall be reasonable under all
14 of the circumstances of the case, but may not be longer than 2
15 years, unless the defendant has failed to pay the assessment
16 required by Section 10.3 of the Cannabis Control Act, Section
17 411.2 of the Illinois Controlled Substances Act, or Section 80
18 of the Methamphetamine Control and Community Protection Act, in
19 which case the court may extend supervision beyond 2 years.
20 Additionally, the court shall order the defendant to perform no
21 less than 30 hours of community service and not more than 120
22 hours of community service, if community service is available
23 in the jurisdiction and is funded and approved by the county
24 board where the offense was committed, when the offense (1) was
25 related to or in furtherance of the criminal activities of an

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

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

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

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

25 (2) pay a fine and costs;

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

1 training;

2 (4) undergo medical, psychological or psychiatric

3 treatment; or treatment for drug addiction or alcoholism;

4 (5) attend or reside in a facility established for the

5 instruction or residence of defendants on probation;

6 (6) support his dependents;

7 (7) refrain from possessing a firearm or other

8 dangerous weapon;

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

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

11 (ii) attend school;

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

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

14 foster home; or

15 (v) with the consent of the superintendent of the

16 facility, attend an educational program at a facility

17 other than the school in which the offense was

18 committed if he or she is placed on supervision for a

19 crime of violence as defined in Section 2 of the Crime

20 Victims Compensation Act committed in a school, on the

21 real property comprising a school, or within 1,000 feet

22 of the real property comprising a school;

23 (9) make restitution or reparation in an amount not to

24 exceed actual loss or damage to property and pecuniary loss

25 or make restitution under Section 5-5-6 to a domestic

26 violence shelter. The court shall determine the amount and

1 conditions of payment;

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

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

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

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

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

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

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

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

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

1 employment; and

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

13 (c-5) If payment of restitution as ordered has not been
14 made, the victim shall file a petition notifying the sentencing
15 court, any other person to whom restitution is owed, and the
16 State's Attorney of the status of the ordered restitution
17 payments unpaid at least 90 days before the supervision
18 expiration date. If payment as ordered has not been made, the
19 court shall hold a review hearing prior to the expiration date,
20 unless the hearing is voluntarily waived by the defendant with
21 the knowledge that waiver may result in an extension of the
22 supervision period or in a revocation of supervision. If the
23 court does not extend supervision, it shall issue a judgment
24 for the unpaid restitution and direct the clerk of the circuit
25 court to file and enter the judgment in the judgment and lien
26 docket, without fee, unless it finds that the victim has

1 recovered a judgment against the defendant for the amount
2 covered by the restitution order. If the court issues a
3 judgment for the unpaid restitution, the court shall send to
4 the defendant at his or her last known address written
5 notification that a civil judgment has been issued for the
6 unpaid restitution.

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

9 (e) At the conclusion of the period of supervision, if the
10 court determines that the defendant has successfully complied
11 with all of the conditions of supervision, the court shall
12 discharge the defendant and enter a judgment dismissing the
13 charges.

14 (f) Discharge and dismissal upon a successful conclusion of
15 a disposition of supervision shall be deemed without
16 adjudication of guilt and shall not be termed a conviction for
17 purposes of disqualification or disabilities imposed by law
18 upon conviction of a crime. Two years after the discharge and
19 dismissal under this Section, unless the disposition of
20 supervision was for a violation of Sections 3-707, 3-708,
21 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
22 similar provision of a local ordinance, or for a violation of
23 Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961
24 or the Criminal Code of 2012, in which case it shall be 5 years
25 after discharge and dismissal, a person may have his record of
26 arrest sealed or expunged as may be provided by law. However,

1 any defendant placed on supervision before January 1, 1980, may
2 move for sealing or expungement of his arrest record, as
3 provided by law, at any time after discharge and dismissal
4 under this Section. A person placed on supervision for a sexual
5 offense committed against a minor as defined in clause
6 (a) (1) (L) of Section 5.2 of the Criminal Identification Act or
7 for a violation of Section 11-501 of the Illinois Vehicle Code
8 or a similar provision of a local ordinance shall not have his
9 or her record of arrest sealed or expunged.

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

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

8 The Chief Judge of the circuit court of the county may by
9 administrative order establish a program for electronic
10 monitoring of offenders with regard to drug-related and
11 alcohol-related offenses, in which a vendor approved by the
12 county board supplies and monitors the electronic monitoring
13 device, and collects the fees on behalf of the county. The
14 program shall include provisions for indigent offenders and the
15 collection of unpaid fees. The program shall not unduly burden
16 the offender and shall be subject to review by the Chief Judge.

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

19 (i) The court shall impose upon a defendant placed on
20 supervision after January 1, 1992 or to community service under
21 the supervision of a probation or court services department
22 after January 1, 2004, as a condition of supervision or
23 supervised community service, a fee of \$50 for each month of
24 supervision or supervised community service ordered by the
25 court, unless after determining the inability of the person
26 placed on supervision or supervised community service to pay

1 the fee, the court assesses a lesser fee. The court may not
2 impose the fee on a minor who is made a ward of the State under
3 the Juvenile Court Act of 1987 while the minor is in placement.
4 The fee shall be imposed only upon a defendant who is actively
5 supervised by the probation and court services department. The
6 fee shall be collected by the clerk of the circuit court. The
7 clerk of the circuit court shall pay all monies collected from
8 this fee to the county treasurer for deposit in the probation
9 and court services fund pursuant to Section 15.1 of the
10 Probation and Probation Officers Act.

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

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

1 shall be required to pay probation fees to the department
2 supervising the offender, based on the offender's ability to
3 pay.

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

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

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

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

23 (m) The Secretary of State shall require anyone placed on
24 court supervision for a violation of Section 3-707 of the
25 Illinois Vehicle Code or a similar provision of a local
26 ordinance to give proof of his or her financial responsibility

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

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

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

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

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

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

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

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

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

25 (iii) submit to the installation on the offender's
26 computer or device with Internet capability, at the

1 offender's expense, of one or more hardware or software
2 systems to monitor the Internet use; and

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

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

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

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

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

5 (Source: P.A. 97-454, eff. 1-1-12; 97-597, eff. 1-1-12;
6 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-718, eff.
7 1-1-15; 98-940, eff. 1-1-15; revised 10-1-14.)

8 (730 ILCS 5/5-7-1) (from Ch. 38, par. 1005-7-1)

9 Sec. 5-7-1. Sentence of Periodic Imprisonment.

10 (a) A sentence of periodic imprisonment is a sentence of
11 imprisonment during which the committed person may be released
12 for periods of time during the day or night or for periods of
13 days, or both, or if convicted of a felony, other than first
14 degree murder, a Class X or Class 1 felony, committed to any
15 county, municipal, or regional correctional or detention
16 institution or facility in this State for such periods of time
17 as the court may direct. Unless the court orders otherwise, the
18 particular times and conditions of release shall be determined
19 by the Department of Corrections, the sheriff, or the
20 Superintendent of the house of corrections, who is
21 administering the program.

22 (b) A sentence of periodic imprisonment may be imposed to
23 permit the defendant to:

24 (1) seek employment;

25 (2) work;

1 (3) conduct a business or other self-employed
2 occupation including housekeeping;

3 (4) attend to family needs;

4 (5) attend an educational institution, including
5 vocational education;

6 (6) obtain medical or psychological treatment;

7 (7) perform work duties at a county, municipal, or
8 regional correctional or detention institution or
9 facility;

10 (8) continue to reside at home with or without
11 supervision involving the use of an approved electronic
12 monitoring device, subject to Article 8A of Chapter V; or

13 (9) for any other purpose determined by the court.

14 (c) Except where prohibited by other provisions of this
15 Code, the court may impose a sentence of periodic imprisonment
16 for a felony or misdemeanor on a person who is 17 years of age
17 or older. The court shall not impose a sentence of periodic
18 imprisonment if it imposes a sentence of imprisonment upon the
19 defendant in excess of 90 days.

20 (d) A sentence of periodic imprisonment shall be for a
21 definite term of from 3 to 4 years for a Class 1 felony, 18 to
22 30 months for a Class 2 felony, and up to 18 months, or the
23 longest sentence of imprisonment that could be imposed for the
24 offense, whichever is less, for all other offenses; however, no
25 person shall be sentenced to a term of periodic imprisonment
26 longer than one year if he is committed to a county

1 correctional institution or facility, and in conjunction with
2 that sentence participate in a county work release program
3 comparable to the work and day release program provided for in
4 Article 13 of the Unified Code of Corrections in State
5 facilities. The term of the sentence shall be calculated upon
6 the basis of the duration of its term rather than upon the
7 basis of the actual days spent in confinement. No sentence of
8 periodic imprisonment shall be subject to the good time credit
9 provisions of Section 3-6-3 of this Code.

10 (e) When the court imposes a sentence of periodic
11 imprisonment, it shall state:

12 (1) the term of such sentence;

13 (2) the days or parts of days which the defendant is to
14 be confined;

15 (3) the conditions.

16 (f) The court may issue an order of protection pursuant to
17 the Illinois Domestic Violence Act of 1986 as a condition of a
18 sentence of periodic imprisonment. The Illinois Domestic
19 Violence Act of 1986 shall govern the issuance, enforcement and
20 recording of orders of protection issued under this Section. A
21 copy of the order of protection shall be transmitted to the
22 person or agency having responsibility for the case.

23 (f-5) An offender sentenced to a term of periodic
24 imprisonment for a felony sex offense as defined in the Sex
25 Offender Management Board Act shall be required to undergo and
26 successfully complete sex offender treatment by a treatment

1 provider approved by the Board and conducted in conformance
2 with the standards developed under the Sex Offender Management
3 Board Act.

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

1 the Counties Code, as the case may be.

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

9 The Chief Judge of the circuit court of the county may by
10 administrative order establish a program for electronic
11 monitoring of offenders with regard to drug-related and
12 alcohol-related offenses, in which a vendor approved by the
13 county board supplies and monitors the electronic monitoring
14 device, and collects the fees on behalf of the county. The
15 program shall include provisions for indigent offenders and the
16 collection of unpaid fees. The program shall not unduly burden
17 the offender and shall be subject to review by the Chief Judge.

18 (i) A defendant at least 17 years of age who is convicted
19 of a misdemeanor or felony in a county of 3,000,000 or more
20 inhabitants and who has not been previously convicted of a
21 misdemeanor or a felony and who is sentenced to a term of
22 periodic imprisonment may as a condition of his or her sentence
23 be required by the court to attend educational courses designed
24 to prepare the defendant for a high school diploma and to work
25 toward receiving a high school diploma or to work toward
26 passing high school equivalency testing or to work toward

1 completing a vocational training program approved by the court.
2 The defendant sentenced to periodic imprisonment must attend a
3 public institution of education to obtain the educational or
4 vocational training required by this subsection (i). The
5 defendant sentenced to a term of periodic imprisonment shall be
6 required to pay for the cost of the educational courses or high
7 school equivalency testing if a fee is charged for those
8 courses or testing. The court shall revoke the sentence of
9 periodic imprisonment of the defendant who wilfully fails to
10 comply with this subsection (i). The court shall resentence the
11 defendant whose sentence of periodic imprisonment has been
12 revoked as provided in Section 5-7-2. This subsection (i) does
13 not apply to a defendant who has a high school diploma or has
14 successfully passed high school equivalency testing. This
15 subsection (i) does not apply to a defendant who is determined
16 by the court to be a person with a developmental disability or
17 otherwise mentally incapable of completing the educational or
18 vocational program.

19 (Source: P.A. 98-718, eff. 1-1-15; 99-143, eff. 7-27-15.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.