

1 AN ACT in relation to probation and pretrial service.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Section 5-305 as follows:

6 (705 ILCS 405/5-305)

7 Sec. 5-305. Probation adjustment.

8 (1) The court may authorize the probation officer to
9 confer in a preliminary conference with a minor who is
10 alleged to have committed an offense, his or her parent,
11 guardian or legal custodian, the victim, the juvenile police
12 officer, the State's Attorney, and other interested persons
13 concerning the advisability of filing a petition under
14 Section 5-520, with a view to adjusting suitable cases
15 without the filing of a petition as provided for in this
16 Article, the probation officer should schedule a conference
17 promptly except when the State's Attorney insists on court
18 action or when the minor has indicated that he or she will
19 demand a judicial hearing and will not comply with a
20 probation adjustment.

21 (1-b) In any case of a minor who is in custody, the
22 holding of a probation adjustment conference does not operate
23 to prolong temporary custody beyond the period permitted by
24 Section 5-415.

25 (2) This Section does not authorize any probation
26 officer to compel any person to appear at any conference,
27 produce any papers, or visit any place.

28 (3) No statement made during a preliminary conference in
29 regard to the offense that is the subject of the conference
30 may be admitted into evidence at an adjudicatory hearing or
31 at any proceeding against the minor under the criminal laws

1 of this State prior to his or her conviction under those
2 laws.

3 (4) When a probation adjustment is appropriate, the
4 probation officer shall promptly formulate a written,
5 non-judicial adjustment plan following the initial
6 conference.

7 (5) Non-judicial probation adjustment plans include but
8 are not limited to the following:

9 (a) up to 6 months informal supervision within the
10 family;

11 (b) up to 12 months informal supervision with a
12 probation officer involved which may include any
13 conditions of probation provided in Section 5-715;

14 (c) up to 6 months informal supervision with
15 release to a person other than a parent;

16 (d) referral to special educational, counseling, or
17 other rehabilitative social or educational programs;

18 (e) referral to residential treatment programs;

19 (f) participation in a public or community service
20 program or activity; and

21 (g) any other appropriate action with the consent
22 of the minor and a parent.

23 (6) The factors to be considered by the probation
24 officer in formulating a non-judicial probation adjustment
25 plan shall be the same as those limited in subsection (4) of
26 Section 5-405.

27 (7) Beginning January 1, 2000, the probation officer
28 who imposes a probation adjustment plan shall assure that
29 information about an offense which would constitute a felony
30 if committed by an adult, and may assure that information
31 about a misdemeanor offense, is transmitted to the Department
32 of State Police.

33 (Source: P.A. 90-590, eff. 1-1-99.)

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

3 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

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

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

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

13 (2) Submit himself or herself to the orders and
14 process of the court;

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

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

19 (5) At a time and place designated by the court,
20 surrender all firearms in his or her possession to a law
21 enforcement officer designated by the court to take
22 custody of and impound the firearms when the offense the
23 person has been charged with is a forcible felony,
24 stalking, aggravated stalking, domestic battery, any
25 violation of either the Illinois Controlled Substances
26 Act or the Cannabis Control Act that is classified as a
27 Class 2 or greater felony, or any felony violation of
28 Article 24 of the Criminal Code of 1961; the court may,
29 however, forgo the imposition of this condition when the
30 circumstances of the case clearly do not warrant it or
31 when its imposition would be impractical; all legally
32 possessed firearms shall be returned to the person upon
33 that person completing a sentence for a conviction on a

1 misdemeanor domestic battery, upon the charges being
2 dismissed, or if the person is found not guilty, unless
3 the finding of not guilty is by reason of insanity; and

4 (6) At a time and place designated by the court,
5 submit to a psychological evaluation when the person has
6 been charged with a violation of item (4) of subsection
7 (a) of Section 24-1 of the Criminal Code of 1961 and that
8 violation occurred in a school or in any conveyance
9 owned, leased, or contracted by a school to transport
10 students to or from school or a school-related activity,
11 or on any public way within 1,000 feet of real property
12 comprising any school.

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

33 (b) The court may impose other conditions, such as the
34 following, if the court finds that such conditions are

1 reasonably necessary to assure the defendant's appearance in
2 court, protect the public from the defendant, or prevent the
3 defendant's unlawful interference with the orderly
4 administration of justice:

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

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

9 (3) Refrain from approaching or communicating with
10 particular persons or classes of persons;

11 (4) Refrain from going to certain described
12 geographical areas or premises;

13 (5) Refrain from engaging in certain activities or
14 indulging in intoxicating liquors or in certain drugs;

15 (6) Undergo treatment for drug addiction or
16 alcoholism;

17 (7) Undergo medical or psychiatric treatment;

18 (8) Work or pursue a course of study or vocational
19 training;

20 (9) Attend or reside in a facility designated by
21 the court;

22 (10) Support his or her dependents;

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

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

28 (13) Remain in the custody of such designated
29 person or organization agreeing to supervise his release.
30 Such third party custodian shall be responsible for
31 notifying the court if the defendant fails to observe the
32 conditions of release which the custodian has agreed to
33 monitor, and shall be subject to contempt of court for
34 failure so to notify the court;

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

7 (14.1) The court shall impose upon a defendant who
8 is charged with any alcohol, cannabis or controlled
9 substance violation and is placed under direct
10 supervision of the Pretrial Services Agency, Probation
11 Department or Court Services Department in a pretrial
12 bond home supervision capacity with the use of an
13 approved monitoring device, as a condition of such bail
14 bond, a fee that represents costs incidental to the
15 electronic monitoring for each day of such bail
16 supervision ordered by the court, unless after
17 determining the inability of the defendant to pay the
18 fee, the court assesses a lesser fee or no fee as the
19 case may be. The fee shall be collected by the clerk of
20 the circuit court. The clerk of the circuit court shall
21 pay all monies collected from this fee to the county
22 treasurer for deposit in the substance abuse services
23 fund under Section 5-1086.1 of the Counties Code;

24 (14.2) The court shall impose upon all defendants,
25 including those defendants subject to paragraph (14.1)
26 above, placed under direct supervision of the Pretrial
27 Services Agency, Probation Department or Court Services
28 Department in a pretrial bond home supervision capacity
29 with the use of an approved monitoring device, as a
30 condition of such bail bond, a fee which shall represent
31 costs incidental to such electronic monitoring for each
32 day of such bail supervision ordered by the court, unless
33 after determining the inability of the defendant to pay
34 the fee, the court assesses a lesser fee or no fee as the

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

9 (14.3) The Chief Judge of the Judicial Circuit may
10 establish reasonable fees to be paid by a person
11 receiving pretrial services while under supervision of a
12 pretrial services agency, probation department, or court
13 services department. Reasonable fees may be charged for
14 pretrial services including, but not limited to, pretrial
15 supervision, diversion programs, electronic monitoring,
16 victim impact services, drug and alcohol testing, and
17 victim mediation services. The person receiving pretrial
18 services may be ordered to pay all costs incidental to
19 pretrial services in accordance with his or her ability
20 to pay those costs.

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

26 (16) Under Section 110-6.5 comply with the
27 conditions of the drug testing program; and

28 (17) Such other reasonable conditions as the court
29 may impose.

30 (c) When a person is charged with an offense under
31 Section 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
32 "Criminal Code of 1961", involving a victim who is a minor
33 under 18 years of age living in the same household with the
34 defendant at the time of the offense, in granting bail or

1 releasing the defendant on his own recognizance, the judge
2 shall impose conditions to restrict the defendant's access to
3 the victim which may include, but are not limited to
4 conditions that he will:

- 5 1. Vacate the Household.
- 6 2. Make payment of temporary support to his
7 dependents.
- 8 3. Refrain from contact or communication with the
9 child victim, except as ordered by the court.

10 (d) When a person is charged with a criminal offense and
11 the victim is a family or household member as defined in
12 Article 112A, conditions shall be imposed at the time of the
13 defendant's release on bond that restrict the defendant's
14 access to the victim. Unless provided otherwise by the court,
15 the restrictions shall include requirements that the
16 defendant do the following:

17 (1) refrain from contact or communication with the
18 victim for a minimum period of 72 hours following the
19 defendant's release; and

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

23 (e) Local law enforcement agencies shall develop
24 standardized bond forms for use in cases involving family or
25 household members as defined in Article 112A, including
26 specific conditions of bond as provided in subsection (d).
27 Failure of any law enforcement department to develop or use
28 those forms shall in no way limit the applicability and
29 enforcement of subsections (d) and (f).

30 (f) If the defendant is admitted to bail after
31 conviction the conditions of the bail bond shall be that he
32 will, in addition to the conditions set forth in subsections
33 (a) and (b) hereof:

- 34 (1) Duly prosecute his appeal;

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

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

5 (4) Comply with such other reasonable conditions as
6 the court may impose; and,

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

11 (Source: P.A. 90-399, eff. 1-1-98; 91-11, eff. 6-4-99;
12 91-312, eff. 1-1-00; 91-696, eff. 4-13-00; 91-903, eff.
13 1-1-01.)

14 Section 15. The Probation and Probation Officers Act is
15 amended by changing Section 15.1 as follows:

16 (730 ILCS 110/15.1) (from Ch. 38, par. 204-7.1)

17 Sec. 15.1. Probation and Court Services Fund.

18 (a) The county treasurer in each county shall establish
19 a probation and court services fund consisting of fees
20 collected pursuant to subsection (i) of Section 5-6-3 and
21 subsection (i) of Section 5-6-3.1 of the Unified Code of
22 Corrections, and subsection (10) of Section 5-615 and
23 subsection (5) of Section 5-715 of the Juvenile Court Act of
24 1987, and paragraph 14.3 of subsection (b) of Section 110-10
25 of the Code of Criminal Procedure of 1963. The county
26 treasurer shall disburse monies from the fund only at the
27 direction of the chief judge of the circuit court in such
28 circuit where the county is located. The county treasurer of
29 each county shall, on or before January 10 of each year,
30 submit an annual report to the Supreme Court.

31 (b) Monies in the probation and court services fund
32 shall be appropriated by the county board to be used within

1 the county or jurisdiction where collected in accordance with
2 policies and guidelines approved by the Supreme Court for the
3 costs of operating the probation and court services
4 department or departments; however, monies in the probation
5 and court services fund shall not be used for the payment of
6 salaries of probation and court services personnel.

7 (c) Monies expended from the probation and court
8 services fund shall be used to supplement, not supplant,
9 county appropriations for probation and court services.

10 (d) Interest earned on monies deposited in a probation
11 and court services fund may be used by the county for its
12 ordinary and contingent expenditures.

13 (e) The county board may appropriate moneys from the
14 probation and court services fund, upon the direction of the
15 chief judge, to support programs that are part of the
16 continuum of juvenile delinquency intervention programs which
17 are or may be developed within the county. The grants from
18 the probation and court services fund shall be for no more
19 than one year and may be used for any expenses attributable
20 to the program including administration and oversight of the
21 program by the probation department.

22 (Source: P.A. 89-198, eff. 7-21-95; 90-590, eff. 1-1-99.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.