

1 AN ACT concerning sex offenders.

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 Sections 5-710 and 5-715 as follows:

6 (705 ILCS 405/5-710)

7 Sec. 5-710. Kinds of sentencing orders.

8 (1) The following kinds of sentencing orders may be made
9 in respect of wards of the court:

10 (a) Except as provided in Sections 5-805, 5-810,
11 5-815, a minor who is found guilty under Section 5-620
12 may be:

13 (i) put on probation or conditional discharge
14 and released to his or her parents, guardian or
15 legal custodian, provided, however, that any such
16 minor who is not committed to the Department of
17 Corrections, Juvenile Division under this subsection
18 and who is found to be a delinquent for an offense
19 which is first degree murder, a Class X felony, or a
20 forcible felony shall be placed on probation;

21 (ii) placed in accordance with Section 5-740,
22 with or without also being put on probation or
23 conditional discharge;

24 (iii) required to undergo a substance abuse
25 assessment conducted by a licensed provider and
26 participate in the indicated clinical level of care;

27 (iv) placed in the guardianship of the
28 Department of Children and Family Services, but only
29 if the delinquent minor is under 13 years of age;

30 (v) placed in detention for a period not to
31 exceed 30 days, either as the exclusive order of

1 disposition or, where appropriate, in conjunction
2 with any other order of disposition issued under
3 this paragraph, provided that any such detention
4 shall be in a juvenile detention home and the minor
5 so detained shall be 10 years of age or older.
6 However, the 30-day limitation may be extended by
7 further order of the court for a minor under age 13
8 committed to the Department of Children and Family
9 Services if the court finds that the minor is a
10 danger to himself or others. The minor shall be
11 given credit on the sentencing order of detention
12 for time spent in detention under Sections 5-501,
13 5-601, 5-710, or 5-720 of this Article as a result
14 of the offense for which the sentencing order was
15 imposed. The court may grant credit on a sentencing
16 order of detention entered under a violation of
17 probation or violation of conditional discharge
18 under Section 5-720 of this Article for time spent
19 in detention before the filing of the petition
20 alleging the violation. A minor shall not be
21 deprived of credit for time spent in detention
22 before the filing of a violation of probation or
23 conditional discharge alleging the same or related
24 act or acts;

25 (vi) ordered partially or completely
26 emancipated in accordance with the provisions of the
27 Emancipation of Mature Minors Act;

28 (vii) subject to having his or her driver's
29 license or driving privileges suspended for such
30 time as determined by the court but only until he or
31 she attains 18 years of age;

32 (viii) put on probation or conditional
33 discharge and placed in detention under Section
34 3-6039 of the Counties Code for a period not to

1 exceed the period of incarceration permitted by law
2 for adults found guilty of the same offense or
3 offenses for which the minor was adjudicated
4 delinquent, and in any event no longer than upon
5 attainment of age 21; this subdivision (viii)
6 notwithstanding any contrary provision of the law;
7 or

8 (ix) ordered to undergo a medical or other
9 procedure to have a tattoo symbolizing allegiance to
10 a street gang removed from his or her body.

11 (b) A minor found to be guilty may be committed to
12 the Department of Corrections, Juvenile Division, under
13 Section 5-750 if the minor is 13 years of age or older,
14 provided that the commitment to the Department of
15 Corrections, Juvenile Division, shall be made only if a
16 term of incarceration is permitted by law for adults
17 found guilty of the offense for which the minor was
18 adjudicated delinquent. The time during which a minor is
19 in custody before being released upon the request of a
20 parent, guardian or legal custodian shall be considered
21 as time spent in detention.

22 (c) When a minor is found to be guilty for an
23 offense which is a violation of the Illinois Controlled
24 Substances Act or the Cannabis Control Act and made a
25 ward of the court, the court may enter a disposition
26 order requiring the minor to undergo assessment,
27 counseling or treatment in a substance abuse program
28 approved by the Department of Human Services.

29 (d) A minor who is found guilty of a sex offense
30 shall be required to undergo a sex offender evaluation.
31 The evaluation shall be conducted by a person
32 specifically trained in evaluation of juvenile sex
33 offenders.

34 (2) Any sentencing order other than commitment to the

1 Department of Corrections, Juvenile Division, may provide for
2 protective supervision under Section 5-725 and may include an
3 order of protection under Section 5-730.

4 (3) Unless the sentencing order expressly so provides,
5 it does not operate to close proceedings on the pending
6 petition, but is subject to modification until final closing
7 and discharge of the proceedings under Section 5-750.

8 (4) In addition to any other sentence, the court may
9 order any minor found to be delinquent to make restitution,
10 in monetary or non-monetary form, under the terms and
11 conditions of Section 5-5-6 of the Unified Code of
12 Corrections, except that the "presentencing hearing" referred
13 to in that Section shall be the sentencing hearing for
14 purposes of this Section. The parent, guardian or legal
15 custodian of the minor may be ordered by the court to pay
16 some or all of the restitution on the minor's behalf,
17 pursuant to the Parental Responsibility Law. The State's
18 Attorney is authorized to act on behalf of any victim in
19 seeking restitution in proceedings under this Section, up to
20 the maximum amount allowed in Section 5 of the Parental
21 Responsibility Law.

22 (5) Any sentencing order where the minor is committed or
23 placed in accordance with Section 5-740 shall provide for the
24 parents or guardian of the estate of the minor to pay to the
25 legal custodian or guardian of the person of the minor such
26 sums as are determined by the custodian or guardian of the
27 person of the minor as necessary for the minor's needs. The
28 payments may not exceed the maximum amounts provided for by
29 Section 9.1 of the Children and Family Services Act.

30 (6) Whenever the sentencing order requires the minor to
31 attend school or participate in a program of training, the
32 truant officer or designated school official shall regularly
33 report to the court if the minor is a chronic or habitual
34 truant under Section 26-2a of the School Code.

1 (7) In no event shall a guilty minor be committed to the
2 Department of Corrections, Juvenile Division for a period of
3 time in excess of that period for which an adult could be
4 committed for the same act.

5 (8) A minor found to be guilty for reasons that include
6 a violation of Section 21-1.3 of the Criminal Code of 1961
7 shall be ordered to perform community service for not less
8 than 30 and not more than 120 hours, if community service is
9 available in the jurisdiction. The community service shall
10 include, but need not be limited to, the cleanup and repair
11 of the damage that was caused by the violation or similar
12 damage to property located in the municipality or county in
13 which the violation occurred. The order may be in addition to
14 any other order authorized by this Section.

15 (8.5) A minor found to be guilty for reasons that
16 include a violation of Section 3.02 or Section 3.03 of the
17 Humane Care for Animals Act or paragraph (d) of subsection
18 (1) of Section 21-1 of the Criminal Code of 1961 shall be
19 ordered to undergo medical or psychiatric treatment rendered
20 by a psychiatrist or psychological treatment rendered by a
21 clinical psychologist. The order may be in addition to any
22 other order authorized by this Section.

23 (9) In addition to any other sentencing order, the court
24 shall order any minor found to be guilty for an act which
25 would constitute, predatory criminal sexual assault of a
26 child, aggravated criminal sexual assault, criminal sexual
27 assault, aggravated criminal sexual abuse, or criminal sexual
28 abuse if committed by an adult to undergo medical testing to
29 determine whether the defendant has any sexually
30 transmissible disease including a test for infection with
31 human immunodeficiency virus (HIV) or any other identified
32 causative agency of acquired immunodeficiency syndrome
33 (AIDS). Any medical test shall be performed only by
34 appropriately licensed medical practitioners and may include

1 an analysis of any bodily fluids as well as an examination of
2 the minor's person. Except as otherwise provided by law, the
3 results of the test shall be kept strictly confidential by
4 all medical personnel involved in the testing and must be
5 personally delivered in a sealed envelope to the judge of the
6 court in which the sentencing order was entered for the
7 judge's inspection in camera. Acting in accordance with the
8 best interests of the victim and the public, the judge shall
9 have the discretion to determine to whom the results of the
10 testing may be revealed. The court shall notify the minor of
11 the results of the test for infection with the human
12 immunodeficiency virus (HIV). The court shall also notify the
13 victim if requested by the victim, and if the victim is under
14 the age of 15 and if requested by the victim's parents or
15 legal guardian, the court shall notify the victim's parents
16 or the legal guardian, of the results of the test for
17 infection with the human immunodeficiency virus (HIV). The
18 court shall provide information on the availability of HIV
19 testing and counseling at the Department of Public Health
20 facilities to all parties to whom the results of the testing
21 are revealed. The court shall order that the cost of any test
22 shall be paid by the county and may be taxed as costs against
23 the minor.

24 (10) When a court finds a minor to be guilty the court
25 shall, before entering a sentencing order under this Section,
26 make a finding whether the offense committed either: (a) was
27 related to or in furtherance of the criminal activities of an
28 organized gang or was motivated by the minor's membership in
29 or allegiance to an organized gang, or (b) involved a
30 violation of subsection (a) of Section 12-7.1 of the Criminal
31 Code of 1961, a violation of any Section of Article 24 of the
32 Criminal Code of 1961, or a violation of any statute that
33 involved the wrongful use of a firearm. If the court
34 determines the question in the affirmative, and the court

1 does not commit the minor to the Department of Corrections,
2 Juvenile Division, the court shall order the minor to perform
3 community service for not less than 30 hours nor more than
4 120 hours, provided that community service is available in
5 the jurisdiction and is funded and approved by the county
6 board of the county where the offense was committed. The
7 community service shall include, but need not be limited to,
8 the cleanup and repair of any damage caused by a violation of
9 Section 21-1.3 of the Criminal Code of 1961 and similar
10 damage to property located in the municipality or county in
11 which the violation occurred. When possible and reasonable,
12 the community service shall be performed in the minor's
13 neighborhood. This order shall be in addition to any other
14 order authorized by this Section except for an order to place
15 the minor in the custody of the Department of Corrections,
16 Juvenile Division. For the purposes of this Section,
17 "organized gang" has the meaning ascribed to it in Section 10
18 of the Illinois Streetgang Terrorism Omnibus Prevention Act.
19 (Source: P.A. 91-98, eff. 1-1-00; 92-454, eff. 1-1-02.)

20 (705 ILCS 405/5-715)

21 Sec. 5-715. Probation.

22 (1) The period of probation or conditional discharge
23 shall not exceed 5 years or until the minor has attained the
24 age of 21 years, whichever is less, except as provided in
25 this Section for a minor who is found to be guilty for an
26 offense which is first degree murder, a Class X felony or a
27 forcible felony. The juvenile court may terminate probation
28 or conditional discharge and discharge the minor at any time
29 if warranted by the conduct of the minor and the ends of
30 justice; provided, however, that the period of probation for
31 a minor who is found to be guilty for an offense which is
32 first degree murder, a Class X felony, or a forcible felony
33 shall be at least 5 years.

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

3 (a) not violate any criminal statute of any
4 jurisdiction;

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

7 (c) work or pursue a course of study or vocational
8 training;

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

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

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

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

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

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

23 (j) attend school;

24 (j-5) with the consent of the superintendent of the
25 facility, attend an educational program at a facility
26 other than the school in which the offense was committed
27 if he or she committed a crime of violence as defined in
28 Section 2 of the Crime Victims Compensation Act in a
29 school, on the real property comprising a school, or
30 within 1,000 feet of the real property comprising a
31 school;

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

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

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

3 (n) perform some reasonable public or community
4 service;

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

9 (p) pay costs;

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

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

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

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

25 (r) refrain from entering into a designated
26 geographic area except upon terms as the court finds
27 appropriate. The terms may include consideration of the
28 purpose of the entry, the time of day, other persons
29 accompanying the minor, and advance approval by a
30 probation officer, if the minor has been placed on
31 probation, or advance approval by the court, if the minor
32 has been placed on conditional discharge;

33 (s) refrain from having any contact, directly or
34 indirectly, with certain specified persons or particular

1 types of persons, including but not limited to members of
2 street gangs and drug users or dealers;

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

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

12 (u) comply with other conditions as may be ordered
13 by the court.

14 (3) The court may as a condition of probation or of
15 conditional discharge require that a minor found guilty on
16 any alcohol, cannabis, or controlled substance violation,
17 refrain from acquiring a driver's license during the period
18 of probation or conditional discharge. If the minor is in
19 possession of a permit or license, the court may require that
20 the minor refrain from driving or operating any motor vehicle
21 during the period of probation or conditional discharge,
22 except as may be necessary in the course of the minor's
23 lawful employment.

24 (3.5) The court shall, as a condition of probation or of
25 conditional discharge, require that a minor found to be
26 guilty and placed on probation for reasons that include a
27 violation of Section 3.02 or Section 3.03 of the Humane Care
28 for Animals Act or paragraph (d) of subsection (1) of Section
29 21-1 of the Criminal Code of 1961 undergo medical or
30 psychiatric treatment rendered by a psychiatrist or
31 psychological treatment rendered by a clinical psychologist.
32 The condition may be in addition to any other condition.

33 (3.6) A minor who is found guilty of a sex offense shall
34 be required to undergo a sex offender evaluation. The

1 evaluation shall be conducted by a person specially trained
2 in evaluation of juvenile sex offenders. The sex offender
3 must successfully complete the type of treatment as
4 determined by the evaluation. Successful completion of
5 treatment and a final evaluation shall serve as a condition
6 for terminating probation, parole, or mandatory supervised
7 release.

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

11 (5) The court shall impose upon a minor placed on
12 probation or conditional discharge, as a condition of the
13 probation or conditional discharge, a fee of \$25 for each
14 month of probation or conditional discharge supervision
15 ordered by the court, unless after determining the inability
16 of the minor placed on probation or conditional discharge to
17 pay the fee, the court assesses a lesser amount. The court
18 may not impose the fee on a minor who is made a ward of the
19 State under this Act while the minor is in placement. The fee
20 shall be imposed only upon a minor who is actively supervised
21 by the probation and court services department. The court may
22 order the parent, guardian, or legal custodian of the minor
23 to pay some or all of the fee on the minor's behalf.

24 (6) The General Assembly finds that in order to protect
25 the public, the juvenile justice system must compel
26 compliance with the conditions of probation by responding to
27 violations with swift, certain, and fair punishments and
28 intermediate sanctions. The Chief Judge of each circuit shall
29 adopt a system of structured, intermediate sanctions for
30 violations of the terms and conditions of a sentence of
31 supervision, probation or conditional discharge, under this
32 Act.

33 The court shall provide as a condition of a disposition
34 of probation, conditional discharge, or supervision, that the

1 probation agency may invoke any sanction from the list of
2 intermediate sanctions adopted by the chief judge of the
3 circuit court for violations of the terms and conditions of
4 the sentence of probation, conditional discharge, or
5 supervision, subject to the provisions of Section 5-720 of
6 this Act.

7 (Source: P.A. 91-98, eff. 1-1-00; 92-282, eff. 8-7-01;
8 92-454, eff. 1-1-02; revised 10-11-01.)

9 Section 10. The Unified Code of Corrections is amended by
10 changing Sections 3-3-7, 3-8-2, 3-10-2, 5-3-1, and 5-6-3 as
11 follows:

12 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

13 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
14 Release.

15 (a) The conditions of parole or mandatory supervised
16 release shall be such as the Prisoner Review Board deems
17 necessary to assist the subject in leading a law-abiding
18 life. The conditions of every parole and mandatory supervised
19 release are that the subject:

20 (1) not violate any criminal statute of any
21 jurisdiction during the parole or release term;

22 (2) refrain from possessing a firearm or other
23 dangerous weapon;

24 (3) report to an agent of the Department of
25 Corrections;

26 (4) permit the agent to visit him or her at his or
27 her home, employment, or elsewhere to the extent
28 necessary for the agent to discharge his or her duties;

29 (5) attend or reside in a facility established for
30 the instruction or residence of persons on parole or
31 mandatory supervised release;

32 (6) secure permission before visiting or writing a

1 committed person in an Illinois Department of Corrections
2 facility;

3 (7) report all arrests to an agent of the
4 Department of Corrections as soon as permitted by the
5 arresting authority but in no event later than 24 hours
6 after release from custody;

7 (8) obtain permission of an agent of the Department
8 of Corrections before leaving the State of Illinois;

9 (9) obtain permission of an agent of the Department
10 of Corrections before changing his or her residence or
11 employment;

12 (10) consent to a search of his or her person,
13 property, or residence under his or her control;

14 (11) refrain from the use or possession of
15 narcotics or other controlled substances in any form, or
16 both, or any paraphernalia related to those substances
17 and submit to a urinalysis test as instructed by a parole
18 agent of the Department of Corrections;

19 (12) not frequent places where controlled
20 substances are illegally sold, used, distributed, or
21 administered;

22 (13) not knowingly associate with other persons on
23 parole or mandatory supervised release without prior
24 written permission of his or her parole agent and not
25 associate with persons who are members of an organized
26 gang as that term is defined in the Illinois Streetgang
27 Terrorism Omnibus Prevention Act;

28 (14) provide true and accurate information, as it
29 relates to his or her adjustment in the community while
30 on parole or mandatory supervised release or to his or
31 her conduct while incarcerated, in response to inquiries
32 by his or her parole agent or of the Department of
33 Corrections; and

34 (15) follow any specific instructions provided by

1 the parole agent that are consistent with furthering
2 conditions set and approved by the Prisoner Review Board
3 or by law, exclusive of placement on electronic
4 detention, to achieve the goals and objectives of his or
5 her parole or mandatory supervised release or to protect
6 the public. These instructions by the parole agent may be
7 modified at any time, as the agent deems appropriate.

8 (b) The Board may in addition to other conditions
9 require that the subject:

10 (1) work or pursue a course of study or vocational
11 training;

12 (2) undergo medical or psychiatric treatment, or
13 treatment for drug addiction or alcoholism;

14 (3) attend or reside in a facility established for
15 the instruction or residence of persons on probation or
16 parole;

17 (4) support his dependents;

18 (5) (blank);

19 (6) (blank);

20 (7) comply with the terms and conditions of an
21 order of protection issued pursuant to the Illinois
22 Domestic Violence Act of 1986, enacted by the 84th
23 General Assembly, or an order of protection issued by the
24 court of another state, tribe, or United States
25 territory; and

26 (8) in addition, if a minor:

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

29 (ii) attend school;

30 (iii) attend a non-residential program for
31 youth; or

32 (iv) contribute to his own support at home or
33 in a foster home.

34 (b-5) The Board shall, as a condition of parole or

1 mandatory supervised release, require that a sex offender
2 undergo an evaluation by a person specially trained in
3 evaluation of sex offenders. The sex offender must
4 successfully complete the type of treatment as determined by
5 the evaluation. Successful completion of treatment and a
6 final evaluation shall serve as a condition for discharge and
7 terminating parole or mandatory supervised release.

8 (c) The conditions under which the parole or mandatory
9 supervised release is to be served shall be communicated to
10 the person in writing prior to his release, and he shall sign
11 the same before release. A signed copy of these conditions,
12 including a copy of an order of protection where one had been
13 issued by the criminal court, shall be retained by the person
14 and another copy forwarded to the officer in charge of his
15 supervision.

16 (d) After a hearing under Section 3-3-9, the Prisoner
17 Review Board may modify or enlarge the conditions of parole
18 or mandatory supervised release.

19 (e) The Department shall inform all offenders committed
20 to the Department of the optional services available to them
21 upon release and shall assist inmates in availing themselves
22 of such optional services upon their release on a voluntary
23 basis.

24 (Source: P.A. 91-903, eff. 1-1-01; 92-460, eff. 1-1-02.)

25 (730 ILCS 5/3-8-2) (from Ch. 38, par. 1003-8-2)
26 Sec. 3-8-2. Social Evaluation.

27 (a) A social evaluation shall be made of a committed
28 person's medical, psychological, educational and vocational
29 condition and history, including the use of alcohol and other
30 drugs, the circumstances of his offense, and such other
31 information as the Department may determine. A social
32 evaluation of sex offenders shall be made by a person
33 specially trained in evaluation of sex offenders. The

1 committed person shall be assigned to an institution or
2 facility in so far as practicable in accordance with the
3 social evaluation. Recommendations shall be made for medical,
4 dental, psychiatric, psychological and social service
5 treatment.

6 (b) A record of the social evaluation shall be entered
7 in the committed person's master record file and shall be
8 forwarded to the institution or facility to which the person
9 is assigned. A social evaluation of sex offenders must be
10 conducted annually to assess further treatment. Each annual
11 assessment shall be reviewed prior to the sex offender's date
12 of release, so as to determine the need for further
13 confinement or other forms of treatment.

14 (c) Upon admission to a correctional institution each
15 committed person shall be given a physical examination. If he
16 is suspected of having a communicable disease that in the
17 judgment of the Department medical personnel requires medical
18 isolation, the committed person shall remain in medical
19 isolation until it is no longer deemed medically necessary.

20 (Source: P.A. 87-1256.)

21 (730 ILCS 5/3-10-2) (from Ch. 38, par. 1003-10-2)

22 Sec. 3-10-2. Examination of Persons Committed to the
23 Juvenile Division.

24 (a) A person committed to the Juvenile Division shall be
25 examined in regard to his medical, psychological, social,
26 educational and vocational condition and history, including
27 the use of alcohol and other drugs, the circumstances of his
28 offense and any other information as the Department may
29 determine. A person committed to the Juvenile Division for
30 any sex offense, as defined in Section 2 of the Sex Offender
31 Registration Act, or as a juvenile sex offender must receive
32 a social evaluation by a person specially trained in the
33 evaluation of juvenile sex offenders.

1 (b) Based on its examination, the Department may
2 exercise the following powers in developing a treatment
3 program of any person committed to the Juvenile Division:

4 (1) Require participation by him in vocational,
5 physical, educational and corrective training and
6 activities to return him to the community.

7 (2) Place him in any institution or facility of the
8 Juvenile Division.

9 (3) Order replacement or referral to the Parole and
10 Pardon Board as often as it deems desirable. The
11 Department shall refer the person to the Parole and
12 Pardon Board as required under Section 3-3-4.

13 (4) Enter into agreements with the Secretary of
14 Human Services and the Director of Children and Family
15 Services, with courts having probation officers, and with
16 private agencies or institutions for separate care or
17 special treatment of persons subject to the control of
18 the Department.

19 (c) The Department shall make periodic reexamination of
20 all persons under the control of the Juvenile Division to
21 determine whether existing orders in individual cases should
22 be modified or continued. This examination shall be made with
23 respect to every person at least once annually.

24 (d) A record of the treatment decision including any
25 modification thereof and the reason therefor, shall be part
26 of the committed person's master record file.

27 (e) The Department shall by certified mail, return
28 receipt requested, notify the parent, guardian or nearest
29 relative of any person committed to the Juvenile Division of
30 his physical location and any change thereof.

31 (Source: P.A. 89-507, eff. 7-1-97.)

32 (730 ILCS 5/5-3-1) (from Ch. 38, par. 1005-3-1)

33 Sec. 5-3-1. Presentence Investigation.

1 (a) A defendant shall not be sentenced for a felony
2 before a written presentence report of investigation is
3 presented to and considered by the court.

4 However, the court need not order a presentence report of
5 investigation where both parties agree to the imposition of a
6 specific sentence, provided there is a finding made for the
7 record as to the defendant's history of delinquency or
8 criminality, including any previous sentence to a term of
9 probation, periodic imprisonment, conditional discharge, or
10 imprisonment.

11 The court may order a presentence investigation of any
12 defendant.

13 (b) A written presentence report of investigation must
14 be presented to and considered by the court before a sex
15 offender shall be sentenced. The report shall be made by a
16 person specially trained in the evaluation of sex offenders.
17 Procedure for investigation and evaluation of sex offenders
18 shall be separate from investigation and evaluation of other
19 felons.

20 (Source: P.A. 80-1099.)

21 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)
22 Sec. 5-6-3. Conditions of Probation and of Conditional
23 Discharge.

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

26 (1) not violate any criminal statute of any
27 jurisdiction;

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

30 (3) refrain from possessing a firearm or other
31 dangerous weapon;

32 (4) not leave the State without the consent of the
33 court or, in circumstances in which the reason for the

1 absence is of such an emergency nature that prior consent
2 by the court is not possible, without the prior
3 notification and approval of the person's probation
4 officer;

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

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

26 (7) if he or she is at least 17 years of age and
27 has been sentenced to probation or conditional discharge
28 for a misdemeanor or felony in a county of 3,000,000 or
29 more inhabitants and has not been previously convicted of
30 a misdemeanor or felony, may be required by the
31 sentencing court to attend educational courses designed
32 to prepare the defendant for a high school diploma and to
33 work toward a high school diploma or to work toward
34 passing the high school level Test of General Educational

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

20 (8) if convicted of possession of a substance
21 prohibited by the Cannabis Control Act or Illinois
22 Controlled Substances Act after a previous conviction or
23 disposition of supervision for possession of a substance
24 prohibited by the Cannabis Control Act or Illinois
25 Controlled Substances Act or after a sentence of
26 probation under Section 10 of the Cannabis Control Act or
27 Section 410 of the Illinois Controlled Substances Act and
28 upon a finding by the court that the person is addicted,
29 undergo treatment at a substance abuse program approved
30 by the court; and

31 (9) if convicted of a felony, physically surrender
32 at a time and place designated by the court, his or her
33 Firearm Owner's Identification Card and any and all
34 firearms in his or her possession.

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

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

9 (2) pay a fine and costs;

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

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

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

16 (6) support his dependents;

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

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

20 (ii) attend school;

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

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

25 (v) with the consent of the superintendent of
26 the facility, attend an educational program at a
27 facility other than the school in which the offense
28 was committed if he or she is convicted of a crime
29 of violence as defined in Section 2 of the Crime
30 Victims Compensation Act committed in a school, on
31 the real property comprising a school, or within
32 1,000 feet of the real property comprising a school;

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

1 (9) perform some reasonable public or community
2 service;

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

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

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

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

19 (iv) for persons convicted of any alcohol,
20 cannabis or controlled substance violation who are
21 placed on an approved monitoring device as a
22 condition of probation or conditional discharge, the
23 court shall impose a reasonable fee for each day of
24 the use of the device, as established by the county
25 board in subsection (g) of this Section, unless
26 after determining the inability of the offender to
27 pay the fee, the court assesses a lesser fee or no
28 fee as the case may be. This fee shall be imposed in
29 addition to the fees imposed under subsections (g)
30 and (i) of this Section. The fee shall be collected
31 by the clerk of the circuit court. The clerk of the
32 circuit court shall pay all monies collected from
33 this fee to the county treasurer for deposit in the
34 substance abuse services fund under Section 5-1086.1

1 of the Counties Code; and

2 (v) for persons convicted of offenses other
3 than those referenced in clause (iv) above and who
4 are placed on an approved monitoring device as a
5 condition of probation or conditional discharge, the
6 court shall impose a reasonable fee for each day of
7 the use of the device, as established by the county
8 board in subsection (g) of this Section, unless
9 after determining the inability of the defendant to
10 pay the fee, the court assesses a lesser fee or no
11 fee as the case may be. This fee shall be imposed in
12 addition to the fees imposed under subsections (g)
13 and (i) of this Section. The fee shall be collected
14 by the clerk of the circuit court. The clerk of the
15 circuit court shall pay all monies collected from
16 this fee to the county treasurer who shall use the
17 monies collected to defray the costs of corrections.
18 The county treasurer shall deposit the fee collected
19 in the county working cash fund under Section
20 6-27001 or Section 6-29002 of the Counties Code, as
21 the case may be.

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

30 (12) reimburse any "local anti-crime program" as
31 defined in Section 7 of the Anti-Crime Advisory Council
32 Act for any reasonable expenses incurred by the program
33 on the offender's case, not to exceed the maximum amount
34 of the fine authorized for the offense for which the

1 defendant was sentenced;

2 (13) contribute a reasonable sum of money, not to
3 exceed the maximum amount of the fine authorized for the
4 offense for which the defendant was sentenced, to a
5 "local anti-crime program", as defined in Section 7 of
6 the Anti-Crime Advisory Council Act;

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

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

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

25 (b-5) The court shall, as a condition of probation or of
26 conditional discharge, require that a sex offender undergo an
27 evaluation by a person specially trained in evaluation of sex
28 offenders. The sex offender must successfully complete the
29 type of treatment as determined by the evaluation. Successful
30 completion of treatment and a final evaluation shall serve as
31 a condition for discharge and terminating parole or mandatory
32 supervised release.

33 (c) The court may as a condition of probation or of
34 conditional discharge require that a person under 18 years of

1 age found guilty of any alcohol, cannabis or controlled
2 substance violation, refrain from acquiring a driver's
3 license during the period of probation or conditional
4 discharge. If such person is in possession of a permit or
5 license, the court may require that the minor refrain from
6 driving or operating any motor vehicle during the period of
7 probation or conditional discharge, except as may be
8 necessary in the course of the minor's lawful employment.

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

12 (e) Except where the offender has committed a fourth or
13 subsequent violation of subsection (c) of Section 6-303 of
14 the Illinois Vehicle Code, the court shall not require as a
15 condition of the sentence of probation or conditional
16 discharge that the offender be committed to a period of
17 imprisonment in excess of 6 months. This 6 month limit shall
18 not include periods of confinement given pursuant to a
19 sentence of county impact incarceration under Section
20 5-8-1.2. This 6 month limit does not apply to a person
21 sentenced to probation as a result of a conviction of a
22 fourth or subsequent violation of subsection (c-4) of Section
23 11-501 of the Illinois Vehicle Code or a similar provision of
24 a local ordinance.

25 Persons committed to imprisonment as a condition of
26 probation or conditional discharge shall not be committed to
27 the Department of Corrections.

28 (f) The court may combine a sentence of periodic
29 imprisonment under Article 7 or a sentence to a county impact
30 incarceration program under Article 8 with a sentence of
31 probation or conditional discharge.

32 (g) An offender sentenced to probation or to conditional
33 discharge and who during the term of either undergoes
34 mandatory drug or alcohol testing, or both, or is assigned to

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

22 (h) Jurisdiction over an offender may be transferred
23 from the sentencing court to the court of another circuit
24 with the concurrence of both courts, or to another state
25 under an Interstate Probation Reciprocal Agreement as
26 provided in Section 3-3-11. Further transfers or retransfers
27 of jurisdiction are also authorized in the same manner. The
28 court to which jurisdiction has been transferred shall have
29 the same powers as the sentencing court.

30 (i) The court shall impose upon an offender sentenced to
31 probation after January 1, 1989 or to conditional discharge
32 after January 1, 1992, as a condition of such probation or
33 conditional discharge, a fee of \$25 for each month of
34 probation or conditional discharge supervision ordered by the

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

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

20 (Source: P.A. 91-325, eff. 7-29-99; 91-696, eff. 4-13-00;
21 91-903, eff. 1-1-01; 92-282, eff. 8-7-01; 92-340, eff.
22 8-10-01; 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; revised
23 10-11-01.)