

1 AN ACT concerning firearms.

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

4 Section 5. The Firearm Owners Identification Card Act
5 is amended by changing Sections 3, 4, 6, 10, and 14 as
6 follows:

7 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

8 Sec. 3. (a) Except as provided in Section 3a, no person
9 ~~within--this--State~~ may knowingly transfer, or cause to be
10 transferred, any firearm or any firearm ammunition to any
11 person within this State unless the transferee with whom he
12 deals displays a currently valid Firearm Owner's
13 Identification Card which has previously been issued in his
14 name by the Department of State Police under the provisions
15 of this Act. In addition, all firearm transfers by federally
16 licensed firearm dealers are subject to Section 3.1.

17 (b) Any person within this State who transfers or causes
18 to be transferred any firearm shall keep a record of such
19 transfer for a period of 10 years from the date of transfer.
20 Such record shall contain the date of the transfer; the
21 description, serial number or other information identifying
22 the firearm if no serial number is available; and, if the
23 transfer was completed within this State, the transferee's
24 Firearm Owner's Identification Card number. On demand of a
25 peace officer such transferor shall produce for inspection
26 such record of transfer.

27 (c) The provisions of this Section regarding the
28 transfer of firearm ammunition shall not apply to those
29 persons specified in paragraph (b) of Section 2 of this Act.

30 (Source: P.A. 87-299.)

1 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

2 Sec. 4. (a) Each applicant for a Firearm Owner's
3 Identification Card must:

4 (1) Make application on blank forms prepared and
5 furnished at convenient locations throughout the State by
6 the Department of State Police; and

7 (2) Submit evidence ~~under penalty of perjury~~ to the
8 Department of State Police that:

9 (i) He or she is 21 years of age or over, or
10 if he or she is under 21 years of age that he or she
11 has the written consent of his or her parent or
12 legal guardian to possess and acquire firearms and
13 firearm ammunition and that he or she has never been
14 convicted of a misdemeanor other than a traffic
15 offense or adjudged delinquent, provided, however,
16 that such parent or legal guardian is not an
17 individual prohibited from having a Firearm Owner's
18 Identification Card and files an affidavit with the
19 Department as prescribed by the Department stating
20 that he or she is not an individual prohibited from
21 having a Card;

22 (ii) He or she has not been convicted of a
23 felony under the laws of this or any other
24 jurisdiction;

25 (iii) He or she is not addicted to narcotics;

26 (iv) He or she has not been a patient in a
27 mental institution within the past 5 years;

28 (v) He or she is not mentally retarded;

29 (vi) He or she is not an alien who is
30 unlawfully present in the United States under the
31 laws of the United States;

32 (vii) He or she is not subject to an existing
33 order of protection prohibiting him or her from
34 possessing a firearm;

1 (viii) He or she has not been convicted within
2 the past 5 years of battery, assault, aggravated
3 assault, violation of an order of protection, or a
4 substantially similar offense in another
5 jurisdiction, in which a firearm was used or
6 possessed;

7 (ix) He or she has not been convicted of
8 domestic battery or a substantially similar offense
9 in another jurisdiction committed on or after the
10 effective date of this amendatory Act of 1997; and

11 (x) He or she has not been convicted within
12 the past 5 years of domestic battery or a
13 substantially similar offense in another
14 jurisdiction committed before the effective date of
15 this amendatory Act of 1997; and

16 (3) Upon request by the Department of State Police,
17 sign a release on a form prescribed by the Department of
18 State Police waiving any right to confidentiality and
19 requesting the disclosure to the Department of State
20 Police of limited mental health institution admission
21 information from another state, the District of Columbia,
22 any other territory of the United States, or a foreign
23 nation concerning the applicant for the sole purpose of
24 determining whether the applicant is or was a patient in
25 a mental health institution and disqualified because of
26 that status from receiving a Firearm Owner's
27 Identification Card. No mental health care or treatment
28 records may be requested. The information received shall
29 be destroyed within one year of receipt.

30 (a-5) Each applicant for a Firearm Owner's
31 Identification Card who is over the age of 18 shall furnish
32 to the Department of State Police either his or her driver's
33 license number or Illinois Identification Card number.

34 (b) Each application form shall include the following

1 statement printed in bold type: "Warning: Entering false
 2 information on an application for a Firearm Owner's
 3 Identification Card is punishable as a Class 2 felony in
 4 accordance with subsection (d-5) of Section 14 of the Firearm
 5 Owners Identification Card Act. False--statements--of--the
 6 applicant---shall---result--in--prosecution--for--perjury--in
 7 accordance-with-Section-32-2-of-the-Criminal-Code-of-1961-".

8 (c) Upon such written consent, pursuant to Section 4,
 9 paragraph (a) (2) (i), the parent or legal guardian giving
 10 the consent shall be liable for any damages resulting from
 11 the applicant's use of firearms or firearm ammunition.

12 (Source: P.A. 90-493, eff. 1-1-98; 91-514, eff. 1-1-00;
 13 91-694, eff. 4-13-00.)

14 (430 ILCS 65/6) (from Ch. 38, par. 83-6)

15 Sec. 6. Contents of Firearm Owner's Identification Card.

16 (a) A Firearm Owner's Identification Card, issued by the
 17 Department of State Police at such places as the Director of
 18 the Department shall specify, shall contain the applicant's
 19 name, residence, date of birth, sex, physical description,
 20 recent photograph and signature such--other--personal
 21 identifying-information-as-may-be-required-by--the--Director.
 22 Each Firearm Owner's Identification Card must have the
 23 expiration date boldly and conspicuously displayed on the
 24 face of the card. Each Firearm Owner's Identification Card
 25 must have printed on it the following: "CAUTION - This card
 26 does not permit bearer to UNLAWFULLY carry or use firearms."
 27 The Department shall use a person's digital photograph and
 28 signature from his or her Illinois driver's license or
 29 Illinois Identification Card, if available.

30 (b) A person applying for a Firearm Owner's
 31 Identification Card shall consent to the Department of State
 32 Police using the applicant's digital driver's license or
 33 Illinois Identification Card photograph, if available, and

1 signature on the applicant's Firearm Owner's Identification
2 Card. The Secretary of State shall allow the Department of
3 State Police access to the photograph and signature for the
4 purpose of identifying the applicant and issuing to the
5 applicant a Firearm Owner's Identification Card.

6 (c) The Secretary of State shall conduct a study to
7 determine the cost and feasibility of creating a method of
8 adding an identifiable code, background, or other means on
9 the driver's license or Illinois Identification Card to show
10 that an individual is not disqualified from owning or
11 possessing a firearm under State or federal law. The
12 Secretary shall report the findings of this study 12 months
13 after the effective date of this amendatory Act of the 92nd
14 General Assembly.

15 (Source: P.A. 91-694, eff. 4-13-00.)

16 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

17 Sec. 10. (a) Whenever an application for a Firearm
18 Owner's Identification Card is denied, whenever the
19 Department fails to act on an application within 30 days of
20 its receipt, or whenever such a Card is revoked or seized as
21 provided for in Section 8 of this Act, the aggrieved party
22 may appeal to the Director of the Department of State Police
23 for a hearing upon such denial, revocation or seizure, unless
24 the denial, revocation, or seizure was based upon a forcible
25 felony, stalking, aggravated stalking, domestic battery, any
26 violation of either the Illinois Controlled Substances Act or
27 the Cannabis Control Act that is classified as a Class 2 or
28 greater felony, or any felony violation of Article 24 of the
29 Criminal Code of 1961, in which case the aggrieved party may
30 petition the circuit court in writing in the county of his or
31 her residence for a hearing upon such denial, revocation, or
32 seizure.

33 (b) At least 30 days before any hearing in the circuit

1 court, the petitioner shall serve the relevant State's
 2 Attorney with a copy of the petition. The State's Attorney
 3 may object to the petition and present evidence. At the
 4 hearing the court shall determine whether substantial justice
 5 has been done. Should the court determine that substantial
 6 justice has not been done, the court shall issue an order
 7 directing the Department of State Police to issue a Card.
 8 ~~Whenever,--upon--the--receipt--of--such--an--appeal--for--a--hearing,~~
 9 ~~the--Director--is--satisfied--that--substantial--justice--has--not~~
 10 ~~been--done,--he--may--order--a--hearing--to--be--held--by--the~~
 11 ~~Department--upon--the--denial--or--revocation.~~

12 (c) Any person prohibited from possessing a firearm
 13 under Sections 24-1.1 or 24-3.1 of the Criminal Code of 1961
 14 or acquiring a Firearm Owner's Identification Card under
 15 Section 8 of this Act may apply to the Director of the
 16 Department of State Police or petition the circuit court in
 17 the county where the petitioner resides, whichever is
 18 applicable in accordance with subsection (a) of this Section,
 19 requesting relief from such prohibition and the Director or
 20 court may grant such relief if it is established by the
 21 applicant to the court's or Director's satisfaction that:

22 (0.05) when in the circuit court, the State's Attorney
 23 has been served with a written copy of the petition at least
 24 30 days before any such hearing in the circuit court and at
 25 the hearing the State's Attorney was afforded an opportunity
 26 to present evidence and object to the petition;

27 (1) the applicant has not been convicted of a forcible
 28 felony under the laws of this State or any other jurisdiction
 29 within 20 years of the applicant's application for a Firearm
 30 Owner's Identification Card, or at least 20 years have passed
 31 since the end of any period of imprisonment imposed in
 32 relation to that conviction;

33 (2) the circumstances regarding a criminal conviction,
 34 where applicable, the applicant's criminal history and his

1 reputation are such that the applicant will not be likely to
2 act in a manner dangerous to public safety; and

3 (3) granting relief would not be contrary to the public
4 interest.

5 (Source: P.A. 85-920.)

6 (430 ILCS 65/14) (from Ch. 38, par. 83-14)
7 Sec. 14. Sentence.

8 (a) A violation of paragraph (1) of subsection (a) of
9 Section 2, when the person's Firearm Owner's Identification
10 Card is expired but the person is not otherwise disqualified
11 from renewing the card, is a Class A misdemeanor.

12 (b) Except as provided in subsection (a) with respect to
13 an expired card, a violation of paragraph (1) of subsection
14 (a) of Section 2 is a Class A misdemeanor when the person
15 does not possess a currently valid Firearm Owner's
16 Identification Card, but is otherwise eligible under this
17 Act. A second or subsequent violation is a Class 4 felony.

18 (c) A violation of paragraph (1) of subsection (a) of
19 Section 2 is a Class 3 felony when:

20 (1) the person's Firearm Owner's Identification
21 Card is revoked or subject to revocation under Section 8;
22 or

23 (2) the person's Firearm Owner's Identification
24 Card is expired and not otherwise eligible for renewal
25 under this Act; or

26 (3) the person does not possess a currently valid
27 Firearm Owner's Identification Card, and the person is
28 not otherwise eligible under this Act.

29 (d) A violation of subsection (a) of Section 3 is a
30 Class 4 felony. A third or subsequent conviction is a Class 1
31 felony.

32 (d-5) Any person who knowingly enters false information
33 on an application for a Firearm Owner's Identification Card,

1 who knowingly gives a false answer to any question on the
 2 application, or who knowingly submits false evidence in
 3 connection with an application is guilty of a Class 2 felony.

4 (e) Any other violation of this Act is a Class A
 5 misdemeanor.

6 (Source: P.A. 91-694, eff. 4-13-00.)

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

9 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

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

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

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

19 (2) Submit himself or herself to the orders and
 20 process of the court;

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

23 (4) Not violate any criminal statute of any
 24 jurisdiction;

25 (5) At a time and place designated by the court,
 26 surrender all firearms in his or her possession to a law
 27 enforcement officer designated by the court to take
 28 custody of and impound the firearms and physically
 29 surrender his or her Firearm Owner's Identification Card
 30 to the clerk of the circuit court when the offense the
 31 person has been charged with is a forcible felony,
 32 stalking, aggravated stalking, domestic battery, any

1 violation of either the Illinois Controlled Substances
2 Act or the Cannabis Control Act that is classified as a
3 Class 2 or greater felony, or any felony violation of
4 Article 24 of the Criminal Code of 1961; the court may,
5 however, forgo the imposition of this condition when the
6 circumstances of the case clearly do not warrant it or
7 when its imposition would be impractical; all legally
8 possessed firearms shall be returned to the person upon
9 that person completing a sentence for a conviction on a
10 misdemeanor domestic battery, upon the charges being
11 dismissed, or if the person is found not guilty, unless
12 the finding of not guilty is by reason of insanity; and

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

22 Psychological evaluations ordered pursuant to this
23 Section shall be completed promptly and made available to the
24 State, the defendant, and the court. As a further condition
25 of bail under these circumstances, the court shall order the
26 defendant to refrain from entering upon the property of the
27 school, including any conveyance owned, leased, or contracted
28 by a school to transport students to or from school or a
29 school-related activity, or on any public way within 1,000
30 feet of real property comprising any school. Upon receipt of
31 the psychological evaluation, either the State or the
32 defendant may request a change in the conditions of bail,
33 pursuant to Section 110-6 of this Code. The court may change
34 the conditions of bail to include a requirement that the

1 defendant follow the recommendations of the psychological
2 evaluation, including undergoing psychiatric treatment. The
3 conclusions of the psychological evaluation and any
4 statements elicited from the defendant during its
5 administration are not admissible as evidence of guilt during
6 the course of any trial on the charged offense, unless the
7 defendant places his or her mental competency in issue.

8 (b) The court may impose other conditions, such as the
9 following, if the court finds that such conditions are
10 reasonably necessary to assure the defendant's appearance in
11 court, protect the public from the defendant, or prevent the
12 defendant's unlawful interference with the orderly
13 administration of justice:

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

16 (2) Refrain from possessing a firearm or other
17 dangerous weapon;

18 (3) Refrain from approaching or communicating with
19 particular persons or classes of persons;

20 (4) Refrain from going to certain described
21 geographical areas or premises;

22 (5) Refrain from engaging in certain activities or
23 indulging in intoxicating liquors or in certain drugs;

24 (6) Undergo treatment for drug addiction or
25 alcoholism;

26 (7) Undergo medical or psychiatric treatment;

27 (8) Work or pursue a course of study or vocational
28 training;

29 (9) Attend or reside in a facility designated by
30 the court;

31 (10) Support his or her dependents;

32 (11) If a minor resides with his or her parents or
33 in a foster home, attend school, attend a non-residential
34 program for youths, and contribute to his or her own

1 support at home or in a foster home;

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

3 (13) Remain in the custody of such designated
4 person or organization agreeing to supervise his release.
5 Such third party custodian shall be responsible for
6 notifying the court if the defendant fails to observe the
7 conditions of release which the custodian has agreed to
8 monitor, and shall be subject to contempt of court for
9 failure so to notify the court;

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

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

33 (14.2) The court shall impose upon all defendants,
34 including those defendants subject to paragraph (14.1)

1 above, placed under direct supervision of the Pretrial
2 Services Agency, Probation Department or Court Services
3 Department in a pretrial bond home supervision capacity
4 with the use of an approved monitoring device, as a
5 condition of such bail bond, a fee which shall represent
6 costs incidental to such electronic monitoring for each
7 day of such bail supervision ordered by the court, unless
8 after determining the inability of the defendant to pay
9 the fee, the court assesses a lesser fee or no fee as the
10 case may be. The fee shall be collected by the clerk of
11 the circuit court. The clerk of the circuit court shall
12 pay all monies collected from this fee to the county
13 treasurer who shall use the monies collected to defray
14 the costs of corrections. The county treasurer shall
15 deposit the fee collected in the county working cash fund
16 under Section 6-27001 or Section 6-29002 of the Counties
17 Code, as the case may be;

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

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

25 (17) Such other reasonable conditions as the court
26 may impose.

27 (c) When a person is charged with an offense under
28 Section 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
29 "Criminal Code of 1961", involving a victim who is a minor
30 under 18 years of age living in the same household with the
31 defendant at the time of the offense, in granting bail or
32 releasing the defendant on his own recognizance, the judge
33 shall impose conditions to restrict the defendant's access to
34 the victim which may include, but are not limited to

1 conditions that he will:

2 1. Vacate the Household.

3 2. Make payment of temporary support to his
4 dependents.

5 3. Refrain from contact or communication with the
6 child victim, except as ordered by the court.

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

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

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

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

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

31 (1) Duly prosecute his appeal;

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

34 (3) Not depart this State without leave of the

1 court;

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

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

8 (g) Upon a finding of guilty for any felony offense, the
9 defendant shall physically surrender any and all firearms in
10 his or her possession and shall physically surrender his or
11 her Firearm Owner's Identification Card as a condition of
12 remaining on bond pending sentencing.

13 (Source: P.A. 90-399, eff. 1-1-98; 91-11, eff. 6-4-99;
14 91-312, eff. 1-1-00; 91-696, eff. 4-13-00; 91-903, eff.
15 1-1-01.)

16 Section 15. The Unified Code of Corrections is amended
17 by changing Section 5-6-3 as follows:

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

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

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

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

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

27 (3) refrain from possessing a firearm or other
28 dangerous weapon;

29 (4) not leave the State without the consent of the
30 court or, in circumstances in which the reason for the
31 absence is of such an emergency nature that prior consent
32 by the court is not possible, without the prior

1 notification and approval of the person's probation
2 officer;

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

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

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

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

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

29 (9) if convicted of a felony, physically surrender
30 his or her Firearm Owner's Identification Card and
31 physically surrender any and all firearms in his or her
32 possession.

33 (b) The Court may in addition to other reasonable
34 conditions relating to the nature of the offense or the

1 rehabilitation of the defendant as determined for each
2 defendant in the proper discretion of the Court require that
3 the person:

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

7 (2) pay a fine and costs;

8 (3) work or pursue a course of study or vocational
9 training;

10 (4) undergo medical, psychological or psychiatric
11 treatment; or treatment for drug addiction or alcoholism;

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

14 (6) support his dependents;

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

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

18 (ii) attend school;

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

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

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

25 (9) perform some reasonable public or community
26 service;

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

31 (i) remain within the interior premises of the
32 place designated for his confinement during the
33 hours designated by the court;

34 (ii) admit any person or agent designated by

1 the court into the offender's place of confinement
2 at any time for purposes of verifying the offender's
3 compliance with the conditions of his confinement;
4 and

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

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

26 (v) for persons convicted of offenses other
27 than those referenced in clause (iv) above and who
28 are placed on an approved monitoring device as a
29 condition of probation or conditional discharge, the
30 court shall impose a reasonable fee for each day of
31 the use of the device, as established by the county
32 board in subsection (g) of this Section, unless
33 after determining the inability of the defendant to
34 pay the fee, the court assesses a lesser fee or no

1 fee as the case may be. This fee shall be imposed
2 in addition to the fees imposed under subsections
3 (g) and (i) of this Section. The fee shall be
4 collected by the clerk of the circuit court. The
5 clerk of the circuit court shall pay all monies
6 collected from this fee to the county treasurer who
7 shall use the monies collected to defray the costs
8 of corrections. The county treasurer shall deposit
9 the fee collected in the county working cash fund
10 under Section 6-27001 or Section 6-29002 of the
11 Counties Code, as the case may be.

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

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

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

31 (14) refrain from entering into a designated
32 geographic area except upon such terms as the court finds
33 appropriate. Such terms may include consideration of the
34 purpose of the entry, the time of day, other persons

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

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

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

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

25 (d) An offender sentenced to probation or to conditional
26 discharge shall be given a certificate setting forth the
27 conditions thereof.

28 (e) The court shall not require as a condition of the
29 sentence of probation or conditional discharge that the
30 offender be committed to a period of imprisonment in excess
31 of 6 months. This 6 month limit shall not include periods of
32 confinement given pursuant to a sentence of county impact
33 incarceration under Section 5-8-1.2.

34 Persons committed to imprisonment as a condition of

1 probation or conditional discharge shall not be committed to
2 the Department of Corrections.

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

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

31 (h) Jurisdiction over an offender may be transferred
32 from the sentencing court to the court of another circuit
33 with the concurrence of both courts, or to another state
34 under an Interstate Probation Reciprocal Agreement as

1 provided in Section 3-3-11. Further transfers or retransfers
2 of jurisdiction are also authorized in the same manner. The
3 court to which jurisdiction has been transferred shall have
4 the same powers as the sentencing court.

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

22 (j) All fines and costs imposed under this Section for
23 any violation of Chapters 3, 4, 6, and 11 of the Illinois
24 Vehicle Code, or a similar provision of a local ordinance,
25 and any violation of the Child Passenger Protection Act, or a
26 similar provision of a local ordinance, shall be collected
27 and disbursed by the circuit clerk as provided under Section
28 27.5 of the Clerks of Courts Act.

29 (Source: P.A. 90-14, eff. 7-1-97; 90-399, eff. 1-1-98;
30 90-504, eff. 1-1-98; 90-655, eff. 7-30-98; 91-325, eff.
31 7-29-99; 91-696, eff. 4-13-00; 91-903, eff. 1-1-01.)

32 Section 99. Effective date. This Act takes effect upon
33 becoming law.