



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1548

Introduced 2/22/2007, by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-7
730 ILCS 5/5-6-3

from Ch. 38, par. 1003-3-7
from Ch. 38, par. 1005-6-3

Amends the Unified Code of Corrections. Provides that a person convicted of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse, when the victim of any of these offenses was under 18 years of age at the time of the commission of the offense, and the defendant used force or the threat of force in the commission of the offense shall, as a condition of parole, mandatory supervised release, or probation (if probation is available for such offense) wear an approved electronic monitoring device that has Global Positioning System (GPS) capability for the duration of the defendant's natural life.

LRB095 09011 RLC 29202 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-3-7 and 5-6-3 as follows:

6 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

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

9 (a) The conditions of parole or mandatory supervised
10 release shall be such as the Prisoner Review Board deems
11 necessary to assist the subject in leading a law-abiding life.
12 The conditions of every parole and mandatory supervised release
13 are that the subject:

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

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

18 (3) report to an agent of the Department of
19 Corrections;

20 (4) permit the agent to visit him or her at his or her
21 home, employment, or elsewhere to the extent necessary for
22 the agent to discharge his or her duties;

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

1 instruction or residence of persons on parole or mandatory
2 supervised release;

3 (6) secure permission before visiting or writing a
4 committed person in an Illinois Department of Corrections
5 facility;

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

10 (7.5) if convicted of a sex offense as defined in the
11 Sex Offender Management Board Act, the individual shall
12 undergo and successfully complete sex offender treatment
13 conducted in conformance with the standards developed by
14 the Sex Offender Management Board Act by a treatment
15 provider approved by the Board;

16 (7.6) if convicted of a sex offense as defined in the
17 Sex Offender Management Board Act, refrain from residing at
18 the same address or in the same condominium unit or
19 apartment unit or in the same condominium complex or
20 apartment complex with another person he or she knows or
21 reasonably should know is a convicted sex offender or has
22 been placed on supervision for a sex offense; the
23 provisions of this paragraph do not apply to a person
24 convicted of a sex offense who is placed in a Department of
25 Corrections licensed transitional housing facility for sex
26 offenders, or is in any facility operated or licensed by

1 the Department of Children and Family Services or by the
2 Department of Human Services, or is in any licensed medical
3 facility;

4 (7.7) if convicted for an offense that would qualify
5 the accused as a sexual predator under the Sex Offender
6 Registration Act on or after the effective date of this
7 amendatory Act of the 94th General Assembly, wear an
8 approved electronic monitoring device as defined in
9 Section 5-8A-2 for the duration of the person's parole,
10 mandatory supervised release term, or extended mandatory
11 supervised release term, provided funding is appropriated
12 by the General Assembly;

13 (7.8) if convicted of any of the following offenses
14 committed on or after the effective date of this amendatory
15 Act of the 95th General Assembly when the victim was under
16 18 years of age at the time of the commission of the
17 offense and the defendant used force or the threat of force
18 in the commission of the offense: criminal sexual assault,
19 aggravated criminal sexual assault, predatory criminal
20 sexual assault of a child, criminal sexual abuse, or
21 aggravated criminal sexual abuse, wear an approved
22 electronic monitoring device as defined in Section 5-8A-2
23 that has Global Positioning System (GPS) capability for the
24 duration of the defendant's natural life;

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

1 (9) obtain permission of an agent of the Department of
2 Corrections before changing his or her residence or
3 employment;

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

6 (11) refrain from the use or possession of narcotics or
7 other controlled substances in any form, or both, or any
8 paraphernalia related to those substances and submit to a
9 urinalysis test as instructed by a parole agent of the
10 Department of Corrections;

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

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

19 (14) provide true and accurate information, as it
20 relates to his or her adjustment in the community while on
21 parole or mandatory supervised release or to his or her
22 conduct while incarcerated, in response to inquiries by his
23 or her parole agent or of the Department of Corrections;

24 (15) follow any specific instructions provided by the
25 parole agent that are consistent with furthering
26 conditions set and approved by the Prisoner Review Board or

1 by law, exclusive of placement on electronic detention, to
2 achieve the goals and objectives of his or her parole or
3 mandatory supervised release or to protect the public.
4 These instructions by the parole agent may be modified at
5 any time, as the agent deems appropriate; and

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

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

18 (1) work or pursue a course of study or vocational
19 training;

20 (2) undergo medical or psychiatric treatment, or
21 treatment for drug addiction or alcoholism;

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

24 (4) support his dependents;

25 (5) (blank);

26 (6) (blank);

1 (7) comply with the terms and conditions of an order of
2 protection issued pursuant to the Illinois Domestic
3 Violence Act of 1986, enacted by the 84th General Assembly,
4 or an order of protection issued by the court of another
5 state, tribe, or United States territory; and

6 (8) in addition, if a minor:

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

8 (ii) attend school;

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

10 or

11 (iv) contribute to his own support at home or in a
12 foster home.

13 (b-1) In addition to the conditions set forth in
14 subsections (a) and (b), persons required to register as sex
15 offenders pursuant to the Sex Offender Registration Act, upon
16 release from the custody of the Illinois Department of
17 Corrections, may be required by the Board to comply with the
18 following specific conditions of release:

19 (1) reside only at a Department approved location;

20 (2) comply with all requirements of the Sex Offender
21 Registration Act;

22 (3) notify third parties of the risks that may be
23 occasioned by his or her criminal record;

24 (4) obtain the approval of an agent of the Department
25 of Corrections prior to accepting employment or pursuing a
26 course of study or vocational training and notify the

1 Department prior to any change in employment, study, or
2 training;

3 (5) not be employed or participate in any volunteer
4 activity that involves contact with children, except under
5 circumstances approved in advance and in writing by an
6 agent of the Department of Corrections;

7 (6) be electronically monitored for a minimum of 12
8 months from the date of release as determined by the Board;

9 (7) refrain from entering into a designated geographic
10 area except upon terms approved in advance by an agent of
11 the Department of Corrections. The terms may include
12 consideration of the purpose of the entry, the time of day,
13 and others accompanying the person;

14 (8) refrain from having any contact, including written
15 or oral communications, directly or indirectly, personally
16 or by telephone, letter, or through a third party with
17 certain specified persons including, but not limited to,
18 the victim or the victim's family without the prior written
19 approval of an agent of the Department of Corrections;

20 (9) refrain from all contact, directly or indirectly,
21 personally, by telephone, letter, or through a third party,
22 with minor children without prior identification and
23 approval of an agent of the Department of Corrections;

24 (10) neither possess or have under his or her control
25 any material that is sexually oriented, sexually
26 stimulating, or that shows male or female sex organs or any

1 pictures depicting children under 18 years of age nude or
2 any written or audio material describing sexual
3 intercourse or that depicts or alludes to sexual activity,
4 including but not limited to visual, auditory, telephonic,
5 or electronic media, or any matter obtained through access
6 to any computer or material linked to computer access use;

7 (11) not patronize any business providing sexually
8 stimulating or sexually oriented entertainment nor utilize
9 "900" or adult telephone numbers;

10 (12) not reside near, visit, or be in or about parks,
11 schools, day care centers, swimming pools, beaches,
12 theaters, or any other places where minor children
13 congregate without advance approval of an agent of the
14 Department of Corrections and immediately report any
15 incidental contact with minor children to the Department;

16 (13) not possess or have under his or her control
17 certain specified items of contraband related to the
18 incidence of sexually offending as determined by an agent
19 of the Department of Corrections;

20 (14) may be required to provide a written daily log of
21 activities if directed by an agent of the Department of
22 Corrections;

23 (15) comply with all other special conditions that the
24 Department may impose that restrict the person from
25 high-risk situations and limit access to potential
26 victims.

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

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

12 (e) The Department shall inform all offenders committed to
13 the Department of the optional services available to them upon
14 release and shall assist inmates in availing themselves of such
15 optional services upon their release on a voluntary basis.

16 (Source: P.A. 93-616, eff. 1-1-04; 93-865, eff. 1-1-05; 94-159,
17 eff. 7-11-05; 94-161, eff. 7-11-05; 94-988, eff. 1-1-07.)

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

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

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

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

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

1 agency as directed by the court;

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

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

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

16 (6) perform no less than 30 hours of community service
17 and not more than 120 hours of community service, if
18 community service is available in the jurisdiction and is
19 funded and approved by the county board where the offense
20 was committed, where the offense was related to or in
21 furtherance of the criminal activities of an organized gang
22 and was motivated by the offender's membership in or
23 allegiance to an organized gang. The community service
24 shall include, but not be limited to, the cleanup and
25 repair of any damage caused by a violation of Section
26 21-1.3 of the Criminal Code of 1961 and similar damage to

1 property located within the municipality or county in which
2 the violation occurred. When possible and reasonable, the
3 community service should be performed in the offender's
4 neighborhood. For purposes of this Section, "organized
5 gang" has the meaning ascribed to it in Section 10 of the
6 Illinois Streetgang Terrorism Omnibus Prevention Act;

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

1 discharge has been revoked as provided in Section 5-6-4.
2 This clause (7) does not apply to a person who has a high
3 school diploma or has successfully passed the GED test.
4 This clause (7) does not apply to a person who is
5 determined by the court to be developmentally disabled or
6 otherwise mentally incapable of completing the educational
7 or vocational program;

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

21 (8.5) if convicted of a felony sex offense as defined
22 in the Sex Offender Management Board Act, the person shall
23 undergo and successfully complete sex offender treatment
24 by a treatment provider approved by the Board and conducted
25 in conformance with the standards developed under the Sex
26 Offender Management Board Act;

1 (8.6) if convicted of a sex offense as defined in the
2 Sex Offender Management Board Act, refrain from residing at
3 the same address or in the same condominium unit or
4 apartment unit or in the same condominium complex or
5 apartment complex with another person he or she knows or
6 reasonably should know is a convicted sex offender or has
7 been placed on supervision for a sex offense; the
8 provisions of this paragraph do not apply to a person
9 convicted of a sex offense who is placed in a Department of
10 Corrections licensed transitional housing facility for sex
11 offenders; ~~and~~

12 (8.7) if convicted of any of the following offenses
13 committed on or after the effective date of this amendatory
14 Act of the 95th General Assembly when the victim was under
15 18 years of age at the time of the commission of the
16 offense and the defendant used force or the threat of force
17 in the commission of the offense: criminal sexual abuse or
18 aggravated criminal sexual abuse, wear an approved
19 electronic monitoring device as defined in Section 5-8A-2
20 that has Global Positioning System (GPS) capability for the
21 duration of the defendant's natural life;

22 (9) if convicted of a felony, physically surrender at a
23 time and place designated by the court, his or her Firearm
24 Owner's Identification Card and any and all firearms in his
25 or her possession; and

26 (10) if convicted of a sex offense as defined in

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

10 (b) The Court may in addition to other reasonable
11 conditions relating to the nature of the offense or the
12 rehabilitation of the defendant as determined for each
13 defendant in the proper discretion of the Court require that
14 the person:

15 (1) serve a term of periodic imprisonment under Article
16 7 for a period not to exceed that specified in paragraph

17 (d) of Section 5-7-1;

18 (2) pay a fine and costs;

19 (3) work or pursue a course of study or vocational
20 training;

21 (4) undergo medical, psychological or psychiatric
22 treatment; or treatment for drug addiction or alcoholism;

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

25 (6) support his dependents;

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

- 1 (i) reside with his parents or in a foster home;
- 2 (ii) attend school;
- 3 (iii) attend a non-residential program for youth;
- 4 (iv) contribute to his own support at home or in a
5 foster home;
- 6 (v) with the consent of the superintendent of the
7 facility, attend an educational program at a facility
8 other than the school in which the offense was
9 committed if he or she is convicted of a crime of
10 violence as defined in Section 2 of the Crime Victims
11 Compensation Act committed in a school, on the real
12 property comprising a school, or within 1,000 feet of
13 the real property comprising a school;
- 14 (8) make restitution as provided in Section 5-5-6 of
15 this Code;
- 16 (9) perform some reasonable public or community
17 service;
- 18 (10) serve a term of home confinement. In addition to
19 any other applicable condition of probation or conditional
20 discharge, the conditions of home confinement shall be that
21 the offender:
- 22 (i) remain within the interior premises of the
23 place designated for his confinement during the hours
24 designated by the court;
- 25 (ii) admit any person or agent designated by the
26 court into the offender's place of confinement at any

1 time for purposes of verifying the offender's
2 compliance with the conditions of his confinement; and

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

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

23 (v) for persons convicted of offenses other than
24 those referenced in clause (iv) above and who are
25 placed on an approved monitoring device as a condition
26 of probation or conditional discharge, the court shall

1 impose a reasonable fee for each day of the use of the
2 device, as established by the county board in
3 subsection (g) of this Section, unless after
4 determining the inability of the defendant to pay the
5 fee, the court assesses a lesser fee or no fee as the
6 case may be. This fee shall be imposed in addition to
7 the fees imposed under subsections (g) and (i) of this
8 Section. The fee shall be collected by the clerk of the
9 circuit court. The clerk of the circuit court shall pay
10 all monies collected from this fee to the county
11 treasurer who shall use the monies collected to defray
12 the costs of corrections. The county treasurer shall
13 deposit the fee collected in the county working cash
14 fund under Section 6-27001 or Section 6-29002 of the
15 Counties Code, as the case may be.

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

23 (12) reimburse any "local anti-crime program" as
24 defined in Section 7 of the Anti-Crime Advisory Council Act
25 for any reasonable expenses incurred by the program on the
26 offender's case, not to exceed the maximum amount of the

1 fine authorized for the offense for which the defendant was
2 sentenced;

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

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

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

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

1 (c) The court may as a condition of probation or of
2 conditional discharge require that a person under 18 years of
3 age found guilty of any alcohol, cannabis or controlled
4 substance violation, refrain from acquiring a driver's license
5 during the period of probation or conditional discharge. If
6 such person is in possession of a permit or license, the court
7 may require that the minor refrain from driving or operating
8 any motor vehicle during the period of probation or conditional
9 discharge, except as may be necessary in the course of the
10 minor's lawful employment.

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

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

26 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 mandatory
9 drug or alcohol testing, or both, or is assigned to be placed
10 on an approved electronic monitoring device, shall be ordered
11 to pay all costs incidental to such mandatory drug or alcohol
12 testing, or both, and all costs incidental to such approved
13 electronic monitoring in accordance with the defendant's
14 ability to pay those costs. The county board with the
15 concurrence of the Chief Judge of the judicial circuit in which
16 the county is located shall establish reasonable fees for the
17 cost of maintenance, testing, and incidental expenses related
18 to the mandatory drug or alcohol testing, or both, and all
19 costs incidental to approved electronic monitoring, involved
20 in a successful probation program for the county. The
21 concurrence of the Chief Judge shall be in the form of an
22 administrative order. The fees shall be collected by the clerk
23 of the circuit court. The clerk of the circuit court shall pay
24 all moneys collected from these fees to the county treasurer
25 who shall use the moneys collected to defray the costs of drug
26 testing, alcohol testing, and electronic monitoring. The

1 county treasurer shall deposit the fees collected in the county
2 working cash fund under Section 6-27001 or Section 6-29002 of
3 the Counties Code, as the case may be.

4 (h) Jurisdiction over an offender may be transferred from
5 the sentencing court to the court of another circuit with the
6 concurrence of both courts. Further transfers or retransfers of
7 jurisdiction are also authorized in the same manner. The court
8 to which jurisdiction has been transferred shall have the same
9 powers as the sentencing court.

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

1 shall pay all monies collected from this fee to the county
2 treasurer for deposit in the probation and court services fund
3 under Section 15.1 of the Probation and Probation Officers Act.

4 A circuit court may not impose a probation fee under this
5 subsection (i) in excess of \$25 per month unless: (1) the
6 circuit court has adopted, by administrative order issued by
7 the chief judge, a standard probation fee guide determining an
8 offender's ability to pay, under guidelines developed by the
9 Administrative Office of the Illinois Courts; and (2) the
10 circuit court has authorized, by administrative order issued by
11 the chief judge, the creation of a Crime Victim's Services
12 Fund, to be administered by the Chief Judge or his or her
13 designee, for services to crime victims and their families. Of
14 the amount collected as a probation fee, up to \$5 of that fee
15 collected per month may be used to provide services to crime
16 victims and their families.

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

22 (i-5) In addition to the fees imposed under subsection (i)
23 of this Section, in the case of an offender convicted of a
24 felony sex offense (as defined in the Sex Offender Management
25 Board Act) or an offense that the court or probation department
26 has determined to be sexually motivated (as defined in the Sex

1 Offender Management Board Act), the court or the probation
2 department shall assess additional fees to pay for all costs of
3 treatment, assessment, evaluation for risk and treatment, and
4 monitoring the offender, based on that offender's ability to
5 pay those costs either as they occur or under a payment plan.

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

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

22 (Source: P.A. 93-475, eff. 8-8-03; 93-616, eff. 1-1-04; 93-970,
23 eff. 8-20-04; 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
24 94-556, eff. 9-11-05; revised 8-19-05.)