



Sen. Bill Cunningham

Filed: 5/1/2023

10300SB0423sam001

LRB103 02875 RLC 61159 a

1 AMENDMENT TO SENATE BILL 423

2 AMENDMENT NO. _____. Amend Senate Bill 423 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-3-7, 3-3-8, 3-14-2, 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
13 release 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

1 dangerous weapon;

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

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

7 (5) attend or reside in a facility established for the
8 instruction or residence of persons on parole or mandatory
9 supervised release;

10 (6) secure permission before visiting or writing a
11 committed person in an Illinois Department of Corrections
12 facility;

13 (7) report all arrests to an agent of the Department
14 of Corrections as soon as permitted by the arresting
15 authority but in no event later than 24 hours after
16 release from custody and immediately report service or
17 notification of an order of protection, a civil no contact
18 order, or a stalking no contact order to an agent of the
19 Department of Corrections;

20 (7.5) if convicted of a sex offense as defined in the
21 Sex Offender Management Board Act, the individual shall
22 undergo and successfully complete sex offender treatment
23 conducted in conformance with the standards developed by
24 the Sex Offender Management Board Act by a treatment
25 provider approved by the Board;

26 (7.6) if convicted of a sex offense as defined in the

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

14 (7.7) if convicted for an offense that would qualify
15 the accused as a sexual predator under the Sex Offender
16 Registration Act on or after January 1, 2007 (the
17 effective date of Public Act 94-988), wear an approved
18 electronic monitoring device as defined in Section 5-8A-2
19 for the duration of the person's parole, mandatory
20 supervised release term, or extended mandatory supervised
21 release term and if convicted for an offense of criminal
22 sexual assault, aggravated criminal sexual assault,
23 predatory criminal sexual assault of a child, criminal
24 sexual abuse, aggravated criminal sexual abuse, or
25 ritualized abuse of a child committed on or after August
26 11, 2009 (the effective date of Public Act 96-236) when

1 the victim was under 18 years of age at the time of the
2 commission of the offense and the defendant used force or
3 the threat of force in the commission of the offense wear
4 an approved electronic monitoring device as defined in
5 Section 5-8A-2 that has Global Positioning System (GPS)
6 capability for the duration of the person's parole,
7 mandatory supervised release term, or extended mandatory
8 supervised release term;

9 (7.8) if convicted for an offense committed on or
10 after June 1, 2008 (the effective date of Public Act
11 95-464) that would qualify the accused as a child sex
12 offender as defined in Section 11-9.3 or 11-9.4 of the
13 Criminal Code of 1961 or the Criminal Code of 2012,
14 refrain from communicating with or contacting, by means of
15 the Internet, a person who is not related to the accused
16 and whom the accused reasonably believes to be under 18
17 years of age; for purposes of this paragraph (7.8),
18 "Internet" has the meaning ascribed to it in Section
19 16-0.1 of the Criminal Code of 2012; and a person is not
20 related to the accused if the person is not: (i) the
21 spouse, brother, or sister of the accused; (ii) a
22 descendant of the accused; (iii) a first or second cousin
23 of the accused; or (iv) a step-child or adopted child of
24 the accused;

25 (7.9) if convicted under Section 11-6, 11-20.1,
26 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961

1 or the Criminal Code of 2012, consent to search of
2 computers, PDAs, cellular phones, and other devices under
3 his or her control that are capable of accessing the
4 Internet or storing electronic files, in order to confirm
5 Internet protocol addresses reported in accordance with
6 the Sex Offender Registration Act and compliance with
7 conditions in this Act;

8 (7.10) if convicted for an offense that would qualify
9 the accused as a sex offender or sexual predator under the
10 Sex Offender Registration Act on or after June 1, 2008
11 (the effective date of Public Act 95-640), not possess
12 prescription drugs for erectile dysfunction;

13 (7.11) if convicted for an offense under Section 11-6,
14 11-9.1, 11-14.4 that involves soliciting for a juvenile
15 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
16 of the Criminal Code of 1961 or the Criminal Code of 2012,
17 or any attempt to commit any of these offenses, committed
18 on or after June 1, 2009 (the effective date of Public Act
19 95-983):

20 (i) not access or use a computer or any other
21 device with Internet capability without the prior
22 written approval of the Department;

23 (ii) submit to periodic unannounced examinations
24 of the offender's computer or any other device with
25 Internet capability by the offender's supervising
26 agent, a law enforcement officer, or assigned computer

1 or information technology specialist, including the
2 retrieval and copying of all data from the computer or
3 device and any internal or external peripherals and
4 removal of such information, equipment, or device to
5 conduct a more thorough inspection;

6 (iii) submit to the installation on the offender's
7 computer or device with Internet capability, at the
8 offender's expense, of one or more hardware or
9 software systems to monitor the Internet use; and

10 (iv) submit to any other appropriate restrictions
11 concerning the offender's use of or access to a
12 computer or any other device with Internet capability
13 imposed by the Board, the Department or the offender's
14 supervising agent;

15 (7.12) if convicted of a sex offense as defined in the
16 Sex Offender Registration Act committed on or after
17 January 1, 2010 (the effective date of Public Act 96-262),
18 refrain from accessing or using a social networking
19 website as defined in Section 17-0.5 of the Criminal Code
20 of 2012;

21 (7.13) if convicted of a sex offense as defined in
22 Section 2 of the Sex Offender Registration Act committed
23 on or after January 1, 2010 (the effective date of Public
24 Act 96-362) that requires the person to register as a sex
25 offender under that Act, may not knowingly use any
26 computer scrub software on any computer that the sex

1 offender uses;

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

4 (9) obtain permission of an agent of the Department of
5 Corrections before changing his or her residence or
6 employment;

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

9 (11) refrain from the use or possession of narcotics
10 or other controlled substances in any form, or both, or
11 any paraphernalia related to those substances and submit
12 to a urinalysis test as instructed by a parole agent of the
13 Department of Corrections if there is reasonable suspicion
14 of illicit drug use and the source of the reasonable
15 suspicion is documented in the Department's case
16 management system;

17 (12) not knowingly frequent places where controlled
18 substances are illegally sold, used, distributed, or
19 administered;

20 (13) except when the association described in either
21 subparagraph (A) or (B) of this paragraph (13) involves
22 activities related to community programs, worship
23 services, volunteering, engaging families, or some other
24 pro-social activity in which there is no evidence of
25 criminal intent:

26 (A) not knowingly associate with other persons on

1 parole or mandatory supervised release without prior
2 written permission of his or her parole agent; or

3 (B) not knowingly associate with persons who are
4 members of an organized gang as that term is defined in
5 the Illinois Streetgang Terrorism Omnibus Prevention
6 Act;

7 (14) provide true and accurate information, as it
8 relates to his or her adjustment in the community while on
9 parole or mandatory supervised release or to his or her
10 conduct while incarcerated, in response to inquiries by
11 his or her parole agent or of the Department of
12 Corrections;

13 (15) follow any specific instructions provided by the
14 parole agent that are consistent with furthering
15 conditions set and approved by the Prisoner Review Board
16 or by law, exclusive of placement on electronic detention,
17 to achieve the goals and objectives of his or her parole or
18 mandatory supervised release or to protect the public.
19 These instructions by the parole agent may be modified at
20 any time, as the agent deems appropriate;

21 (16) if convicted of a sex offense as defined in
22 subsection (a-5) of Section 3-1-2 of this Code, unless the
23 offender is a parent or guardian of the person under 18
24 years of age present in the home and no non-familial
25 minors are present, not participate in a holiday event
26 involving children under 18 years of age, such as

1 distributing candy or other items to children on
2 Halloween, wearing a Santa Claus costume on or preceding
3 Christmas, being employed as a department store Santa
4 Claus, or wearing an Easter Bunny costume on or preceding
5 Easter;

6 (17) if convicted of a violation of an order of
7 protection under Section 12-3.4 or Section 12-30 of the
8 Criminal Code of 1961 or the Criminal Code of 2012, be
9 placed under electronic surveillance as provided in
10 Section 5-8A-7 of this Code;

11 (18) comply with the terms and conditions of an order
12 of protection issued pursuant to the Illinois Domestic
13 Violence Act of 1986; an order of protection issued by the
14 court of another state, tribe, or United States territory;
15 a no contact order issued pursuant to the Civil No Contact
16 Order Act; or a no contact order issued pursuant to the
17 Stalking No Contact Order Act;

18 (19) if convicted of a violation of the
19 Methamphetamine Control and Community Protection Act, the
20 Methamphetamine Precursor Control Act, or a
21 methamphetamine related offense, be:

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

25 (B) prohibited from purchasing, possessing, or
26 having under his or her control any product containing

1 ammonium nitrate;

2 (20) if convicted of a hate crime under Section 12-7.1
3 of the Criminal Code of 2012, perform public or community
4 service of no less than 200 hours and enroll in an
5 educational program discouraging hate crimes involving the
6 protected class identified in subsection (a) of Section
7 12-7.1 of the Criminal Code of 2012 that gave rise to the
8 offense the offender committed ordered by the court; and

9 (21) be evaluated by the Department of Corrections
10 prior to release using a validated risk assessment and be
11 subject to a corresponding level of supervision. In
12 accordance with the findings of that evaluation:

13 (A) All subjects found to be at a moderate or high
14 risk to recidivate, or on parole or mandatory
15 supervised release for first degree murder, a forcible
16 felony as defined in Section 2-8 of the Criminal Code
17 of 2012, any felony that requires registration as a
18 sex offender under the Sex Offender Registration Act,
19 or a Class X felony or Class 1 felony that is not a
20 violation of the Cannabis Control Act, the Illinois
21 Controlled Substances Act, or the Methamphetamine
22 Control and Community Protection Act, shall be subject
23 to high level supervision. The Department shall define
24 high level supervision based upon evidence-based and
25 research-based practices. Notwithstanding this
26 placement on high level supervision, placement of the

1 subject on electronic monitoring or detention shall
2 not occur unless it is required by law or expressly
3 ordered or approved by the Prisoner Review Board.

4 (B) All subjects found to be at a low risk to
5 recidivate shall be subject to low-level supervision,
6 except for those subjects on parole or mandatory
7 supervised release for first degree murder, a forcible
8 felony as defined in Section 2-8 of the Criminal Code
9 of 2012, any felony that requires registration as a
10 sex offender under the Sex Offender Registration Act,
11 or a Class X felony or Class 1 felony that is not a
12 violation of the Cannabis Control Act, the Illinois
13 Controlled Substances Act, or the Methamphetamine
14 Control and Community Protection Act. Low level
15 supervision shall require the subject to check in with
16 the supervising officer via phone or other electronic
17 means. Notwithstanding this placement on low level
18 supervision, placement of the subject on electronic
19 monitoring or detention shall not occur unless it is
20 required by law or expressly ordered or approved by
21 the Prisoner Review Board.

22 (b) The Board may after making an individualized
23 assessment pursuant to subsection (a) of Section 3-14-2 in
24 addition to other conditions require that the subject:

25 (1) work or pursue a course of study or vocational
26 training;

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

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

6 (4) support his or her dependents;

7 (5) (blank);

8 (6) (blank);

9 (7) (blank);

10 (7.5) if convicted for an offense committed on or
11 after the effective date of this amendatory Act of the
12 95th General Assembly that would qualify the accused as a
13 child sex offender as defined in Section 11-9.3 or 11-9.4
14 of the Criminal Code of 1961 or the Criminal Code of 2012,
15 refrain from communicating with or contacting, by means of
16 the Internet, a person who is related to the accused and
17 whom the accused reasonably believes to be under 18 years
18 of age; for purposes of this paragraph (7.5), "Internet"
19 has the meaning ascribed to it in Section 16-0.1 of the
20 Criminal Code of 2012; and a person is related to the
21 accused if the person is: (i) the spouse, brother, or
22 sister of the accused; (ii) a descendant of the accused;
23 (iii) a first or second cousin of the accused; or (iv) a
24 step-child or adopted child of the accused;

25 (7.6) if convicted for an offense committed on or
26 after June 1, 2009 (the effective date of Public Act

1 95-983) that would qualify as a sex offense as defined in
2 the Sex Offender Registration Act:

3 (i) not access or use a computer or any other
4 device with Internet capability without the prior
5 written approval of the Department;

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

15 (iii) submit to the installation on the offender's
16 computer or device with Internet capability, at the
17 offender's expense, of one or more hardware or
18 software systems to monitor the Internet use; and

19 (iv) submit to any other appropriate restrictions
20 concerning the offender's use of or access to a
21 computer or any other device with Internet capability
22 imposed by the Board, the Department or the offender's
23 supervising agent; and

24 (8) (blank). ~~in addition, if a minor:~~

25 ~~(i) reside with his or her parents or in a foster~~
26 ~~home;~~

1 ~~(ii) attend school;~~

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

3 ~~or~~

4 ~~(iv) contribute to his or her own support at home~~

5 ~~or in a foster home.~~

6 (b-1) In addition to the conditions set forth in
7 subsections (a) and (b), persons required to register as sex
8 offenders pursuant to the Sex Offender Registration Act, upon
9 release from the custody of the Illinois Department of
10 Corrections, may be required by the Board to comply with the
11 following specific conditions of release following an
12 individualized assessment pursuant to subsection (a) of
13 Section 3-14-2:

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

15 (2) comply with all requirements of the Sex Offender
16 Registration Act;

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

19 (4) obtain the approval of an agent of the Department
20 of Corrections prior to accepting employment or pursuing a
21 course of study or vocational training and notify the
22 Department prior to any change in employment, study, or
23 training;

24 (5) not be employed or participate in any volunteer
25 activity that involves contact with children, except under
26 circumstances approved in advance and in writing by an

1 agent of the Department of Corrections;

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

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

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

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

21 (10) neither possess or have under his or her control
22 any material that is sexually oriented, sexually
23 stimulating, or that shows male or female sex organs or
24 any pictures depicting children under 18 years of age nude
25 or any written or audio material describing sexual
26 intercourse or that depicts or alludes to sexual activity,

1 including but not limited to visual, auditory, telephonic,
2 or electronic media, or any matter obtained through access
3 to any computer or material linked to computer access use;

4 (11) not patronize any business providing sexually
5 stimulating or sexually oriented entertainment nor utilize
6 "900" or adult telephone numbers;

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

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

17 (14) may be required to provide a written daily log of
18 activities if directed by an agent of the Department of
19 Corrections;

20 (15) comply with all other special conditions that the
21 Department may impose that restrict the person from
22 high-risk situations and limit access to potential
23 victims;

24 (16) take an annual polygraph exam;

25 (17) maintain a log of his or her travel; or

26 (18) obtain prior approval of his or her parole

1 officer before driving alone in a motor vehicle.

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

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

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

18 (f) (Blank).

19 (Source: P.A. 100-201, eff. 8-18-17; 100-260, eff. 1-1-18;
20 100-575, eff. 1-8-18; 101-382, eff. 8-16-19.)

21 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

22 Sec. 3-3-8. Length of parole and mandatory supervised
23 release; discharge.

24 (a) The length of parole for a person sentenced under the
25 law in effect prior to the effective date of this amendatory

1 Act of 1977 and the length of mandatory supervised release for
2 those sentenced under the law in effect on and after such
3 effective date shall be as set out in Section 5-8-1 unless
4 sooner terminated under paragraph (b) of this Section.

5 (b) The Prisoner Review Board may enter an order releasing
6 and discharging one from parole or mandatory supervised
7 release, and his or her commitment to the Department, when it
8 determines that he or she is likely to remain at liberty
9 without committing another offense.

10 (b-1) Provided that the subject is in compliance with the
11 terms and conditions of his or her parole or mandatory
12 supervised release, the Prisoner Review Board shall ~~may~~ reduce
13 the period of a parolee or releasee's parole or mandatory
14 supervised release by 90 days upon the parolee or releasee
15 receiving a high school diploma, associate's degree,
16 bachelor's degree, career certificate, or vocational technical
17 certification or upon passage of high school equivalency
18 testing during the period of his or her parole or mandatory
19 supervised release. A parolee or releasee shall provide
20 documentation from the educational institution or the source
21 of the qualifying educational or vocational credential to
22 their supervising officer for verification. Each ~~This~~
23 reduction in the period of a subject's term of parole or
24 mandatory supervised release shall be available only to
25 subjects who have not previously earned the relevant
26 credential for which they are receiving the reduction ~~a high~~

1 ~~school diploma or who have not previously passed high school~~
2 ~~equivalency testing.~~ As used in this Section, "career
3 certificate" means a certificate awarded by an institution for
4 satisfactory completion of a prescribed curriculum that is
5 intended to prepare an individual for employment in a specific
6 field.

7 (b-2) The Prisoner Review Board may release a low-risk and
8 need subject person from mandatory supervised release as
9 determined by an appropriate evidence-based risk and need
10 assessment.

11 (c) The order of discharge shall become effective upon
12 entry of the order of the Board. The Board shall notify the
13 clerk of the committing court of the order. Upon receipt of
14 such copy, the clerk shall make an entry on the record judgment
15 that the sentence or commitment has been satisfied pursuant to
16 the order.

17 (d) Rights of the person discharged under this Section
18 shall be restored under Section 5-5-5.

19 (e) Upon a denial of early discharge under this Section,
20 the Prisoner Review Board shall provide the person on parole
21 or mandatory supervised release a list of steps or
22 requirements that the person must complete or meet to be
23 granted an early discharge at a subsequent review and share
24 the process for seeking a subsequent early discharge review
25 under this subsection. Upon the completion of such steps or
26 requirements, the person on parole or mandatory supervised

1 release may petition the Prisoner Review Board to grant them
2 an early discharge review. Within no more than 30 days of a
3 petition under this subsection, the Prisoner Review Board
4 shall review the petition and make a determination.

5 (Source: P.A. 99-268, eff. 1-1-16; 99-628, eff. 1-1-17; 100-3,
6 eff. 1-1-18.)

7 (730 ILCS 5/3-14-2) (from Ch. 38, par. 1003-14-2)

8 Sec. 3-14-2. Supervision on Parole, Mandatory Supervised
9 Release and Release by Statute.

10 (a) The Department shall retain custody of all persons
11 placed on parole or mandatory supervised release or released
12 pursuant to Section 3-3-10 of this Code and shall supervise
13 such persons during their parole or release period in accord
14 with the conditions set by the Prisoner Review Board. When
15 setting conditions, the Prisoner Review Board shall make an
16 individualized assessment as to what conditions are
17 appropriate based on the risk and needs assessment, program
18 participation and completion, assignment history while
19 incarcerated, and behavior history during the period of the
20 incarceration and involve only such deprivations of liberty or
21 property as are reasonably necessary to protect the public
22 from the person's conduct in the underlying conviction or
23 violation. In determining conditions, the Prisoner Review
24 Board shall also consider the reasonableness of imposing
25 additional conditions on the person and the extent to which

1 the conditions impact the person's work, education, community
2 service, financial, and family caregiving obligations. Such
3 conditions shall include referral to an alcohol or drug abuse
4 treatment program, as appropriate, if such person has
5 previously been identified as having an alcohol or drug abuse
6 problem. Such conditions may include that the person use an
7 approved electronic monitoring device subject to Article 8A of
8 Chapter V.

9 (b) The Department shall assign personnel to assist
10 persons eligible for parole in preparing a parole plan. Such
11 Department personnel shall make a report of their efforts and
12 findings to the Prisoner Review Board prior to its
13 consideration of the case of such eligible person.

14 (c) A copy of the conditions of his parole or release shall
15 be signed by the parolee or releasee and given to him and to
16 his supervising officer who shall report on his progress under
17 the rules and regulations of the Prisoner Review Board. The
18 supervising officer shall report violations to the Prisoner
19 Review Board and shall have the full power of peace officers in
20 the arrest and retaking of any parolees or releasees or the
21 officer may request the Department to issue a warrant for the
22 arrest of any parolee or releasee who has allegedly violated
23 his parole or release conditions.

24 (c-1) The supervising officer shall request the Department
25 to issue a parole violation warrant, and the Department shall
26 issue a parole violation warrant, under the following

1 circumstances:

2 (1) if the parolee or releasee commits an act that
3 constitutes a felony using a firearm or knife,

4 (2) if applicable, fails to comply with the
5 requirements of the Sex Offender Registration Act,

6 (3) if the parolee or releasee is charged with:

7 (A) a felony offense of domestic battery under
8 Section 12-3.2 of the Criminal Code of 1961 or the
9 Criminal Code of 2012,

10 (B) aggravated domestic battery under Section
11 12-3.3 of the Criminal Code of 1961 or the Criminal
12 Code of 2012,

13 (C) stalking under Section 12-7.3 of the Criminal
14 Code of 1961 or the Criminal Code of 2012,

15 (D) aggravated stalking under Section 12-7.4 of
16 the Criminal Code of 1961 or the Criminal Code of 2012,

17 (E) violation of an order of protection under
18 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
19 the Criminal Code of 2012, or

20 (F) any offense that would require registration as
21 a sex offender under the Sex Offender Registration
22 Act, or

23 (4) if the parolee or releasee is on parole or
24 mandatory supervised release for a murder, a Class X
25 felony or a Class 1 felony violation of the Criminal Code
26 of 1961 or the Criminal Code of 2012, or any felony that

1 requires registration as a sex offender under the Sex
2 Offender Registration Act and commits an act that
3 constitutes first degree murder, a Class X felony, a Class
4 1 felony, a Class 2 felony, or a Class 3 felony.

5 A sheriff or other peace officer may detain an alleged
6 parole or release violator until a warrant for his return to
7 the Department can be issued. The parolee or releasee may be
8 delivered to any secure place until he can be transported to
9 the Department. The officer or the Department shall file a
10 violation report with notice of charges with the Prisoner
11 Review Board.

12 (d) The supervising officer shall regularly advise and
13 consult with the parolee or releasee, assist him in adjusting
14 to community life, inform him of the restoration of his rights
15 on successful completion of sentence under Section 5-5-5, and
16 provide the parolee or releasee with an electronic copy of the
17 Department of Corrections system of graduated responses as set
18 forth under subparagraph (D) of paragraph (1) of subsection
19 (b) of Section 10 of the Illinois Crime Reduction Act of 2009
20 and any sanctions matrix based on that system. If the parolee
21 or releasee has been convicted of a sex offense as defined in
22 the Sex Offender Management Board Act, the supervising officer
23 shall periodically, but not less than once a month, verify
24 that the parolee or releasee is in compliance with paragraph
25 (7.6) of subsection (a) of Section 3-3-7.

26 (d-1) At least once every 3 months, the supervising

1 officer of a parolee or releasee shall review the case of the
2 parolee or releasee to assess the parolee's or releasee's
3 progress and suitability for early discharge under subsection
4 (b) of Section 3-3-8 and provide a recommendation for either
5 early discharge or the continuation of parole or mandatory
6 supervised release as previously ordered. The recommendation
7 and the rationale for the recommendation shall be noted in the
8 Department's case management system. Within 15 days of
9 receiving the supervising officer's recommendation, the
10 Department shall provide a copy of the final recommendation,
11 in writing or electronically, to the Prisoner Review Board and
12 to the parolee or releasee. If an early discharge
13 recommendation was not provided, the supervising officer shall
14 share the list of steps or requirements that the person must
15 complete or meet to be granted an early discharge
16 recommendation at a subsequent review under agency guidelines.
17 The Department shall develop guidelines and policies to
18 support the regular review of parolees and releasees for early
19 discharge consideration and the timely notification of the
20 Prisoner Review Board when early discharge is recommended.

21 (d-2) Supervising officers shall schedule meetings, which
22 are required under paragraph (3) of subsection (a) of Section
23 3-3-7 as a condition of parole or mandatory supervised
24 release, at such times and locations that take into
25 consideration the medical needs, caregiving obligations, and
26 work schedule of a parolee or releasee.

1 (d-3) To comply with the provisions of subsection (d-2),
2 in lieu of requiring the parolee or releasee to appear in
3 person for the required reporting or meetings, supervising
4 officers may utilize technology, including cellular and other
5 electronic communication devices or platforms, that allows for
6 communication between the supervised individual and the
7 supervising officer.

8 (e) Supervising officers shall receive specialized
9 training in the special needs of female releasees or parolees
10 including the family reunification process.

11 (f) The supervising officer shall keep such records as the
12 Prisoner Review Board or Department may require. All records
13 shall be entered in the master file of the individual.

14 (Source: P.A. 96-282, eff. 1-1-10; 96-1447, eff. 8-20-10;
15 97-389, eff. 8-15-11; 97-1150, eff. 1-25-13.)

16 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

17 Sec. 5-6-3. Conditions of probation and of conditional
18 discharge.

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

21 (1) not violate any criminal statute of any
22 jurisdiction;

23 (2) report to or appear in person before such person
24 or agency as directed by the court. To comply with the
25 provisions of this paragraph (2), in lieu of requiring the

1 person on probation or conditional discharge to appear in
2 person for the required reporting or meetings, the officer
3 may utilize technology, including cellular and other
4 electronic communication devices or platforms, that allow
5 for communication between the supervised person and the
6 officer in accordance with standards and guidelines
7 established by the Administrative Office of the Illinois
8 Courts;

9 (3) refrain from possessing a firearm or other
10 dangerous weapon where the offense is a felony or, if a
11 misdemeanor, the offense involved the intentional or
12 knowing infliction of bodily harm or threat of bodily
13 harm;

14 (4) not leave the State without the consent of the
15 court or, in circumstances in which the reason for the
16 absence is of such an emergency nature that prior consent
17 by the court is not possible, without the prior
18 notification and approval of the person's probation
19 officer. Transfer of a person's probation or conditional
20 discharge supervision to another state is subject to
21 acceptance by the other state pursuant to the Interstate
22 Compact for Adult Offender Supervision;

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

26 (6) perform no less than 30 hours of community service

1 and not more than 120 hours of community service, if
2 community service is available in the jurisdiction and is
3 funded and approved by the county board where the offense
4 was committed, where the offense was related to or in
5 furtherance of the criminal activities of an organized
6 gang and was motivated by the offender's membership in or
7 allegiance to an organized gang. The community service
8 shall include, but not be limited to, the cleanup and
9 repair of any damage caused by a violation of Section
10 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
11 2012 and similar damage to property located within the
12 municipality or county in which the violation occurred.
13 When possible and reasonable, the community service should
14 be performed in the offender's neighborhood. For purposes
15 of this Section, "organized gang" has the meaning ascribed
16 to it in Section 10 of the Illinois Streetgang Terrorism
17 Omnibus Prevention Act. The court may give credit toward
18 the fulfillment of community service hours for
19 participation in activities and treatment as determined by
20 court services;

21 (7) if he or she is at least 17 years of age and has
22 been sentenced to probation or conditional discharge for a
23 misdemeanor or felony in a county of 3,000,000 or more
24 inhabitants and has not been previously convicted of a
25 misdemeanor or felony, may be required by the sentencing
26 court to attend educational courses designed to prepare

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

23 (8) if convicted of possession of a substance
24 prohibited by the Cannabis Control Act, the Illinois
25 Controlled Substances Act, or the Methamphetamine Control
26 and Community Protection Act after a previous conviction

1 or disposition of supervision for possession of a
2 substance prohibited by the Cannabis Control Act or
3 Illinois Controlled Substances Act or after a sentence of
4 probation under Section 10 of the Cannabis Control Act,
5 Section 410 of the Illinois Controlled Substances Act, or
6 Section 70 of the Methamphetamine Control and Community
7 Protection Act and upon a finding by the court that the
8 person is addicted, undergo treatment at a substance abuse
9 program approved by the court;

10 (8.5) if convicted of a felony sex offense as defined
11 in the Sex Offender Management Board Act, the person shall
12 undergo and successfully complete sex offender treatment
13 by a treatment provider approved by the Board and
14 conducted in conformance with the standards developed
15 under the Sex Offender Management Board Act;

16 (8.6) if convicted of a sex offense as defined in the
17 Sex Offender Management Board Act, refrain from residing
18 at 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;

1 (8.7) if convicted for an offense committed on or
2 after June 1, 2008 (the effective date of Public Act
3 95-464) that would qualify the accused as a child sex
4 offender as defined in Section 11-9.3 or 11-9.4 of the
5 Criminal Code of 1961 or the Criminal Code of 2012,
6 refrain from communicating with or contacting, by means of
7 the Internet, a person who is not related to the accused
8 and whom the accused reasonably believes to be under 18
9 years of age; for purposes of this paragraph (8.7),
10 "Internet" has the meaning ascribed to it in Section
11 16-0.1 of the Criminal Code of 2012; and a person is not
12 related to the accused if the person is not: (i) the
13 spouse, brother, or sister of the accused; (ii) a
14 descendant of the accused; (iii) a first or second cousin
15 of the accused; or (iv) a step-child or adopted child of
16 the accused;

17 (8.8) if convicted for an offense under Section 11-6,
18 11-9.1, 11-14.4 that involves soliciting for a juvenile
19 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
20 of the Criminal Code of 1961 or the Criminal Code of 2012,
21 or any attempt to commit any of these offenses, committed
22 on or after June 1, 2009 (the effective date of Public Act
23 95-983):

24 (i) not access or use a computer or any other
25 device with Internet capability without the prior
26 written approval of the offender's probation officer,

1 except in connection with the offender's employment or
2 search for employment with the prior approval of the
3 offender's probation officer;

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

14 (iii) submit to the installation on the offender's
15 computer or device with Internet capability, at the
16 offender's expense, of one or more hardware or
17 software systems to monitor the Internet use; and

18 (iv) submit to any other appropriate restrictions
19 concerning the offender's use of or access to a
20 computer or any other device with Internet capability
21 imposed by the offender's probation officer;

22 (8.9) if convicted of a sex offense as defined in the
23 Sex Offender Registration Act committed on or after
24 January 1, 2010 (the effective date of Public Act 96-262),
25 refrain from accessing or using a social networking
26 website as defined in Section 17-0.5 of the Criminal Code

1 of 2012;

2 (9) if convicted of a felony or of any misdemeanor
3 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
4 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
5 2012 that was determined, pursuant to Section 112A-11.1 of
6 the Code of Criminal Procedure of 1963, to trigger the
7 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
8 at a time and place designated by the court, his or her
9 Firearm Owner's Identification Card and any and all
10 firearms in his or her possession. The Court shall return
11 to the Illinois State Police Firearm Owner's
12 Identification Card Office the person's Firearm Owner's
13 Identification Card;

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

25 (11) if convicted of a sex offense as defined in
26 Section 2 of the Sex Offender Registration Act committed

1 on or after January 1, 2010 (the effective date of Public
2 Act 96-362) that requires the person to register as a sex
3 offender under that Act, may not knowingly use any
4 computer scrub software on any computer that the sex
5 offender uses;

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

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

13 (B) prohibited from purchasing, possessing, or
14 having under his or her control any product containing
15 ammonium nitrate; and

16 (13) if convicted of a hate crime involving the
17 protected class identified in subsection (a) of Section
18 12-7.1 of the Criminal Code of 2012 that gave rise to the
19 offense the offender committed, perform public or
20 community service of no less than 200 hours and enroll in
21 an educational program discouraging hate crimes that
22 includes racial, ethnic, and cultural sensitivity training
23 ordered by the court.

24 (b) The Court may in addition to other reasonable
25 conditions relating to the nature of the offense or the
26 rehabilitation of the defendant as determined for each

1 defendant in the proper discretion of the Court require that
2 the person:

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

6 (2) pay a fine and costs;

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

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

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

13 (6) support his dependents;

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

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

16 (ii) attend school;

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

18 (iv) contribute to his own support at home or in a
19 foster home;

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

1 the real property comprising a school;

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

4 (9) perform some reasonable public or community
5 service;

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

10 (i) remain within the interior premises of the
11 place designated for his confinement during the hours
12 designated by the court;

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

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

21 (iv) for persons convicted of any alcohol,
22 cannabis or controlled substance violation who are
23 placed on an approved monitoring device as a condition
24 of probation or conditional discharge, the court shall
25 impose a reasonable fee for each day of the use of the
26 device, as established by the county board in

1 subsection (g) of this Section, unless after
2 determining the inability of the offender to pay the
3 fee, the court assesses a lesser fee or no fee as the
4 case may be. This fee shall be imposed in addition to
5 the fees imposed under subsections (g) and (i) of this
6 Section. The fee shall be collected by the clerk of the
7 circuit court, except as provided in an administrative
8 order of the Chief Judge of the circuit court. The
9 clerk of the circuit court shall pay all monies
10 collected from this fee to the county treasurer for
11 deposit in the substance abuse services fund under
12 Section 5-1086.1 of the Counties Code, except as
13 provided in an administrative order of the Chief Judge
14 of the circuit court.

15 The Chief Judge of the circuit court of the county
16 may by administrative order establish a program for
17 electronic monitoring of offenders, in which a vendor
18 supplies and monitors the operation of the electronic
19 monitoring device, and collects the fees on behalf of
20 the county. The program shall include provisions for
21 indigent offenders and the collection of unpaid fees.
22 The program shall not unduly burden the offender and
23 shall be subject to review by the Chief Judge.

24 The Chief Judge of the circuit court may suspend
25 any additional charges or fees for late payment,
26 interest, or damage to any device; and

1 (v) for persons convicted of offenses other than
2 those referenced in clause (iv) above and who are
3 placed on an approved monitoring device as a condition
4 of probation or conditional discharge, the court shall
5 impose a reasonable fee for each day of the use of the
6 device, as established by the county board in
7 subsection (g) of this Section, unless after
8 determining the inability of the defendant to pay the
9 fee, the court assesses a lesser fee or no fee as the
10 case may be. This fee shall be imposed in addition to
11 the fees imposed under subsections (g) and (i) of this
12 Section. The fee shall be collected by the clerk of the
13 circuit court, except as provided in an administrative
14 order of the Chief Judge of the circuit court. The
15 clerk of the circuit court shall pay all monies
16 collected from this fee to the county treasurer who
17 shall use the monies collected to defray the costs of
18 corrections. The county treasurer shall deposit the
19 fee collected in the probation and court services
20 fund. The Chief Judge of the circuit court of the
21 county may by administrative order establish a program
22 for electronic monitoring of offenders, in which a
23 vendor supplies and monitors the operation of the
24 electronic monitoring device, and collects the fees on
25 behalf of the county. The program shall include
26 provisions for indigent offenders and the collection

1 of unpaid fees. The program shall not unduly burden
2 the offender and shall be subject to review by the
3 Chief Judge.

4 The Chief Judge of the circuit court may suspend
5 any additional charges or fees for late payment,
6 interest, or damage to any device.

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

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

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

1 Resources, to the fund established by the Department of
2 Natural Resources for the purchase of evidence for
3 investigation purposes and to conduct investigations as
4 outlined in Section 805-105 of the Department of Natural
5 Resources (Conservation) Law;

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

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

18 (16) refrain from having in his or her body the
19 presence of any illicit drug prohibited by the Cannabis
20 Control Act, the Illinois Controlled Substances Act, or
21 the Methamphetamine Control and Community Protection 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 (17) if convicted for an offense committed on or after
26 June 1, 2008 (the effective date of Public Act 95-464)

1 that would qualify the accused as a child sex offender as
2 defined in Section 11-9.3 or 11-9.4 of the Criminal Code
3 of 1961 or the Criminal Code of 2012, refrain from
4 communicating with or contacting, by means of the
5 Internet, a person who is related to the accused and whom
6 the accused reasonably believes to be under 18 years of
7 age; for purposes of this paragraph (17), "Internet" has
8 the meaning ascribed to it in Section 16-0.1 of the
9 Criminal Code of 2012; and a person is related to the
10 accused if the person is: (i) the spouse, brother, or
11 sister of the accused; (ii) a descendant of the accused;
12 (iii) a first or second cousin of the accused; or (iv) a
13 step-child or adopted child of the accused;

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

18 (i) not access or use a computer or any other
19 device with Internet capability without the prior
20 written approval of the offender's probation officer,
21 except in connection with the offender's employment or
22 search for employment with the prior approval of the
23 offender's probation officer;

24 (ii) submit to periodic unannounced examinations
25 of the offender's computer or any other device with
26 Internet capability by the offender's probation

1 officer, a law enforcement officer, or assigned
2 computer or information technology specialist,
3 including the retrieval and copying of all data from
4 the computer or device and any internal or external
5 peripherals and removal of such information,
6 equipment, or device to conduct a more thorough
7 inspection;

8 (iii) submit to the installation on the offender's
9 computer or device with Internet capability, at the
10 subject's expense, of one or more hardware or software
11 systems to monitor the Internet use; and

12 (iv) submit to any other appropriate restrictions
13 concerning the offender's use of or access to a
14 computer or any other device with Internet capability
15 imposed by the offender's probation officer; and

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

20 (c) The court may as a condition of probation or of
21 conditional discharge require that a person under 18 years of
22 age found guilty of any alcohol, cannabis or controlled
23 substance violation, refrain from acquiring a driver's license
24 during the period of probation or conditional discharge. If
25 such person is in possession of a permit or license, the court
26 may require that the minor refrain from driving or operating

1 any motor vehicle during the period of probation or
2 conditional discharge, except as may be necessary in the
3 course of the minor's lawful employment.

4 (d) An offender sentenced to probation or to conditional
5 discharge shall be given a certificate setting forth the
6 conditions thereof.

7 (e) Except where the offender has committed a fourth or
8 subsequent violation of subsection (c) of Section 6-303 of the
9 Illinois Vehicle Code, the court shall not require as a
10 condition of the sentence of probation or conditional
11 discharge that the offender be committed to a period of
12 imprisonment in excess of 6 months. This 6-month limit shall
13 not include periods of confinement given pursuant to a
14 sentence of county impact incarceration under Section 5-8-1.2.

15 Persons committed to imprisonment as a condition of
16 probation or conditional discharge shall not be committed to
17 the Department of Corrections.

18 (f) The court may combine a sentence of periodic
19 imprisonment under Article 7 or a sentence to a county impact
20 incarceration program under Article 8 with a sentence of
21 probation or conditional discharge.

22 (g) An offender sentenced to probation or to conditional
23 discharge and who during the term of either undergoes
24 mandatory drug or alcohol testing, or both, or is assigned to
25 be placed on an approved electronic monitoring device, shall
26 be ordered to pay all costs incidental to such mandatory drug

1 or alcohol testing, or both, and all costs incidental to such
2 approved electronic monitoring in accordance with the
3 defendant's ability to pay those costs. The county board with
4 the concurrence of the Chief Judge of the judicial circuit in
5 which the county is located shall establish reasonable fees
6 for the cost of maintenance, testing, and incidental expenses
7 related to the mandatory drug or alcohol testing, or both, and
8 all costs incidental to approved electronic monitoring,
9 involved in a successful probation program for the county. The
10 concurrence of the Chief Judge shall be in the form of an
11 administrative order. The fees shall be collected by the clerk
12 of the circuit court, except as provided in an administrative
13 order of the Chief Judge of the circuit court. The clerk of the
14 circuit court shall pay all moneys collected from these fees
15 to the county treasurer who shall use the moneys collected to
16 defray the costs of drug testing, alcohol testing, and
17 electronic monitoring. The county treasurer shall deposit the
18 fees collected in the county working cash fund under Section
19 6-27001 or Section 6-29002 of the Counties Code, as the case
20 may be. The Chief Judge of the circuit court of the county may
21 by administrative order establish a program for electronic
22 monitoring of offenders, in which a vendor supplies and
23 monitors the operation of the electronic monitoring device,
24 and collects the fees on behalf of the county. The program
25 shall include provisions for indigent offenders and the
26 collection of unpaid fees. The program shall not unduly burden

1 the offender and shall be subject to review by the Chief Judge.

2 The Chief Judge of the circuit court may suspend any
3 additional charges or fees for late payment, interest, or
4 damage to any device.

5 (h) Jurisdiction over an offender may be transferred from
6 the sentencing court to the court of another circuit with the
7 concurrence of both courts. Further transfers or retransfers
8 of jurisdiction are also authorized in the same manner. The
9 court to which jurisdiction has been transferred shall have
10 the same powers as the sentencing court. The probation
11 department within the circuit to which jurisdiction has been
12 transferred, or which has agreed to provide supervision, may
13 impose probation fees upon receiving the transferred offender,
14 as provided in subsection (i). For all transfer cases, as
15 defined in Section 9b of the Probation and Probation Officers
16 Act, the probation department from the original sentencing
17 court shall retain all probation fees collected prior to the
18 transfer. After the transfer, all probation fees shall be paid
19 to the probation department within the circuit to which
20 jurisdiction has been transferred.

21 (i) The court shall impose upon an offender sentenced to
22 probation after January 1, 1989 or to conditional discharge
23 after January 1, 1992 or to community service under the
24 supervision of a probation or court services department after
25 January 1, 2004, as a condition of such probation or
26 conditional discharge or supervised community service, a fee

1 of \$50 for each month of probation or conditional discharge
2 supervision or supervised community service ordered by the
3 court, unless after determining the inability of the person
4 sentenced to probation or conditional discharge or supervised
5 community service to pay the fee, the court assesses a lesser
6 fee. The court may not impose the fee on a minor who is placed
7 in the guardianship or custody of the Department of Children
8 and Family Services under the Juvenile Court Act of 1987 while
9 the minor is in placement. The fee shall be imposed only upon
10 an offender who is actively supervised by the probation and
11 court services department. The fee shall be collected by the
12 clerk of the circuit court. The clerk of the circuit court
13 shall pay all monies collected from this fee to the county
14 treasurer for deposit in the probation and court services fund
15 under Section 15.1 of the Probation and Probation Officers
16 Act.

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

24 The Court may only waive probation fees based on an
25 offender's ability to pay. The probation department may
26 re-evaluate an offender's ability to pay every 6 months, and,

1 with the approval of the Director of Court Services or the
2 Chief Probation Officer, adjust the monthly fee amount. An
3 offender may elect to pay probation fees due in a lump sum. Any
4 offender that has been assigned to the supervision of a
5 probation department, or has been transferred either under
6 subsection (h) of this Section or under any interstate
7 compact, shall be required to pay probation fees to the
8 department supervising the offender, based on the offender's
9 ability to pay.

10 Public Act 93-970 deletes the \$10 increase in the fee
11 under this subsection that was imposed by Public Act 93-616.
12 This deletion is intended to control over any other Act of the
13 93rd General Assembly that retains or incorporates that fee
14 increase.

15 (i-5) In addition to the fees imposed under subsection (i)
16 of this Section, in the case of an offender convicted of a
17 felony sex offense (as defined in the Sex Offender Management
18 Board Act) or an offense that the court or probation
19 department has determined to be sexually motivated (as defined
20 in the Sex Offender Management Board Act), the court or the
21 probation department shall assess additional fees to pay for
22 all costs of treatment, assessment, evaluation for risk and
23 treatment, and monitoring the offender, based on that
24 offender's ability to pay those costs either as they occur or
25 under a payment plan.

26 (j) All fines and costs imposed under this Section for any

1 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
2 Code, or a similar provision of a local ordinance, and any
3 violation of the Child Passenger Protection Act, or a similar
4 provision of a local ordinance, shall be collected and
5 disbursed by the circuit clerk as provided under the Criminal
6 and Traffic Assessment Act.

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

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

20 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21.)

21 Section 10. The Illinois Crime Reduction Act of 2009 is
22 amended by changing Section 10 as follows:

23 (730 ILCS 190/10)

24 Sec. 10. Evidence-based programming.

1 (a) Purpose. Research and practice have identified new
2 strategies and policies that can result in a significant
3 reduction in recidivism rates and the successful local
4 reintegration of offenders. The purpose of this Section is to
5 ensure that State and local agencies direct their resources to
6 services and programming that have been demonstrated to be
7 effective in reducing recidivism and reintegrating offenders
8 into the locality.

9 (b) Evidence-based programming in local supervision.

10 (1) The Parole Division of the Department of
11 Corrections and the Prisoner Review Board shall adopt
12 policies, rules, and regulations that, within the first
13 year of the adoption, validation, and utilization of the
14 statewide, standardized risk assessment tool described in
15 this Act, result in at least 25% of supervised individuals
16 being supervised in accordance with evidence-based
17 practices; within 3 years of the adoption, validation, and
18 utilization of the statewide, standardized risk assessment
19 tool result in at least 50% of supervised individuals
20 being supervised in accordance with evidence-based
21 practices; and within 5 years of the adoption, validation,
22 and utilization of the statewide, standardized risk
23 assessment tool result in at least 75% of supervised
24 individuals being supervised in accordance with
25 evidence-based practices. The policies, rules, and
26 regulations shall:

1 (A) Provide for a standardized individual case
2 plan that follows the offender through the criminal
3 justice system (including in-prison if the supervised
4 individual is in prison) that is:

5 (i) Based on the assets of the individual as
6 well as his or her risks and needs identified
7 through the assessment tool as described in this
8 Act.

9 (ii) Comprised of treatment and supervision
10 services appropriate to achieve the purpose of
11 this Act.

12 (iii) Consistently updated, based on program
13 participation by the supervised individual and
14 other behavior modification exhibited by the
15 supervised individual.

16 (B) Concentrate resources and services on
17 high-risk offenders.

18 (C) Provide for the use of evidence-based
19 programming related to education, job training,
20 cognitive behavioral therapy, and other programming
21 designed to reduce criminal behavior.

22 (D) Establish a system of graduated responses.

23 (i) The system shall set forth a menu of
24 presumptive responses for the most common types of
25 supervision violations.

26 (ii) The system shall be guided by the model

1 list of intermediate sanctions created by the
2 Probation Services Division of the State of
3 Illinois pursuant to subsection (1) of Section 15
4 of the Probation and Probation Officers Act and
5 the system of intermediate sanctions created by
6 the Chief Judge of each circuit court pursuant to
7 Section 5-6-1 of the Unified Code of Corrections.

8 (iii) The system of responses shall take into
9 account factors such as the severity of the
10 current violation; the supervised individual's
11 risk level as determined by a validated assessment
12 tool described in this Act; the supervised
13 individual's assets; his or her previous criminal
14 record; and the number and severity of any
15 previous supervision violations.

16 (iv) The system shall also define positive
17 reinforcements that supervised individuals may
18 receive for compliance with conditions of
19 supervision.

20 (v) Response to violations should be swift and
21 certain and should be imposed as soon as
22 practicable but no longer than 3 working days of
23 detection of the violation behavior.

24 (vi) The system of graduated responses shall
25 be published on the Department of Corrections
26 website for public view.

1 (2) Conditions of local supervision (probation and
2 mandatory supervised release). Conditions of local
3 supervision whether imposed by a sentencing judge or the
4 Prisoner Review Board shall be imposed in accordance with
5 the offender's risks, assets, and needs as identified
6 through the assessment tool described in this Act.

7 (3) The Department of Corrections and the Prisoner
8 Review Board shall annually publish an exemplar copy of
9 any evidence-based assessments, questionnaires, or other
10 instruments used to set conditions of release.

11 (c) Evidence-based in-prison programming.

12 (1) The Department of Corrections shall adopt
13 policies, rules, and regulations that, within the first
14 year of the adoption, validation, and utilization of the
15 statewide, standardized risk assessment tool described in
16 this Act, result in at least 25% of incarcerated
17 individuals receiving services and programming in
18 accordance with evidence-based practices; within 3 years
19 of the adoption, validation, and utilization of the
20 statewide, standardized risk assessment tool result in at
21 least 50% of incarcerated individuals receiving services
22 and programming in accordance with evidence-based
23 practices; and within 5 years of the adoption, validation,
24 and utilization of the statewide, standardized risk
25 assessment tool result in at least 75% of incarcerated
26 individuals receiving services and programming in

1 accordance with evidence-based practices. The policies,
2 rules, and regulations shall:

3 (A) Provide for the use and development of a case
4 plan based on the risks, assets, and needs identified
5 through the assessment tool as described in this Act.
6 The case plan should be used to determine in-prison
7 programming; should be continuously updated based on
8 program participation by the prisoner and other
9 behavior modification exhibited by the prisoner; and
10 should be used when creating the case plan described
11 in subsection (b).

12 (B) Provide for the use of evidence-based
13 programming related to education, job training,
14 cognitive behavioral therapy and other evidence-based
15 programming.

16 (C) Establish education programs based on a
17 teacher to student ratio of no more than 1:30.

18 (D) Expand the use of drug prisons, modeled after
19 the Sheridan Correctional Center, to provide
20 sufficient drug treatment and other support services
21 to non-violent inmates with a history of substance
22 abuse.

23 (2) Participation and completion of programming by
24 prisoners can impact earned time credit as determined
25 under Section 3-6-3 of the Unified Code of Corrections.

26 (3) The Department of Corrections shall provide its

1 employees with intensive and ongoing training and
2 professional development services to support the
3 implementation of evidence-based practices. The training
4 and professional development services shall include
5 assessment techniques, case planning, cognitive behavioral
6 training, risk reduction and intervention strategies,
7 effective communication skills, substance abuse treatment
8 education and other topics identified by the Department or
9 its employees.

10 (d) The Parole Division of the Department of Corrections
11 and the Prisoner Review Board shall provide their employees
12 with intensive and ongoing training and professional
13 development services to support the implementation of
14 evidence-based practices. The training and professional
15 development services shall include assessment techniques, case
16 planning, cognitive behavioral training, risk reduction and
17 intervention strategies, effective communication skills,
18 substance abuse treatment education, and other topics
19 identified by the agencies or their employees.

20 (e) The Department of Corrections, the Prisoner Review
21 Board, and other correctional entities referenced in the
22 policies, rules, and regulations of this Act shall design,
23 implement, and make public a system to evaluate the
24 effectiveness of evidence-based practices in increasing public
25 safety and in successful reintegration of those under
26 supervision into the locality. Annually, each agency shall

1 submit to the Sentencing Policy Advisory Council a
2 comprehensive report on the success of implementing
3 evidence-based practices. The data compiled and analyzed by
4 the Council shall be delivered annually to the Governor and
5 the General Assembly.

6 (f) The Department of Corrections and the Prisoner Review
7 Board shall release a report annually published on their
8 websites that reports the following information about the
9 usage of electronic monitoring and GPS monitoring as a
10 condition of parole and mandatory supervised release during
11 the prior calendar year:

12 (1) demographic data of individuals on electronic
13 monitoring and GPS monitoring, separated by the following
14 categories:

15 (A) race or ethnicity;

16 (B) gender; and

17 (C) age;

18 (2) incarceration data of individuals subject to
19 conditions of electronic or GPS monitoring, separated by
20 the following categories:

21 (A) highest class of offense for which the
22 individuals are currently serving a term of release;
23 and

24 (B) length of imprisonment served prior to the
25 current release period;

26 (3) the number of individuals subject to conditions of

1 electronic or GPS monitoring, separated by the following
2 categories:

3 (A) the number of individuals subject to
4 monitoring under Section 5-8A-6 of the Unified Code of
5 Corrections;

6 (B) the number of individuals subject monitoring
7 under Section 5-8A-7 of the Unified Code of
8 Corrections;

9 (C) the number of individuals subject to
10 monitoring under a discretionary order of the Prisoner
11 Review Board at the time of their release; and

12 (D) the number of individuals subject to
13 monitoring as a sanction for violations of parole or
14 mandatory supervised release, separated by the
15 following categories:

16 (i) the number of individuals subject to
17 monitoring as part of a graduated sanctions
18 program; and

19 (ii) the number of individuals subject to
20 monitoring as a new condition of re-release after
21 a revocation hearing before the Prisoner Review
22 Board;

23 (4) the number of discretionary monitoring orders
24 issued by the Prisoner Review Board, separated by the
25 following categories:

26 (A) less than 30 days;

- 1 (B) 31 to 60 days;
- 2 (C) 61 to 90 days;
- 3 (D) 91 to 120 days;
- 4 (E) 121 to 150 days;
- 5 (F) 151 to 180 days;
- 6 (G) 181 to 364 days;
- 7 (H) 365 days or more; and
- 8 (I) duration of release term;

9 (5) the number of discretionary monitoring orders by
10 the Board which removed or terminated monitoring prior to
11 the completion of the original period ordered;

12 (6) the number and severity category for sanctions
13 imposed on individuals on electronic or GPS monitoring,
14 separated by the following categories:

15 (A) absconding from electronic monitoring or GPS;

16 (B) tampering or removing the electronic
17 monitoring or GPS device;

18 (C) unauthorized leaving of the residence;

19 (D) presence of the individual in a prohibited
20 area; or

21 (E) other violations of the terms of the
22 electronic monitoring program;

23 (7) the number of individuals for whom a parole
24 revocation case was filed for failure to comply with the
25 terms of electronic or GPS monitoring, separated by the
26 following categories:

1 (A) cases when failure to comply with the terms of
2 monitoring was the sole violation alleged; and

3 (B) cases when failure to comply with the terms of
4 monitoring was alleged in conjunction with other
5 alleged violations;

6 (8) residential data for individuals subject to
7 electronic or GPS monitoring, separated by the following
8 categories:

9 (A) the county of the residence address for
10 individuals subject to electronic or GPS monitoring as
11 a condition of their release; and

12 (B) for counties with a population over 3,000,000,
13 the zip codes of the residence address for individuals
14 subject to electronic or GPS monitoring as a condition
15 of their release;

16 (9) the number of individuals for whom parole
17 revocation cases were filed due to violations of paragraph
18 (1) of subsection (a) of Section 3-3-7 of the Unified Code
19 of Corrections, separated by the following categories:

20 (A) the number of individuals whose violation of
21 paragraph (1) of subsection (a) of Section 3-3-7 of
22 the Unified Code of Corrections allegedly occurred
23 while the individual was subject to conditions of
24 electronic or GPS monitoring;

25 (B) the number of individuals who had violations
26 of paragraph (1) of subsection (a) of Section 3-3-7 of

1 the Unified Code of Corrections alleged against them
2 who were never subject to electronic or GPS monitoring
3 during their current term of release; and

4 (C) the number of individuals who had violations
5 of paragraph (1) of subsection (a) of Section 3-3-7 of
6 the Unified Code of Corrections alleged against them
7 who were subject to electronic or GPS monitoring for
8 any period of time during their current term of their
9 release, but who were not subject to such monitoring
10 at the time of the alleged violation of paragraph (1)
11 of subsection (a) of Section 3-3-7 of the Unified Code
12 of Corrections.

13 (Source: P.A. 101-231, eff. 1-1-20; 102-558, eff. 8-20-21.)".