

1 AN ACT to amend the Unified Code of Corrections by
2 changing Section 5-6-3.1.

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

5 Section 5. The Unified Code of Corrections is amended by
6 changing Section 5-6-3.1 as follows:

7 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

8 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

9 (a) When a defendant is placed on supervision, the court
10 shall enter an order for supervision specifying the period of
11 such supervision, and shall defer further proceedings in the
12 case until the conclusion of the period.

13 (b) The period of supervision shall be reasonable under
14 all of the circumstances of the case, but may not be longer
15 than 2 years, unless the defendant has failed to pay the
16 assessment required by Section 10.3 of the Cannabis Control
17 Act or Section 411.2 of the Illinois Controlled Substances
18 Act, in which case the court may extend supervision beyond 2
19 years. Additionally, the court shall order the defendant to
20 perform no less than 30 hours of community service and not
21 more than 120 hours of community service, if community
22 service is available in the jurisdiction and is funded and
23 approved by the county board where the offense was committed,
24 when the offense (1) was related to or in furtherance of the
25 criminal activities of an organized gang or was motivated by
26 the defendant's membership in or allegiance to an organized
27 gang; or (2) is a violation of any Section of Article 24 of
28 the Criminal Code of 1961 where a disposition of supervision
29 is not prohibited by Section 5-6-1 of this Code. The
30 community service shall include, but not be limited to, the
31 cleanup and repair of any damage caused by violation of

1 Section 21-1.3 of the Criminal Code of 1961 and similar
2 damages to property located within the municipality or county
3 in which the violation occurred. Where possible and
4 reasonable, the community service should be performed in the
5 offender's neighborhood.

6 For the purposes of this Section, "organized gang" has
7 the meaning ascribed to it in Section 10 of the Illinois
8 Streetgang Terrorism Omnibus Prevention Act.

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

14 (1) make a report to and appear in person before or
15 participate with the court or such courts, person, or
16 social service agency as directed by the court in the
17 order of supervision;

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
24 the instruction or residence of defendants on probation;

25 (6) support his dependents;

26 (7) refrain from possessing a firearm or other
27 dangerous weapon;

28 (8) and in addition, if a minor:

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

31 (ii) attend school;

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

34 (iv) contribute to his own support at home or

1 in a foster home; and

2 (9) make restitution or reparation in an amount not
3 to exceed actual loss or damage to property and pecuniary
4 loss or make restitution under Section 5-5-6 to a
5 domestic violence shelter. The court shall determine the
6 amount and conditions of payment;

7 (10) perform some reasonable public or community
8 service;

9 (11) comply with the terms and conditions of an
10 order of protection issued by the court pursuant to the
11 Illinois Domestic Violence Act of 1986 or an order of
12 protection issued by the court of another state, tribe,
13 or United States territory. If the court has ordered the
14 defendant to make a report and appear in person under
15 paragraph (1) of this subsection, a copy of the order of
16 protection shall be transmitted to the person or agency
17 so designated by the court;

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

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

29 (14) refrain from entering into a designated
30 geographic area except upon such terms as the court finds
31 appropriate. Such terms may include consideration of the
32 purpose of the entry, the time of day, other persons
33 accompanying the defendant, and advance approval by a
34 probation officer;

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

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

11 (17) refrain from operating any motor vehicle not
12 equipped with an ignition interlock device as defined in
13 Section 1-129.1 of the Illinois Vehicle Code. Under this
14 condition the court may allow a defendant who is not
15 self-employed to operate a vehicle owned by the
16 defendant's employer that is not equipped with an
17 ignition interlock device in the course and scope of the
18 defendant's employment.

19 (d) The court shall defer entering any judgment on the
20 charges until the conclusion of the supervision.

21 (e) At the conclusion of the period of supervision, if
22 the court determines that the defendant has successfully
23 complied with all of the conditions of supervision, the court
24 shall discharge the defendant and enter a judgment dismissing
25 the charges.

26 (f) Discharge and dismissal upon a successful conclusion
27 of a disposition of supervision shall be deemed without
28 adjudication of guilt and shall not be termed a conviction
29 for purposes of disqualification or disabilities imposed by
30 law upon conviction of a crime. Two years after the
31 discharge and dismissal under this Section, unless the
32 disposition of supervision was for a violation of Sections
33 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois
34 Vehicle Code or a similar provision of a local ordinance, or

1 for a violation of Sections 12-3.2 or 16A-3 of the Criminal
2 Code of 1961, in which case it shall be 5 years after
3 discharge and dismissal, a person may have his record of
4 arrest sealed or expunged as may be provided by law.
5 However, any defendant placed on supervision before January
6 1, 1980, may move for sealing or expungement of his arrest
7 record, as provided by law, at any time after discharge and
8 dismissal under this Section. A person placed on supervision
9 for a sexual offense committed against a minor as defined in
10 subsection (g) of Section 5 of the Criminal Identification
11 Act or for a violation of Section 11-501 of the Illinois
12 Vehicle Code or a similar provision of a local ordinance
13 shall not have his or her record of arrest sealed or
14 expunged.

15 (g) A defendant placed on supervision and who during the
16 period of supervision undergoes mandatory drug or alcohol
17 testing, or both, or is assigned to be placed on an approved
18 electronic monitoring device, shall be ordered to pay the
19 costs incidental to such mandatory drug or alcohol testing,
20 or both, and costs incidental to such approved electronic
21 monitoring in accordance with the defendant's ability to pay
22 those costs. The county board with the concurrence of the
23 Chief Judge of the judicial circuit in which the county is
24 located shall establish reasonable fees for the cost of
25 maintenance, testing, and incidental expenses related to the
26 mandatory drug or alcohol testing, or both, and all costs
27 incidental to approved electronic monitoring, of all
28 defendants placed on supervision. The concurrence of the
29 Chief Judge shall be in the form of an administrative order.
30 The fees shall be collected by the clerk of the circuit
31 court. The clerk of the circuit court shall pay all moneys
32 collected from these fees to the county treasurer who shall
33 use the moneys collected to defray the costs of drug testing,
34 alcohol testing, and electronic monitoring. The county

1 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) A disposition of supervision is a final order for
5 the purposes of appeal.

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

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

28 (k) A defendant at least 17 years of age who is placed
29 on supervision for a misdemeanor in a county of 3,000,000 or
30 more inhabitants and who has not been previously convicted of
31 a misdemeanor or felony may as a condition of his or her
32 supervision be required by the court to attend educational
33 courses designed to prepare the defendant for a high school
34 diploma and to work toward a high school diploma or to work

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

19 (l) The court shall require a defendant placed on
20 supervision for possession of a substance prohibited by the
21 Cannabis Control Act or Illinois Controlled Substances Act
22 after a previous conviction or disposition of supervision for
23 possession of a substance prohibited by the Cannabis Control
24 Act or Illinois Controlled Substances Act or a sentence of
25 probation under Section 10 of the Cannabis Control Act or
26 Section 410 of the Illinois Controlled Substances Act and
27 after a finding by the court that the person is addicted, to
28 undergo treatment at a substance abuse program approved by
29 the court.

30 (m) The court shall require a defendant placed on
31 supervision for a violation of Section 3-707 of the Illinois
32 Vehicle Code or a similar provision of a local ordinance, as
33 a condition of supervision, to give proof of his or her
34 financial responsibility as defined in Section 7-315 of the

1 Illinois Vehicle Code. The proof shall be maintained by the
2 defendant in a manner satisfactory to the Secretary of State
3 for a minimum period of 3 years ~~one-year~~ after the date the
4 proof is first filed. The Secretary of State shall suspend
5 the driver's license of any person determined by the
6 Secretary to be in violation of this subsection.

7 (Source: P.A. 90-14, eff. 7-1-97; 90-399, eff. 1-1-98;
8 90-504, eff. 1-1-98; 90-655, eff. 7-30-98; 90-784, eff.
9 1-1-99; 91-127, eff. 1-1-00; 91-696, eff. 4-13-00; 91-903,
10 eff. 1-1-01.)