

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 Section 5-6-3.1 as follows:

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

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

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

12 (b) The period of supervision shall be reasonable under
13 all of the circumstances of the case, but may not be longer
14 than 2 years, unless the defendant has failed to pay the
15 assessment required by Section 10.3 of the Cannabis Control
16 Act or Section 411.2 of the Illinois Controlled Substances
17 Act, in which case the court may extend supervision beyond 2
18 years. Additionally, the court shall order the defendant to
19 perform no less than 30 hours of community service and not
20 more than 120 hours of community service, if community
21 service is available in the jurisdiction and is funded and
22 approved by the county board where the offense was committed,
23 when the offense (1) was related to or in furtherance of the
24 criminal activities of an organized gang or was motivated by
25 the defendant's membership in or allegiance to an organized
26 gang; or (2) is a violation of any Section of Article 24 of
27 the Criminal Code of 1961 where a disposition of supervision
28 is not prohibited by Section 5-6-1 of this Code. The
29 community service shall include, but not be limited to, the
30 cleanup and repair of any damage caused by violation of
31 Section 21-1.3 of the Criminal Code of 1961 and similar

1 damages to property located within the municipality or county
2 in which the violation occurred. Where possible and
3 reasonable, the community service should be performed in the
4 offender's neighborhood.

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

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

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

17 (2) pay a fine and costs;

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

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

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

24 (6) support his dependents;

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

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

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

30 (ii) attend school;

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

33 (iv) contribute to his own support at home or
34 in a foster home; and

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

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

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

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

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

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

34 (15) refrain from having any contact, directly or

1 indirectly, with certain specified persons or particular
2 types of person, including but not limited to members of
3 street gangs and drug users or dealers;

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

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

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

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

25 (f) Discharge and dismissal upon a successful conclusion
26 of a disposition of supervision shall be deemed without
27 adjudication of guilt and shall not be termed a conviction
28 for purposes of disqualification or disabilities imposed by
29 law upon conviction of a crime. Two years after the
30 discharge and dismissal under this Section, unless the
31 disposition of supervision was for a violation of Sections
32 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois
33 Vehicle Code or a similar provision of a local ordinance, or
34 for a violation of Sections 12-3.2 or 16A-3 of the Criminal

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

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

1 working cash fund under Section 6-27001 or Section 6-29002 of
2 the Counties Code, as the case may be.

3 (h) A disposition of supervision is a final order for
4 the purposes of appeal.

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

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

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

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

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

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

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

6 (n) The court shall require a defendant placed on court
7 supervision for a violation of Section 11-501 of the Illinois
8 Vehicle Code committed on or after the effective date of this
9 amendatory Act of the 92nd General Assembly to install in any
10 vehicle he or she owns or in an any vehicle to which he or
11 she has access, an ignition interlock device, as defined in
12 Section 1-129.1 of the Illinois Vehicle Code. This subsection
13 applies only if, at the time of arrest for the violation:

14 (1) the defendant refuses to submit to a chemical
15 test or tests of blood or breath for the purpose of
16 determining the content of alcohol in the defendant's
17 blood or breath; or

18 (2) the defendant submits to a chemical test or
19 tests of blood or breath for the purpose of determining
20 the content of alcohol in the defendant's blood or
21 breath, and the alcohol concentration in the defendant's
22 blood or breath is 0.17 or greater.

23 (Source: P.A. 90-14, eff. 7-1-97; 90-399, eff. 1-1-98;
24 90-504, eff. 1-1-98; 90-655, eff. 7-30-98; 90-784, eff.
25 1-1-99; 91-127, eff. 1-1-00; 91-696, eff. 4-13-00; 91-903,
26 eff. 1-1-01.)