

1 AN ACT concerning sex offenders.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Sections 5-710 and 5-715 as follows:

6 (705 ILCS 405/5-710)

7 Sec. 5-710. Kinds of sentencing orders.

8 (1) The following kinds of sentencing orders may be made
9 in respect of wards of the court:

10 (a) Except as provided in Sections 5-805, 5-810,
11 5-815, a minor who is found guilty under Section 5-620
12 may be:

13 (i) put on probation or conditional discharge
14 and released to his or her parents, guardian or
15 legal custodian, provided, however, that any such
16 minor who is not committed to the Department of
17 Corrections, Juvenile Division under this subsection
18 and who is found to be a delinquent for an offense
19 which is first degree murder, a Class X felony, or a
20 forcible felony shall be placed on probation;

21 (ii) placed in accordance with Section 5-740,
22 with or without also being put on probation or
23 conditional discharge;

24 (iii) required to undergo a substance abuse
25 assessment conducted by a licensed provider and
26 participate in the indicated clinical level of care;

27 (iv) placed in the guardianship of the
28 Department of Children and Family Services, but only
29 if the delinquent minor is under 13 years of age;

30 (v) placed in detention for a period not to
31 exceed 30 days, either as the exclusive order of

1 disposition or, where appropriate, in conjunction
2 with any other order of disposition issued under
3 this paragraph, provided that any such detention
4 shall be in a juvenile detention home and the minor
5 so detained shall be 10 years of age or older.
6 However, the 30-day limitation may be extended by
7 further order of the court for a minor under age 13
8 committed to the Department of Children and Family
9 Services if the court finds that the minor is a
10 danger to himself or others. The minor shall be
11 given credit on the sentencing order of detention
12 for time spent in detention under Sections 5-501,
13 5-601, 5-710, or 5-720 of this Article as a result
14 of the offense for which the sentencing order was
15 imposed. The court may grant credit on a sentencing
16 order of detention entered under a violation of
17 probation or violation of conditional discharge
18 under Section 5-720 of this Article for time spent
19 in detention before the filing of the petition
20 alleging the violation. A minor shall not be
21 deprived of credit for time spent in detention
22 before the filing of a violation of probation or
23 conditional discharge alleging the same or related
24 act or acts;

25 (vi) ordered partially or completely
26 emancipated in accordance with the provisions of the
27 Emancipation of Mature Minors Act;

28 (vii) subject to having his or her driver's
29 license or driving privileges suspended for such
30 time as determined by the court but only until he or
31 she attains 18 years of age;

32 (viii) put on probation or conditional
33 discharge and placed in detention under Section
34 3-6039 of the Counties Code for a period not to

1 exceed the period of incarceration permitted by law
2 for adults found guilty of the same offense or
3 offenses for which the minor was adjudicated
4 delinquent, and in any event no longer than upon
5 attainment of age 21; this subdivision (viii)
6 notwithstanding any contrary provision of the law;
7 or

8 (ix) ordered to undergo a medical or other
9 procedure to have a tattoo symbolizing allegiance to
10 a street gang removed from his or her body.

11 (b) A minor found to be guilty may be committed to
12 the Department of Corrections, Juvenile Division, under
13 Section 5-750 if the minor is 13 years of age or older,
14 provided that the commitment to the Department of
15 Corrections, Juvenile Division, shall be made only if a
16 term of incarceration is permitted by law for adults
17 found guilty of the offense for which the minor was
18 adjudicated delinquent. The time during which a minor is
19 in custody before being released upon the request of a
20 parent, guardian or legal custodian shall be considered
21 as time spent in detention.

22 (c) When a minor is found to be guilty for an
23 offense which is a violation of the Illinois Controlled
24 Substances Act or the Cannabis Control Act and made a
25 ward of the court, the court may enter a disposition
26 order requiring the minor to undergo assessment,
27 counseling or treatment in a substance abuse program
28 approved by the Department of Human Services.

29 (2) Any sentencing order other than commitment to the
30 Department of Corrections, Juvenile Division, may provide for
31 protective supervision under Section 5-725 and may include an
32 order of protection under Section 5-730.

33 (3) Unless the sentencing order expressly so provides,
34 it does not operate to close proceedings on the pending

1 petition, but is subject to modification until final closing
2 and discharge of the proceedings under Section 5-750.

3 (4) In addition to any other sentence, the court may
4 order any minor found to be delinquent to make restitution,
5 in monetary or non-monetary form, under the terms and
6 conditions of Section 5-5-6 of the Unified Code of
7 Corrections, except that the "presentencing hearing" referred
8 to in that Section shall be the sentencing hearing for
9 purposes of this Section. The parent, guardian or legal
10 custodian of the minor may be ordered by the court to pay
11 some or all of the restitution on the minor's behalf,
12 pursuant to the Parental Responsibility Law. The State's
13 Attorney is authorized to act on behalf of any victim in
14 seeking restitution in proceedings under this Section, up to
15 the maximum amount allowed in Section 5 of the Parental
16 Responsibility Law.

17 (5) Any sentencing order where the minor is committed or
18 placed in accordance with Section 5-740 shall provide for the
19 parents or guardian of the estate of the minor to pay to the
20 legal custodian or guardian of the person of the minor such
21 sums as are determined by the custodian or guardian of the
22 person of the minor as necessary for the minor's needs. The
23 payments may not exceed the maximum amounts provided for by
24 Section 9.1 of the Children and Family Services Act.

25 (6) Whenever the sentencing order requires the minor to
26 attend school or participate in a program of training, the
27 truant officer or designated school official shall regularly
28 report to the court if the minor is a chronic or habitual
29 truant under Section 26-2a of the School Code.

30 (7) In no event shall a guilty minor be committed to the
31 Department of Corrections, Juvenile Division for a period of
32 time in excess of that period for which an adult could be
33 committed for the same act.

34 (8) A minor found to be guilty for reasons that include

1 a violation of Section 21-1.3 of the Criminal Code of 1961
 2 shall be ordered to perform community service for not less
 3 than 30 and not more than 120 hours, if community service is
 4 available in the jurisdiction. The community service shall
 5 include, but need not be limited to, the cleanup and repair
 6 of the damage that was caused by the violation or similar
 7 damage to property located in the municipality or county in
 8 which the violation occurred. The order may be in addition
 9 to any other order authorized by this Section.

10 (8.5) A minor found to be guilty for reasons that
 11 include a violation of Section 3.02 or Section 3.03 of the
 12 Humane Care for Animals Act or paragraph (d) of subsection
 13 (1) of Section 21-1 of the Criminal Code of 1961 shall be
 14 ordered to undergo medical or psychiatric treatment rendered
 15 by a psychiatrist or psychological treatment rendered by a
 16 clinical psychologist. The order may be in addition to any
 17 other order authorized by this Section.

18 (8.10) Any minor found to be guilty of a sex offense as
 19 defined in the Sex Offender Management Board Act shall be
 20 required as part of the social investigation to submit to a
 21 sex offender evaluation. The evaluation shall be performed
 22 in conformance with the standards developed under the Sex
 23 Offender Management Board Act.

24 (9) In addition to any other sentencing order, the court
 25 shall order any minor found to be guilty for an act which
 26 would constitute, predatory criminal sexual assault of a
 27 child, aggravated criminal sexual assault, criminal sexual
 28 assault, aggravated criminal sexual abuse, or criminal sexual
 29 abuse if committed by an adult to undergo medical testing to
 30 determine whether the defendant has any sexually
 31 transmissible disease including a test for infection with
 32 human immunodeficiency virus (HIV) or any other identified
 33 causative agency of acquired immunodeficiency syndrome
 34 (AIDS). Any medical test shall be performed only by

1 appropriately licensed medical practitioners and may include
2 an analysis of any bodily fluids as well as an examination of
3 the minor's person. Except as otherwise provided by law, the
4 results of the test shall be kept strictly confidential by
5 all medical personnel involved in the testing and must be
6 personally delivered in a sealed envelope to the judge of the
7 court in which the sentencing order was entered for the
8 judge's inspection in camera. Acting in accordance with the
9 best interests of the victim and the public, the judge shall
10 have the discretion to determine to whom the results of the
11 testing may be revealed. The court shall notify the minor of
12 the results of the test for infection with the human
13 immunodeficiency virus (HIV). The court shall also notify
14 the victim if requested by the victim, and if the victim is
15 under the age of 15 and if requested by the victim's parents
16 or legal guardian, the court shall notify the victim's
17 parents or the legal guardian, of the results of the test for
18 infection with the human immunodeficiency virus (HIV). The
19 court shall provide information on the availability of HIV
20 testing and counseling at the Department of Public Health
21 facilities to all parties to whom the results of the testing
22 are revealed. The court shall order that the cost of any
23 test shall be paid by the county and may be taxed as costs
24 against the minor.

25 (10) When a court finds a minor to be guilty the court
26 shall, before entering a sentencing order under this Section,
27 make a finding whether the offense committed either: (a) was
28 related to or in furtherance of the criminal activities of an
29 organized gang or was motivated by the minor's membership in
30 or allegiance to an organized gang, or (b) involved a
31 violation of subsection (a) of Section 12-7.1 of the Criminal
32 Code of 1961, a violation of any Section of Article 24 of the
33 Criminal Code of 1961, or a violation of any statute that
34 involved the wrongful use of a firearm. If the court

1 determines the question in the affirmative, and the court
2 does not commit the minor to the Department of Corrections,
3 Juvenile Division, the court shall order the minor to perform
4 community service for not less than 30 hours nor more than
5 120 hours, provided that community service is available in
6 the jurisdiction and is funded and approved by the county
7 board of the county where the offense was committed. The
8 community service shall include, but need not be limited to,
9 the cleanup and repair of any damage caused by a violation of
10 Section 21-1.3 of the Criminal Code of 1961 and similar
11 damage to property located in the municipality or county in
12 which the violation occurred. When possible and reasonable,
13 the community service shall be performed in the minor's
14 neighborhood. This order shall be in addition to any other
15 order authorized by this Section except for an order to place
16 the minor in the custody of the Department of Corrections,
17 Juvenile Division. For the purposes of this Section,
18 "organized gang" has the meaning ascribed to it in Section 10
19 of the Illinois Streetgang Terrorism Omnibus Prevention Act.
20 (Source: P.A. 91-98, eff. 1-1-00; 92-454, eff. 1-1-02.)

21 (705 ILCS 405/5-715)

22 Sec. 5-715. Probation.

23 (1) The period of probation or conditional discharge
24 shall not exceed 5 years or until the minor has attained the
25 age of 21 years, whichever is less, except as provided in
26 this Section for a minor who is found to be guilty for an
27 offense which is first degree murder, a Class X felony or a
28 forcible felony. The juvenile court may terminate probation
29 or conditional discharge and discharge the minor at any time
30 if warranted by the conduct of the minor and the ends of
31 justice; provided, however, that the period of probation for
32 a minor who is found to be guilty for an offense which is
33 first degree murder, a Class X felony, or a forcible felony

1 shall be at least 5 years.

2 (2) The court may as a condition of probation or of
3 conditional discharge require that the minor:

4 (a) not violate any criminal statute of any
5 jurisdiction;

6 (b) make a report to and appear in person before
7 any person or agency as directed by the court;

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

10 (d) undergo medical or psychiatric treatment,
11 rendered by a psychiatrist or psychological treatment
12 rendered by a clinical psychologist or social work
13 services rendered by a clinical social worker, or
14 treatment for drug addiction or alcoholism;

15 (e) attend or reside in a facility established for
16 the instruction or residence of persons on probation;

17 (f) support his or her dependents, if any;

18 (g) refrain from possessing a firearm or other
19 dangerous weapon, or an automobile;

20 (h) permit the probation officer to visit him or
21 her at his or her home or elsewhere;

22 (i) reside with his or her parents or in a foster
23 home;

24 (j) attend school;

25 (j-5) with the consent of the superintendent of the
26 facility, attend an educational program at a facility
27 other than the school in which the offense was committed
28 if he or she committed a crime of violence as defined in
29 Section 2 of the Crime Victims Compensation Act in a
30 school, on the real property comprising a school, or
31 within 1,000 feet of the real property comprising a
32 school;

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

34 (l) make restitution under the terms of subsection

1 (4) of Section 5-710;

2 (m) contribute to his or her own support at home or
3 in a foster home;

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

6 (o) participate with community corrections programs
7 including unified delinquency intervention services
8 administered by the Department of Human Services subject
9 to Section 5 of the Children and Family Services Act;

10 (p) pay costs;

11 (q) serve a term of home confinement. In addition
12 to any other applicable condition of probation or
13 conditional discharge, the conditions of home confinement
14 shall be that the minor:

15 (i) remain within the interior premises of the
16 place designated for his or her confinement during
17 the hours designated by the court;

18 (ii) admit any person or agent designated by
19 the court into the minor's place of confinement at
20 any time for purposes of verifying the minor's
21 compliance with the conditions of his or her
22 confinement; and

23 (iii) use an approved electronic monitoring
24 device if ordered by the court subject to Article 8A
25 of Chapter V of the Unified Code of Corrections;

26 (r) refrain from entering into a designated
27 geographic area except upon terms as the court finds
28 appropriate. The terms may include consideration of the
29 purpose of the entry, the time of day, other persons
30 accompanying the minor, and advance approval by a
31 probation officer, if the minor has been placed on
32 probation, or advance approval by the court, if the minor
33 has been placed on conditional discharge;

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

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

4 (s-5) undergo a medical or other procedure to have
5 a tattoo symbolizing allegiance to a street gang removed
6 from his or her body;

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

13 (u) comply with other conditions as may be ordered
14 by the court.

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

25 (3.5) The court shall, as a condition of probation or of
26 conditional discharge, require that a minor found to be
27 guilty and placed on probation for reasons that include a
28 violation of Section 3.02 or Section 3.03 of the Humane Care
29 for Animals Act or paragraph (d) of subsection (1) of Section
30 21-1 of the Criminal Code of 1961 undergo medical or
31 psychiatric treatment rendered by a psychiatrist or
32 psychological treatment rendered by a clinical psychologist.
33 The condition may be in addition to any other condition.

34 (3.10) The court shall order that a minor placed on

1 probation or conditional discharge for a sex offense as
 2 defined in the Sex Offender Management Board Act undergo and
 3 successfully complete sex offender treatment. The treatment
 4 shall be in conformance with the standards developed under
 5 the Sex Offender Management Board Act and shall be at the
 6 expense of the person evaluated based upon that person's
 7 ability to pay for the treatment.

8 (4) A minor on probation or conditional discharge shall
 9 be given a certificate setting forth the conditions upon
 10 which he or she is being released.

11 (5) The court shall impose upon a minor placed on
 12 probation or conditional discharge, as a condition of the
 13 probation or conditional discharge, a fee of \$25 for each
 14 month of probation or conditional discharge supervision
 15 ordered by the court, unless after determining the inability
 16 of the minor placed on probation or conditional discharge to
 17 pay the fee, the court assesses a lesser amount. The court
 18 may not impose the fee on a minor who is made a ward of the
 19 State under this Act while the minor is in placement. The
 20 fee shall be imposed only upon a minor who is actively
 21 supervised by the probation and court services department.
 22 The court may order the parent, guardian, or legal custodian
 23 of the minor to pay some or all of the fee on the minor's
 24 behalf.

25 (6) The General Assembly finds that in order to protect
 26 the public, the juvenile justice system must compel
 27 compliance with the conditions of probation by responding to
 28 violations with swift, certain, and fair punishments and
 29 intermediate sanctions. The Chief Judge of each circuit
 30 shall adopt a system of structured, intermediate sanctions
 31 for violations of the terms and conditions of a sentence of
 32 supervision, probation or conditional discharge, under this
 33 Act.

34 The court shall provide as a condition of a disposition

1 of probation, conditional discharge, or supervision, that the
 2 probation agency may invoke any sanction from the list of
 3 intermediate sanctions adopted by the chief judge of the
 4 circuit court for violations of the terms and conditions of
 5 the sentence of probation, conditional discharge, or
 6 supervision, subject to the provisions of Section 5-720 of
 7 this Act.

8 (Source: P.A. 91-98, eff. 1-1-00; 92-282, eff. 8-7-01;
 9 92-454, eff. 1-1-02; revised 10-11-01.)

10 Section 10. The Sexually Dangerous Persons Act is
 11 amended by changing Section 8 as follows:

12 (725 ILCS 205/8) (from Ch. 38, par. 105-8)

13 Sec. 8. If the respondent is found to be a sexually
 14 dangerous person then the court shall appoint the Director of
 15 Corrections guardian of the person found to be sexually
 16 dangerous and such person shall stand committed to the
 17 custody of such guardian. The Director of Corrections as
 18 guardian shall keep safely the person so committed until the
 19 person has recovered and is released as hereinafter provided.
 20 The Director of Corrections as guardian shall provide care
 21 and treatment for the person committed to him designed to
 22 effect recovery. Any treatment provided under this Section
 23 shall be in conformance with the standards promulgated by the
 24 Sex Offender Management Board. The Director may place that
 25 ward in any facility in the Department of Corrections or
 26 portion thereof set aside for the care and treatment of
 27 sexually dangerous persons. The Department of Corrections may
 28 also request another state Department or Agency to examine
 29 such patient and upon such request, such Department or Agency
 30 shall make such examination and the Department of Corrections
 31 may, with the consent of the chief executive officer of such
 32 other Department or Agency, thereupon place such patient in

1 the care and treatment of such other Department or Agency.

2 (Source: P.A. 77-2477.)

3 Section 15. The Sexually Violent Persons Commitment Act
4 is amended by changing Sections 10, 25, 30, 40, 55, 60, and
5 65 as follows:

6 (725 ILCS 207/10)

7 Sec. 10. Notice to the Attorney General and State's
8 Attorney.

9 (a) In this Act, "agency with jurisdiction" means the
10 agency with the authority or duty to release or discharge the
11 person.

12 (b) If an agency with jurisdiction has control or
13 custody over a person who may meet the criteria for
14 commitment as a sexually violent person, the agency with
15 jurisdiction shall inform the Attorney General and the
16 State's Attorney in a position to file a petition under
17 paragraph (a)(2) of Section 15 of this Act regarding the
18 person as soon as possible beginning 3 months prior to the
19 applicable date of the following:

20 (1) The anticipated release from imprisonment or
21 the anticipated entry into mandatory supervised release
22 of a person who has been convicted of a sexually violent
23 offense.

24 (2) The anticipated release from a Department of
25 Corrections correctional facility or juvenile
26 correctional facility of a person adjudicated delinquent
27 under Section 5-20 of the Juvenile Court Act of 1987 (now
28 repealed) or found guilty under Section 5-620 of that
29 Act, on the basis of a sexually violent offense.

30 (3) The discharge or conditional release of a
31 person who has been found not guilty of a sexually
32 violent offense by reason of insanity under Section 5-2-4

1 of the Unified Code of Corrections.

2 (c) The agency with jurisdiction shall provide the
3 Attorney General and the State's Attorney with all of the
4 following:

5 (1) The person's name, identifying factors,
6 anticipated future residence and offense history;

7 (2) A comprehensive evaluation of the person's
8 mental condition, the basis upon which a determination
9 has been made that the person is subject to commitment
10 under subsection (b) of Section 15 of this Act and a
11 recommendation for action in furtherance of the purposes
12 of this Act. The evaluation shall be conducted in
13 conformance with the standards developed under the Sex
14 Offender Management Board Act; and

15 (3) If applicable, documentation of any treatment
16 and the person's adjustment to any institutional
17 placement.

18 (d) Any agency or officer, employee or agent of an
19 agency is immune from criminal or civil liability for any
20 acts or omissions as the result of a good faith effort to
21 comply with this Section.

22 (Source: P.A. 90-40, eff. 1-1-98; 90-793, eff. 8-14-98;
23 91-357, eff. 7-29-99.)

24 (725 ILCS 207/25)

25 Sec. 25. Rights of persons subject to petition.

26 (a) Any person who is the subject of a petition filed
27 under Section 15 of this Act shall be served with a copy of
28 the petition in accordance with the Civil Practice Law.

29 (b) The circuit court in which a petition under Section
30 15 of this Act is filed shall conduct all hearings under this
31 Act. The court shall give the person who is the subject of
32 the petition reasonable notice of the time and place of each
33 such hearing. The court may designate additional persons to

1 receive these notices.

2 (c) Except as provided in paragraph (b)(1) of Section 65
3 and Section 70 of this Act, at any hearing conducted under
4 this Act, the person who is the subject of the petition has
5 the right to:

6 (1) To be present and to be represented by counsel.

7 If the person is indigent, the court shall appoint
8 counsel.

9 (2) Remain silent.

10 (3) Present and cross-examine witnesses.

11 (4) Have the hearing recorded by a court reporter.

12 (d) The person who is the subject of the petition, the
13 person's attorney, the Attorney General or the State's
14 Attorney may request that a trial under Section 35 of this
15 Act be to a jury. A verdict of a jury under this Act is not
16 valid unless it is unanimous.

17 (e) Whenever the person who is the subject of the
18 petition is required to submit to an examination under this
19 Act, he or she may retain experts or professional persons to
20 perform an examination. The respondent's chosen evaluator
21 must be certified by the Sex Offender Management Board and
22 the evaluation must be conducted in conformance with the
23 standards developed under the Sex Offender Management Board
24 Act. If the person retains a qualified expert or
25 professional person of his or her own choice to conduct an
26 examination, the examiner shall have reasonable access to the
27 person for the purpose of the examination, as well as to the
28 person's past and present treatment records and patient
29 health care records. If the person is indigent, the court
30 shall, upon the person's request, appoint a qualified and
31 available expert or professional person to perform an
32 examination. Upon the order of the circuit court, the county
33 shall pay, as part of the costs of the action, the costs of a
34 court-appointed expert or professional person to perform an

1 examination and participate in the trial on behalf of an
2 indigent person.

3 (Source: P.A. 90-40, eff. 1-1-98.)

4 (725 ILCS 207/30)

5 Sec. 30. Detention; probable cause hearing; transfer for
6 examination.

7 (a) Upon the filing of a petition under Section 15 of
8 this Act, the court shall review the petition to determine
9 whether to issue an order for detention of the person who is
10 the subject of the petition. The person shall be detained
11 only if there is cause to believe that the person is eligible
12 for commitment under subsection (f) of Section 35 of this
13 Act. A person detained under this Section shall be held in a
14 facility approved by the Department. If the person is
15 serving a sentence of imprisonment, is in a Department of
16 Corrections correctional facility or juvenile correctional
17 facility or is committed to institutional care, and the court
18 orders detention under this Section, the court shall order
19 that the person be transferred to a detention facility
20 approved by the Department. A detention order under this
21 Section remains in effect until the person is discharged
22 after a trial under Section 35 of this Act or until the
23 effective date of a commitment order under Section 40 of this
24 Act, whichever is applicable.

25 (b) Whenever a petition is filed under Section 15 of
26 this Act, the court shall hold a hearing to determine whether
27 there is probable cause to believe that the person named in
28 the petition is a sexually violent person. If the person
29 named in the petition is in custody, the court shall hold the
30 probable cause hearing within 72 hours after the petition is
31 filed, excluding Saturdays, Sundays and legal holidays. The
32 court may grant a continuance of the probable cause hearing
33 for no more than 7 additional days upon the motion of the

1 respondent, for good cause. If the person named in the
2 petition has been released, is on parole, is on mandatory
3 supervised release, or otherwise is not in custody, the court
4 shall hold the probable cause hearing within a reasonable
5 time after the filing of the petition. At the probable cause
6 hearing, the court shall admit and consider all relevant
7 hearsay evidence.

8 (c) If the court determines after a hearing that there
9 is probable cause to believe that the person named in the
10 petition is a sexually violent person, the court shall order
11 that the person be taken into custody if he or she is not in
12 custody and shall order the person to be transferred within a
13 reasonable time to an appropriate facility for an evaluation
14 as to whether the person is a sexually violent person. If the
15 person who is named in the petition refuses to speak to,
16 communicate with, or otherwise fails to cooperate with the
17 examining evaluator from the Department of Human Services or
18 the Department of Corrections, that person may only introduce
19 evidence and testimony from any expert or professional person
20 who is retained or court-appointed to conduct an examination
21 of the person that results from a review of the records and
22 may not introduce evidence resulting from an examination of
23 the person. Any evaluation conducted under this Section shall
24 be by an evaluator who is certified by the Sex Offender
25 Management Board and in conformance with the standards
26 developed under the Sex Offender Management Board Act.
27 Notwithstanding the provisions of Section 10 of the Mental
28 Health and Developmental Disabilities Confidentiality Act,
29 all evaluations conducted pursuant to this Act and all
30 Illinois Department of Corrections treatment records shall be
31 admissible at all proceedings held pursuant to this Act,
32 including the probable cause hearing and the trial.

33 If the court determines that probable cause does not
34 exist to believe that the person is a sexually violent

1 person, the court shall dismiss the petition.

2 (d) The Department shall promulgate rules that provide
3 the qualifications for persons conducting evaluations under
4 subsection (c) of this Section.

5 (e) If the person named in the petition claims or
6 appears to be indigent, the court shall, prior to the
7 probable cause hearing under subsection (b) of this Section,
8 appoint counsel.

9 (Source: P.A. 92-415, eff. 8-17-01.)

10 (725 ILCS 207/40)

11 Sec. 40. Commitment.

12 (a) If a court or jury determines that the person who is
13 the subject of a petition under Section 15 of this Act is a
14 sexually violent person, the court shall order the person to
15 be committed to the custody of the Department for control,
16 care and treatment until such time as the person is no longer
17 a sexually violent person.

18 (b) (1) The court shall enter an initial commitment
19 order under this Section pursuant to a hearing held as
20 soon as practicable after the judgment is entered that
21 the person who is the subject of a petition under Section
22 15 is a sexually violent person. If the court lacks
23 sufficient information to make the determination required
24 by paragraph (b)(2) of this Section immediately after
25 trial, it may adjourn the hearing and order the
26 Department to conduct a predisposition investigation or a
27 supplementary mental examination, or both, to assist the
28 court in framing the commitment order. A supplementary
29 mental examination under this Section shall be conducted
30 in accordance with Section 3-804 of the Mental Health and
31 Developmental Disabilities Code.

32 (2) An order for commitment under this Section
33 shall specify either institutional care in a secure

1 facility, as provided under Section 50 of this Act, or
2 conditional release. In determining whether commitment
3 shall be for institutional care in a secure facility or
4 for conditional release, the court shall consider the
5 nature and circumstances of the behavior that was the
6 basis of the allegation in the petition under paragraph
7 (b)(1) of Section 15, the person's mental history and
8 present mental condition, where the person will live, how
9 the person will support himself or herself, and what
10 arrangements are available to ensure that the person has
11 access to and will participate in necessary treatment.
12 All treatment, whether in institutional care in a secure
13 facility or while on conditional release, shall be
14 provided by an individual who is in conformance with the
15 standards developed under the Sex Offender Management
16 Board Act. The Department shall arrange for control, care
17 and treatment of the person in the least restrictive
18 manner consistent with the requirements of the person and
19 in accordance with the court's commitment order.

20 (3) If the court finds that the person is
21 appropriate for conditional release, the court shall
22 notify the Department. The Department shall prepare a
23 plan that identifies the treatment and services, if any,
24 that the person will receive in the community. The plan
25 shall address the person's need, if any, for supervision,
26 counseling, medication, community support services,
27 residential services, vocational services, and alcohol or
28 other drug abuse treatment. The Department may contract
29 with a county health department, with another public
30 agency or with a private agency to provide the treatment
31 and services identified in the plan. The plan shall
32 specify who will be responsible for providing the
33 treatment and services identified in the plan. The plan
34 shall be presented to the court for its approval within

1 60 days after the court finding that the person is
2 appropriate for conditional release, unless the
3 Department and the person to be released request
4 additional time to develop the plan. The conditional
5 release program operated under this Section is not
6 subject to the provisions of the Mental Health and
7 Developmental Disabilities Confidentiality Act.

8 (4) An order for conditional release places the
9 person in the custody and control of the Department. A
10 person on conditional release is subject to the
11 conditions set by the court and to the rules of the
12 Department. Before a person is placed on conditional
13 release by the court under this Section, the court shall
14 so notify the municipal police department and county
15 sheriff for the municipality and county in which the
16 person will be residing. The notification requirement
17 under this Section does not apply if a municipal police
18 department or county sheriff submits to the court a
19 written statement waiving the right to be notified. If
20 the Department alleges that a released person has
21 violated any condition or rule, or that the safety of
22 others requires that conditional release be revoked, he
23 or she may be taken into custody under the rules of the
24 Department.

25 At any time during which the person is on
26 conditional release, if the Department determines that
27 the person has violated any condition or rule, or that
28 the safety of others requires that conditional release be
29 revoked, the Department may request the Attorney General
30 or State's Attorney to request the court to issue an
31 emergency ex parte order directing any law enforcement
32 officer to take the person into custody and transport the
33 person to the county jail. The Department may request, or
34 the Attorney General or State's Attorney may request

1 independently of the Department, that a petition to
2 revoke conditional release be filed. When a petition is
3 filed, the court may order the Department to issue a
4 notice to the person to be present at the Department or
5 other agency designated by the court, order a summons to
6 the person to be present, or order a body attachment for
7 all law enforcement officers to take the person into
8 custody and transport him or her to the county jail,
9 hospital, or treatment facility. The Department shall
10 submit a statement showing probable cause of the
11 detention and a petition to revoke the order for
12 conditional release to the committing court within 48
13 hours after the detention. The court shall hear the
14 petition within 30 days, unless the hearing or time
15 deadline is waived by the detained person. Pending the
16 revocation hearing, the Department may detain the person
17 in a jail, in a hospital or treatment facility. The
18 State has the burden of proving by clear and convincing
19 evidence that any rule or condition of release has been
20 violated, or that the safety of others requires that the
21 conditional release be revoked. If the court determines
22 after hearing that any rule or condition of release has
23 been violated, or that the safety of others requires that
24 conditional release be revoked, it may revoke the order
25 for conditional release and order that the released
26 person be placed in an appropriate institution until the
27 person is discharged from the commitment under Section 65
28 of this Act or until again placed on conditional release
29 under Section 60 of this Act.

30 (5) An order for conditional release places the
31 person in the custody, care, and control of the
32 Department. The court shall order the person be subject
33 to the following rules of conditional release, in
34 addition to any other conditions ordered, and the person

1 shall be given a certificate setting forth the conditions
2 of conditional release. These conditions shall be that
3 the person:

4 (A) not violate any criminal statute of any
5 jurisdiction;

6 (B) report to or appear in person before such
7 person or agency as directed by the court and the
8 Department;

9 (C) refrain from possession of a firearm or
10 other dangerous weapon;

11 (D) not leave the State without the consent of
12 the court or, in circumstances in which the reason
13 for the absence is of such an emergency nature, that
14 prior consent by the court is not possible without
15 the prior notification and approval of the
16 Department;

17 (E) at the direction of the Department, notify
18 third parties of the risks that may be occasioned by
19 his or her criminal record or sexual offending
20 history or characteristics, and permit the
21 supervising officer or agent to make the
22 notification requirement;

23 (F) attend and fully participate in
24 assessment, treatment, and behavior monitoring
25 including, but not limited to, medical,
26 psychological or psychiatric treatment specific to
27 sexual offending, drug addiction, or alcoholism, to
28 the extent appropriate to the person based upon the
29 recommendation and findings made in the Department
30 evaluation or based upon any subsequent
31 recommendations by the Department;

32 (G) waive confidentiality allowing the court
33 and Department access to assessment or treatment
34 results or both;

1 (H) work regularly at a Department approved
2 occupation or pursue a course of study or vocational
3 training and notify the Department within 72 hours
4 of any change in employment, study, or training;

5 (I) not be employed or participate in any
6 volunteer activity that involves contact with
7 children, except under circumstances approved in
8 advance and in writing by the Department officer;

9 (J) submit to the search of his or her person,
10 residence, vehicle, or any personal or real property
11 under his or her control at any time by the
12 Department;

13 (K) financially support his or her dependents
14 and provide the Department access to any requested
15 financial information;

16 (L) serve a term of home confinement, the
17 conditions of which shall be that the person:

18 (i) remain within the interior premises
19 of the place designated for his or her
20 confinement during the hours designated by the
21 Department;

22 (ii) admit any person or agent designated
23 by the Department into the offender's place of
24 confinement at any time for purposes of
25 verifying the person's compliance with the
26 condition of his or her confinement;

27 (iii) if deemed necessary by the
28 Department, be placed on an electronic
29 monitoring device;

30 (M) comply with the terms and conditions of an
31 order of protection issued by the court pursuant to
32 the Illinois Domestic Violence Act of 1986. A copy
33 of the order of protection shall be transmitted to
34 the Department by the clerk of the court;

1 (N) refrain from entering into a designated
2 geographic area except upon terms the Department
3 finds appropriate. The terms may include
4 consideration of the purpose of the entry, the time
5 of day, others accompanying the person, and advance
6 approval by the Department;

7 (O) refrain from having any contact, including
8 written or oral communications, directly or
9 indirectly, with certain specified persons
10 including, but not limited to, the victim or the
11 victim's family, and report any incidental contact
12 with the victim or the victim's family to the
13 Department within 72 hours; refrain from entering
14 onto the premises of, traveling past, or loitering
15 near the victim's residence, place of employment, or
16 other places frequented by the victim;

17 (P) refrain from having any contact, including
18 written or oral communications, directly or
19 indirectly, with particular types of persons,
20 including but not limited to members of street
21 gangs, drug users, drug dealers, or prostitutes;

22 (Q) refrain from all contact, direct or
23 indirect, personally, by telephone, letter, or
24 through another person, with minor children without
25 prior identification and approval of the Department;

26 (R) refrain from having in his or her body the
27 presence of alcohol or any illicit drug prohibited
28 by the Cannabis Control Act or the Illinois
29 Controlled Substances Act, unless prescribed by a
30 physician, and submit samples of his or her breath,
31 saliva, blood, or urine for tests to determine the
32 presence of alcohol or any illicit drug;

33 (S) not establish a dating, intimate, or
34 sexual relationship with a person without prior

1 written notification to the Department;

2 (T) neither possess or have under his or her
3 control any material that is pornographic, sexually
4 oriented, or sexually stimulating, or that depicts
5 or alludes to sexual activity or depicts minors
6 under the age of 18, including but not limited to
7 visual, auditory, telephonic, electronic media, or
8 any matter obtained through access to any computer
9 or material linked to computer access use;

10 (U) not patronize any business providing
11 sexually stimulating or sexually oriented
12 entertainment nor utilize "900" or adult telephone
13 numbers or any other sex-related telephone numbers;

14 (V) not reside near, visit, or be in or about
15 parks, schools, day care centers, swimming pools,
16 beaches, theaters, or any other places where minor
17 children congregate without advance approval of the
18 Department and report any incidental contact with
19 minor children to the Department within 72 hours;

20 (W) not establish any living arrangement or
21 residence without prior approval of the Department;

22 (X) not publish any materials or print any
23 advertisements without providing a copy of the
24 proposed publications to the Department officer and
25 obtaining permission prior to publication;

26 (Y) not leave the county except with prior
27 permission of the Department and provide the
28 Department officer or agent with written travel
29 routes to and from work and any other designated
30 destinations;

31 (Z) not possess or have under his or her
32 control certain specified items of contraband
33 related to the incidence of sexually offending items
34 including video or still camera items or children's

1 toys;

2 (AA) provide a written daily log of activities
3 as directed by the Department;

4 (BB) comply with all other special conditions
5 that the Department may impose that restrict the
6 person from high-risk situations and limit access or
7 potential victims.

8 (6) A person placed on conditional release and who
9 during the term undergoes mandatory drug or alcohol
10 testing or is assigned to be placed on an approved
11 electronic monitoring device may be ordered to pay all
12 costs incidental to the mandatory drug or alcohol testing
13 and all costs incidental to the approved electronic
14 monitoring in accordance with the person's ability to pay
15 those costs. The Department may establish reasonable
16 fees for the cost of maintenance, testing, and incidental
17 expenses related to the mandatory drug or alcohol testing
18 and all costs incidental to approved electronic
19 monitoring.

20 (Source: P.A. 91-875, eff. 6-30-00; 92-415, eff. 8-17-01.)

21 (725 ILCS 207/55)

22 Sec. 55. Periodic reexamination; report.

23 (a) If a person has been committed under Section 40 of
24 this Act and has not been discharged under Section 65 of this
25 Act, the Department shall conduct an examination of his or
26 her mental condition within 6 months after an initial
27 commitment under Section 40 and then at least once every 12
28 months from the completion of the last evaluation for the
29 purpose of determining whether the person has made sufficient
30 progress to be conditionally released or discharged. At the
31 time of a reexamination under this Section, the person who
32 has been committed may retain or, if he or she is indigent
33 and so requests, the court may appoint a qualified expert or

1 a professional person to examine him or her.

2 (b) Any examiner conducting an examination under this
3 Section shall prepare a written report of the examination no
4 later than 30 days after the date of the examination. The
5 examiner shall place a copy of the report in the person's
6 health care records and shall provide a copy of the report to
7 the court that committed the person under Section 40. The
8 examination shall be conducted in conformance with the
9 standards developed under the Sex Offender Management Board
10 Act.

11 (c) Notwithstanding subsection (a) of this Section, the
12 court that committed a person under Section 40 may order a
13 reexamination of the person at any time during the period in
14 which the person is subject to the commitment order.

15 (d) Petitions for discharge after reexamination must
16 follow the procedure outlined in Section 65 of this Act.

17 (Source: P.A. 90-40, eff. 1-1-98; 90-793, eff. 8-14-98;
18 91-227, eff. 1-1-00; 91-875, eff. 6-30-00.)

19 (725 ILCS 207/60)

20 Sec. 60. Petition for conditional release.

21 (a) Any person who is committed for institutional care
22 in a secure facility or other facility under Section 40 of
23 this Act may petition the committing court to modify its
24 order by authorizing conditional release if at least 6 months
25 have elapsed since the initial commitment order was entered,
26 the most recent release petition was denied or the most
27 recent order for conditional release was revoked. The
28 director of the facility at which the person is placed may
29 file a petition under this Section on the person's behalf at
30 any time.

31 (b) If the person files a timely petition without
32 counsel, the court shall serve a copy of the petition on the
33 Attorney General or State's Attorney, whichever is applicable

1 and, subject to paragraph (c)(1) of Section 25 of this Act,
2 appoint counsel. If the person petitions through counsel,
3 his or her attorney shall serve the Attorney General or
4 State's Attorney, whichever is applicable.

5 (c) Within 20 days after receipt of the petition, the
6 court shall appoint one or more examiners having the
7 specialized knowledge determined by the court to be
8 appropriate, who shall examine the mental condition of the
9 person and furnish a written report of the examination to the
10 court within 30 days after appointment. The examiners shall
11 have reasonable access to the person for purposes of
12 examination and to the person's past and present treatment
13 records and patient health care records. If any such
14 examiner believes that the person is appropriate for
15 conditional release, the examiner shall report on the type of
16 treatment and services that the person may need while in the
17 community on conditional release. The State has the right to
18 have the person evaluated by experts chosen by the State. Any
19 examination or evaluation conducted under this Section shall
20 be in conformance with the standards developed under the Sex
21 Offender Management Board Act. The court shall set a
22 probable cause hearing as soon as practical after the
23 examiner's report is filed. If the court determines at the
24 probable cause hearing that cause exists to believe that it
25 is not substantially probable that the person will engage in
26 acts of sexual violence if on release or conditional release,
27 the court shall set a hearing on the issue.

28 (d) The court, without a jury, shall hear the petition
29 within 30 days after the report of the court-appointed
30 examiner is filed with the court, unless the petitioner
31 waives this time limit. The court shall grant the petition
32 unless the State proves by clear and convincing evidence that
33 the person has not made sufficient progress to be
34 conditionally released. In making a decision under this

1 subsection, the court must consider the nature and
2 circumstances of the behavior that was the basis of the
3 allegation in the petition under paragraph (b)(1) of Section
4 15 of this Act, the person's mental history and present
5 mental condition, where the person will live, how the person
6 will support himself or herself and what arrangements are
7 available to ensure that the person has access to and will
8 participate in necessary treatment.

9 (e) Before the court may enter an order directing
10 conditional release to a less restrictive alternative it must
11 find the following: (1) the person will be treated by a
12 Department approved treatment provider, (2) the treatment
13 provider has presented a specific course of treatment and has
14 agreed to assume responsibility for the treatment and will
15 report progress to the Department on a regular basis, and
16 will report violations immediately to the Department,
17 consistent with treatment and supervision needs of the
18 respondent, (3) housing exists that is sufficiently secure to
19 protect the community, and the person or agency providing
20 housing to the conditionally released person has agreed in
21 writing to accept the person, to provide the level of
22 security required by the court, and immediately to report to
23 the Department if the person leaves the housing to which he
24 or she has been assigned without authorization, (4) the
25 person is willing to or has agreed to comply with the
26 treatment provider, the Department, and the court, and (5)
27 the person has agreed or is willing to agree to comply with
28 the behavioral monitoring requirements imposed by the court
29 and the Department.

30 (f) If the court finds that the person is appropriate
31 for conditional release, the court shall notify the
32 Department. The Department shall prepare a plan that
33 identifies the treatment and services, if any, that the
34 person will receive in the community. The plan shall address

1 the person's need, if any, for supervision, counseling,
2 medication, community support services, residential services,
3 vocational services, and alcohol or other drug abuse
4 treatment. The Department may contract with a county health
5 department, with another public agency or with a private
6 agency to provide the treatment and services identified in
7 the plan. The plan shall specify who will be responsible for
8 providing the treatment and services identified in the plan.
9 The plan shall be presented to the court for its approval
10 within 60 days after the court finding that the person is
11 appropriate for conditional release, unless the Department
12 and the person to be released request additional time to
13 develop the plan.

14 (g) The provisions of paragraph (b)(4) of Section 40 of
15 this Act apply to an order for conditional release issued
16 under this Section.

17 (Source: P.A. 91-875, eff. 6-30-00; 92-415, eff. 8-17-01.)

18 (725 ILCS 207/65)

19 Sec. 65. Petition for discharge; procedure.

20 (a)(1) If the Secretary determines at any time that a
21 person committed under this Act is no longer a sexually
22 violent person, the Secretary shall authorize the person to
23 petition the committing court for discharge. The person
24 shall file the petition with the court and serve a copy upon
25 the Attorney General or the State's Attorney's office that
26 filed the petition under subsection (a) of Section 15 of this
27 Act, whichever is applicable. The court, upon receipt of the
28 petition for discharge, shall order a hearing to be held
29 within 45 days after the date of receipt of the petition.

30 (2) At a hearing under this subsection, the Attorney
31 General or State's Attorney, whichever filed the original
32 petition, shall represent the State and shall have the right
33 to have the petitioner examined by an expert or professional

1 person of his or her choice. The examination shall be
2 conducted in conformance with the standards developed under
3 the Sex Offender Management Board Act. The committed person
4 or the State may elect to have the hearing before a jury.
5 The State has the burden of proving by clear and convincing
6 evidence that the petitioner is still a sexually violent
7 person.

8 (3) If the court or jury is satisfied that the State has
9 not met its burden of proof under paragraph (a)(2) of this
10 Section, the petitioner shall be discharged from the custody
11 or supervision of the Department. If the court is satisfied
12 that the State has met its burden of proof under paragraph
13 (a)(2), the court may proceed under Section 40 of this Act to
14 determine whether to modify the petitioner's existing
15 commitment order.

16 (b)(1) A person may petition the committing court for
17 discharge from custody or supervision without the Secretary's
18 approval. At the time of an examination under subsection (a)
19 of Section 55 of this Act, the Secretary shall provide the
20 committed person with a written notice of the person's right
21 to petition the court for discharge over the Secretary's
22 objection. The notice shall contain a waiver of rights. The
23 Secretary shall forward the notice and waiver form to the
24 court with the report of the Department's examination under
25 Section 55 of this Act. If the person does not affirmatively
26 waive the right to petition, the court shall set a probable
27 cause hearing to determine whether facts exist that warrant a
28 hearing on whether the person is still a sexually violent
29 person. If a person does not file a petition for discharge,
30 yet fails to waive the right to petition under this Section,
31 then the probable cause hearing consists only of a review of
32 the reexamination reports and arguments on behalf of the
33 parties. The committed person has a right to have an attorney
34 represent him or her at the probable cause hearing, but the

1 person is not entitled to be present at the probable cause
2 hearing. The probable cause hearing under this Section must
3 be held within 45 days of the filing of the reexamination
4 report under Section 55 of this Act.

5 (2) If the court determines at the probable cause
6 hearing under paragraph (b)(1) of this Section that probable
7 cause exists to believe that the committed person is no
8 longer a sexually violent person, then the court shall set a
9 hearing on the issue. At a hearing under this Section, the
10 committed person is entitled to be present and to the benefit
11 of the protections afforded to the person under Section 25 of
12 this Act. The committed person or the State may elect to have
13 a hearing under this Section before a jury. A verdict of a
14 jury under this Section is not valid unless it is unanimous.
15 The Attorney General or State's Attorney, whichever filed the
16 original petition, shall represent the State at a hearing
17 under this Section. The State has the right to have the
18 committed person evaluated by experts chosen by the State.
19 At the hearing, the State has the burden of proving by clear
20 and convincing evidence that the committed person is still a
21 sexually violent person.

22 (3) If the court or jury is satisfied that the State has
23 not met its burden of proof under paragraph (b)(2) of this
24 Section, the person shall be discharged from the custody or
25 supervision of the Department. If the court or jury is
26 satisfied that the State has met its burden of proof under
27 paragraph (b)(2) of this Section, the court may proceed under
28 Section 40 of this Act to determine whether to modify the
29 person's existing commitment order.

30 (Source: P.A. 91-227, eff. 1-1-00; 92-415, eff. 8-17-01.)

31 Section 20. The Unified Code of Corrections is amended
32 by changing Sections 3-3-7, 3-6-2, 3-8-2, 5-3-1, 5-3-2,
33 5-6-3, and 5-7-1 as follows:

1 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)
 2 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
 3 Release.

4 (a) The conditions of parole or mandatory supervised
 5 release shall be such as the Prisoner Review Board deems
 6 necessary to assist the subject in leading a law-abiding
 7 life. The conditions of every parole and mandatory supervised
 8 release are that the subject:

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

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

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

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

18 (5) attend or reside in a facility established for
 19 the instruction or residence of persons on parole or
 20 mandatory supervised release;

21 (6) secure permission before visiting or writing a
 22 committed person in an Illinois Department of Corrections
 23 facility;

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

28 (7.5) if convicted of a sex offense as defined in
 29 the Sex Offender Management Board Act, the individual
 30 shall undergo and successfully complete sex offender
 31 treatment in conformance with the standards developed by
 32 the Sex Offender Management Board;

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

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

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

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

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

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

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

26 (15) follow any specific instructions provided by
27 the parole agent that are consistent with furthering
28 conditions set and approved by the Prisoner Review Board
29 or by law, exclusive of placement on electronic
30 detention, to achieve the goals and objectives of his or
31 her parole or mandatory supervised release or to protect
32 the public. These instructions by the parole agent may be
33 modified at any time, as the agent deems appropriate.

34 (b) The Board may in addition to other conditions

1 require that the subject:

2 (1) work or pursue a course of study or vocational
3 training;

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

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

9 (4) support his dependents;

10 (5) (blank);

11 (6) (blank);

12 (7) comply with the terms and conditions of an
13 order of protection issued pursuant to the Illinois
14 Domestic Violence Act of 1986, enacted by the 84th
15 General Assembly, or an order of protection issued by the
16 court of another state, tribe, or United States
17 territory; and

18 (8) in addition, if a minor:

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

21 (ii) attend school;

22 (iii) attend a non-residential program for
23 youth; or

24 (iv) contribute to his own support at home or
25 in a foster home.

26 (c) The conditions under which the parole or mandatory
27 supervised release is to be served shall be communicated to
28 the person in writing prior to his release, and he shall sign
29 the same before release. A signed copy of these conditions,
30 including a copy of an order of protection where one had been
31 issued by the criminal court, shall be retained by the person
32 and another copy forwarded to the officer in charge of his
33 supervision.

34 (d) After a hearing under Section 3-3-9, the Prisoner

1 Review Board may modify or enlarge the conditions of parole
2 or mandatory supervised release.

3 (e) The Department shall inform all offenders committed
4 to the Department of the optional services available to them
5 upon release and shall assist inmates in availing themselves
6 of such optional services upon their release on a voluntary
7 basis.

8 (Source: P.A. 91-903, eff. 1-1-01; 92-460, eff. 1-1-02.)

9 (730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

10 Sec. 3-6-2. Institutions and Facility Administration.

11 (a) Each institution and facility of the Department
12 shall be administered by a chief administrative officer
13 appointed by the Director. A chief administrative officer
14 shall be responsible for all persons assigned to the
15 institution or facility. The chief administrative officer
16 shall administer the programs of the Department for the
17 custody and treatment of such persons.

18 (b) The chief administrative officer shall have such
19 assistants as the Department may assign.

20 (c) The Director or Assistant Director shall have the
21 emergency powers to temporarily transfer individuals without
22 formal procedures to any State, county, municipal or regional
23 correctional or detention institution or facility in the
24 State, subject to the acceptance of such receiving
25 institution or facility, or to designate any reasonably
26 secure place in the State as such an institution or facility
27 and to make transfers thereto. However, transfers made under
28 emergency powers shall be reviewed as soon as practicable
29 under Article 8, and shall be subject to Section 5-905 of the
30 Juvenile Court Act of 1987. This Section shall not apply to
31 transfers to the Department of Human Services which are
32 provided for under Section 3-8-5 or Section 3-10-5.

33 (d) The Department shall provide educational programs

1 for all committed persons so that all persons have an
2 opportunity to attain the achievement level equivalent to the
3 completion of the twelfth grade in the public school system
4 in this State. Other higher levels of attainment shall be
5 encouraged and professional instruction shall be maintained
6 wherever possible. The Department may establish programs of
7 mandatory education and may establish rules and regulations
8 for the administration of such programs. A person committed
9 to the Department who, during the period of his or her
10 incarceration, participates in an educational program
11 provided by or through the Department and through that
12 program is awarded or earns the number of hours of credit
13 required for the award of an associate, baccalaureate, or
14 higher degree from a community college, college, or
15 university located in Illinois shall reimburse the State,
16 through the Department, for the costs incurred by the State
17 in providing that person during his or her incarceration with
18 the education that qualifies him or her for the award of that
19 degree. The costs for which reimbursement is required under
20 this subsection shall be determined and computed by the
21 Department under rules and regulations that it shall
22 establish for that purpose. However, interest at the rate of
23 6% per annum shall be charged on the balance of those costs
24 from time to time remaining unpaid, from the date of the
25 person's parole, mandatory supervised release, or release
26 constituting a final termination of his or her commitment to
27 the Department until paid.

28 (e) A person committed to the Department who becomes in
29 need of medical or surgical treatment but is incapable of
30 giving consent thereto shall receive such medical or surgical
31 treatment by the chief administrative officer consenting on
32 the person's behalf. Before the chief administrative officer
33 consents, he or she shall obtain the advice of one or more
34 physicians licensed to practice medicine in all its branches

1 in this State. If such physician or physicians advise:

2 (1) that immediate medical or surgical treatment is
3 required relative to a condition threatening to cause
4 death, damage or impairment to bodily functions, or
5 disfigurement; and

6 (2) that the person is not capable of giving
7 consent to such treatment; the chief administrative
8 officer may give consent for such medical or surgical
9 treatment, and such consent shall be deemed to be the
10 consent of the person for all purposes, including, but
11 not limited to, the authority of a physician to give such
12 treatment.

13 (f) In the event that the person requires medical care
14 and treatment at a place other than the institution or
15 facility, the person may be removed therefrom under
16 conditions prescribed by the Department. The Department shall
17 require the committed person receiving medical or dental
18 services on a non-emergency basis to pay a \$2 co-payment to
19 the Department for each visit for medical or dental services.
20 The amount of each co-payment shall be deducted from the
21 committed person's individual account. A committed person who
22 has a chronic illness, as defined by Department rules and
23 regulations, shall be exempt from the \$2 co-payment for
24 treatment of the chronic illness. A committed person shall
25 not be subject to a \$2 co-payment for follow-up visits
26 ordered by a physician, who is employed by, or contracts
27 with, the Department. A committed person who is indigent is
28 exempt from the \$2 co-payment and is entitled to receive
29 medical or dental services on the same basis as a committed
30 person who is financially able to afford the co-payment.
31 Notwithstanding any other provision in this subsection (f) to
32 the contrary, any person committed to any facility operated
33 by the Juvenile Division, as set forth in subsection (b) of
34 Section 3-2-5 of this Code, is exempt from the co-payment

1 requirement for the duration of confinement in those
2 facilities.

3 (g) Any person having sole custody of a child at the
4 time of commitment or any woman giving birth to a child after
5 her commitment, may arrange through the Department of
6 Children and Family Services for suitable placement of the
7 child outside of the Department of Corrections. The Director
8 of the Department of Corrections may determine that there are
9 special reasons why the child should continue in the custody
10 of the mother until the child is 6 years old.

11 (h) The Department may provide Family Responsibility
12 Services which may consist of, but not be limited to the
13 following:

- 14 (1) family advocacy counseling;
- 15 (2) parent self-help group;
- 16 (3) parenting skills training;
- 17 (4) parent and child overnight program;
- 18 (5) parent and child reunification counseling,
19 either separately or together, preceding the inmate's
20 release; and
- 21 (6) a prerelease reunification staffing involving
22 the family advocate, the inmate and the child's
23 counselor, or both and the inmate.

24 (i) Prior to the release of any inmate who has a
25 documented history of intravenous drug use, and upon the
26 receipt of that inmate's written informed consent, the
27 Department shall provide for the testing of such inmate for
28 infection with human immunodeficiency virus (HIV) and any
29 other identified causative agent of acquired immunodeficiency
30 syndrome (AIDS). The testing provided under this subsection
31 shall consist of an enzyme-linked immunosorbent assay (ELISA)
32 test or such other test as may be approved by the Illinois
33 Department of Public Health. If the test result is positive,
34 the Western Blot Assay or more reliable confirmatory test

1 shall be administered. All inmates tested in accordance with
2 the provisions of this subsection shall be provided with
3 pre-test and post-test counseling. Notwithstanding any
4 provision of this subsection to the contrary, the Department
5 shall not be required to conduct the testing and counseling
6 required by this subsection unless sufficient funds to cover
7 all costs of such testing and counseling are appropriated for
8 that purpose by the General Assembly.

9 (j) Any person convicted of a sex offense as defined in
10 the Sex Offender Management Board Act shall be required to
11 undergo sex offender treatment. The treatment shall be
12 provided in accordance with the standards developed under the
13 Sex Offender Management Board Act.

14 (Source: P.A. 91-912, eff. 7-7-00; 92-292, eff. 8-9-01.)

15 (730 ILCS 5/3-8-2) (from Ch. 38, par. 1003-8-2)

16 Sec. 3-8-2. Social Evaluation. (a) A social evaluation
17 shall be made of a committed person's medical, psychological,
18 educational and vocational condition and history, including
19 the use of alcohol and other drugs, the circumstances of his
20 offense, and such other information as the Department may
21 determine. The committed person shall be assigned to an
22 institution or facility in so far as practicable in
23 accordance with the social evaluation. Recommendations shall
24 be made for medical, dental, psychiatric, psychological and
25 social service treatment.

26 (b) A record of the social evaluation shall be entered
27 in the committed person's master record file and shall be
28 forwarded to the institution or facility to which the person
29 is assigned.

30 (c) Upon admission to a correctional institution each
31 committed person shall be given a physical examination. If he
32 is suspected of having a communicable disease that in the
33 judgment of the Department medical personnel requires medical

1 isolation, the committed person shall remain in medical
2 isolation until it is no longer deemed medically necessary.

3 (d) Upon admission to a correctional institution, each
4 committed person convicted of a sex offense as defined in the
5 Sex Offender Management Board Act shall be required to
6 undergo a sex offender evaluation in conformance with the
7 standards developed under the Sex Offender Management Board
8 Act unless the person has submitted to an evaluation meeting
9 the criteria under that Act within one year of the date of
10 commitment to the correctional institution.

11 (Source: P.A. 87-1256.)

12 (730 ILCS 5/5-3-1) (from Ch. 38, par. 1005-3-1)

13 Sec. 5-3-1. Presentence Investigation. A defendant shall
14 not be sentenced for a felony before a written presentence
15 report of investigation is presented to and considered by the
16 court.

17 However, in cases other than felony sex offenses as
18 defined in the Sex Offender Management Board Act, the court
19 need not order a presentence report of investigation where
20 both parties agree to the imposition of a specific sentence,
21 provided there is a finding made for the record as to the
22 defendant's history of delinquency or criminality, including
23 any previous sentence to a term of probation, periodic
24 imprisonment, conditional discharge, or imprisonment.

25 The court may order a presentence investigation of any
26 defendant.

27 (Source: P.A. 80-1099.)

28 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

29 Sec. 5-3-2. Presentence Report.

30 (a) In felony cases, the presentence report shall set
31 forth:

32 (1) the defendant's history of delinquency or

1 criminality, physical and mental history and condition,
2 family situation and background, economic status,
3 education, occupation and personal habits;

4 (2) information about special resources within the
5 community which might be available to assist the
6 defendant's rehabilitation, including treatment centers,
7 residential facilities, vocational training services,
8 correctional manpower programs, employment opportunities,
9 special educational programs, alcohol and drug abuse
10 programming, psychiatric and marriage counseling, and
11 other programs and facilities which could aid the
12 defendant's successful reintegration into society;

13 (3) the effect the offense committed has had upon
14 the victim or victims thereof, and any compensatory
15 benefit that various sentencing alternatives would confer
16 on such victim or victims;

17 (4) information concerning the defendant's status
18 since arrest, including his record if released on his own
19 recognizance, or the defendant's achievement record if
20 released on a conditional pre-trial supervision program;

21 (5) when appropriate, a plan, based upon the
22 personal, economic and social adjustment needs of the
23 defendant, utilizing public and private community
24 resources as an alternative to institutional sentencing;

25 (6) any other matters that the investigatory
26 officer deems relevant or the court directs to be
27 included; and

28 (7) information concerning defendant's eligibility
29 for a sentence to a county impact incarceration program
30 under Section 5-8-1.2 of this Code.

31 (b) The investigation shall include a physical and
32 mental examination of the defendant when so ordered by the
33 court. If the court determines that such an examination
34 should be made, it shall issue an order that the defendant

1 submit to examination at such time and place as designated by
2 the court and that such examination be conducted by a
3 physician, psychologist or psychiatrist designated by the
4 court. Such an examination may be conducted in a court
5 clinic if so ordered by the court. The cost of such
6 examination shall be paid by the county in which the trial is
7 held.

8 (b-5) In cases involving felony sex offenses as defined
9 in the Sex Offender Management Board Act, a sex offender
10 evaluation shall be conducted in conformance with the
11 standards developed under the Sex Offender Management Board
12 Act.

13 (c) In misdemeanor, business offense or petty offense
14 cases, except as specified in subsection (d) of this Section,
15 when a presentence report has been ordered by the court, such
16 presentence report shall contain information on the
17 defendant's history of delinquency or criminality and shall
18 further contain only those matters listed in any of
19 paragraphs (1) through (6) of subsection (a) or in subsection
20 (b) of this Section as are specified by the court in its
21 order for the report.

22 (d) In cases under Section 12-15 and Section 12-30 of
23 the Criminal Code of 1961, as amended, the presentence report
24 shall set forth information about alcohol, drug abuse,
25 psychiatric, and marriage counseling or other treatment
26 programs and facilities, information on the defendant's
27 history of delinquency or criminality, and shall contain
28 those additional matters listed in any of paragraphs (1)
29 through (6) of subsection (a) or in subsection (b) of this
30 Section as are specified by the court.

31 (e) Nothing in this Section shall cause the defendant to
32 be held without bail or to have his bail revoked for the
33 purpose of preparing the presentence report or making an
34 examination.

1 (Source: P.A. 89-587, eff. 7-31-96.)

2 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

7 (1) not violate any criminal statute of any
8 jurisdiction;

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

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

13 (4) not leave the State without the consent of the
14 court or, in circumstances in which the reason for the
15 absence is of such an emergency nature that prior consent
16 by the court is not possible, without the prior
17 notification and approval of the person's probation
18 officer;

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

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

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

7 (7) if he or she is at least 17 years of age and
8 has been sentenced to probation or conditional discharge
9 for a misdemeanor or felony in a county of 3,000,000 or
10 more inhabitants and has not been previously convicted of
11 a misdemeanor or felony, may be required by the
12 sentencing court to attend educational courses designed
13 to prepare the defendant for a high school diploma and to
14 work toward a high school diploma or to work toward
15 passing the high school level Test of General Educational
16 Development (GED) or to work toward completing a
17 vocational training program approved by the court. The
18 person on probation or conditional discharge must attend
19 a public institution of education to obtain the
20 educational or vocational training required by this
21 clause (7). The court shall revoke the probation or
22 conditional discharge of a person who wilfully fails to
23 comply with this clause (7). The person on probation or
24 conditional discharge shall be required to pay for the
25 cost of the educational courses or GED test, if a fee is
26 charged for those courses or test. The court shall
27 resentence the offender whose probation or conditional
28 discharge has been revoked as provided in Section 5-6-4.
29 This clause (7) does not apply to a person who has a high
30 school diploma or has successfully passed the GED test.
31 This clause (7) does not apply to a person who is
32 determined by the court to be developmentally disabled or
33 otherwise mentally incapable of completing the
34 educational or vocational program;

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

12 (8.5) If convicted of a sex offense as defined in
 13 the Sex Offender Management Board Act, the person shall
 14 undergo and successfully complete sex offender treatment
 15 in conformance with the standards developed by the Sex
 16 Offender Management Board; and

17 (9) if convicted of a felony, physically surrender
 18 at a time and place designated by the court, his or her
 19 Firearm Owner's Identification Card and any and all
 20 firearms in his or her possession.

21 (b) The Court may in addition to other reasonable
 22 conditions relating to the nature of the offense or the
 23 rehabilitation of the defendant as determined for each
 24 defendant in the proper discretion of the Court require that
 25 the person:

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

29 (2) pay a fine and costs;

30 (3) work or pursue a course of study or vocational
 31 training;

32 (4) undergo medical, psychological or psychiatric
 33 treatment; or treatment for drug addiction or alcoholism;

34 (5) attend or reside in a facility established for

1 the instruction or residence of defendants on probation;

2 (6) support his dependents;

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

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

6 (ii) attend school;

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

9 (iv) contribute to his own support at home or
10 in a foster home;

11 (v) with the consent of the superintendent of
12 the facility, attend an educational program at a
13 facility other than the school in which the offense
14 was committed if he or she is convicted of a crime
15 of violence as defined in Section 2 of the Crime
16 Victims Compensation Act committed in a school, on
17 the real property comprising a school, or within
18 1,000 feet of the real property comprising a school;

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

21 (9) perform some reasonable public or community
22 service;

23 (10) serve a term of home confinement. In addition
24 to any other applicable condition of probation or
25 conditional discharge, the conditions of home confinement
26 shall be that the offender:

27 (i) remain within the interior premises of the
28 place designated for his confinement during the
29 hours designated by the court;

30 (ii) admit any person or agent designated by
31 the court into the offender's place of confinement
32 at any time for purposes of verifying the offender's
33 compliance with the conditions of his confinement;

34 and

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

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

22 (v) for persons convicted of offenses other
23 than those referenced in clause (iv) above and who
24 are placed on an approved monitoring device as a
25 condition of probation or conditional discharge, the
26 court shall impose a reasonable fee for each day of
27 the use of the device, as established by the county
28 board in subsection (g) of this Section, unless
29 after determining the inability of the defendant to
30 pay the fee, the court assesses a lesser fee or no
31 fee as the case may be. This fee shall be imposed
32 in addition to the fees imposed under subsections
33 (g) and (i) of this Section. The fee shall be
34 collected by the clerk of the circuit court. The

1 clerk of the circuit court shall pay all monies
2 collected from this fee to the county treasurer who
3 shall use the monies collected to defray the costs
4 of corrections. The county treasurer shall deposit
5 the fee collected in the county working cash fund
6 under Section 6-27001 or Section 6-29002 of the
7 Counties Code, as the case may be.

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, as now or
11 hereafter amended, or an order of protection issued by
12 the court of another state, tribe, or United States
13 territory. A copy of the order of protection shall be
14 transmitted to the probation officer or agency having
15 responsibility for the case;

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

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

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

1 (15) refrain from having any contact, directly or
2 indirectly, with certain specified persons or particular
3 types of persons, 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 (c) The court may as a condition of probation or of
12 conditional discharge require that a person under 18 years of
13 age found guilty of any alcohol, cannabis or controlled
14 substance violation, refrain from acquiring a driver's
15 license during the period of probation or conditional
16 discharge. If such person is in possession of a permit or
17 license, the court may require that the minor refrain from
18 driving or operating any motor vehicle during the period of
19 probation or conditional discharge, except as may be
20 necessary in the course of the minor's lawful employment.

21 (d) An offender sentenced to probation or to conditional
22 discharge shall be given a certificate setting forth the
23 conditions thereof.

24 (e) Except where the offender has committed a fourth or
25 subsequent violation of subsection (c) of Section 6-303 of
26 the Illinois Vehicle Code, the court shall not require as a
27 condition of the sentence of probation or conditional
28 discharge that the offender be committed to a period of
29 imprisonment in excess of 6 months. This 6 month limit shall
30 not include periods of confinement given pursuant to a
31 sentence of county impact incarceration under Section
32 5-8-1.2. This 6 month limit does not apply to a person
33 sentenced to probation as a result of a conviction of a
34 fourth or subsequent violation of subsection (c-4) of Section

1 11-501 of the Illinois Vehicle Code or a similar provision of
2 a local ordinance.

3 Persons committed to imprisonment as a condition of
4 probation or conditional discharge shall not be committed to
5 the Department of Corrections.

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

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

34 (h) Jurisdiction over an offender may be transferred

1 from the sentencing court to the court of another circuit
2 with the concurrence of both courts, or to another state
3 under an Interstate Probation Reciprocal Agreement as
4 provided in Section 3-3-11. Further transfers or retransfers
5 of jurisdiction are also authorized in the same manner. The
6 court to which jurisdiction has been transferred shall have
7 the same powers as the sentencing court.

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

25 (j) All fines and costs imposed under this Section for
26 any violation of Chapters 3, 4, 6, and 11 of the Illinois
27 Vehicle Code, or a similar provision of a local ordinance,
28 and any violation of the Child Passenger Protection Act, or a
29 similar provision of a local ordinance, shall be collected
30 and disbursed by the circuit clerk as provided under Section
31 27.5 of the Clerks of Courts Act.

32 (Source: P.A. 91-325, eff. 7-29-99; 91-696, eff. 4-13-00;
33 91-903, eff. 1-1-01; 92-282, eff. 8-7-01; 92-340, eff.
34 8-10-01; 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; revised

1 10-11-01.)

2 (730 ILCS 5/5-7-1) (from Ch. 38, par. 1005-7-1)

3 Sec. 5-7-1. Sentence of Periodic Imprisonment.

4 (a) A sentence of periodic imprisonment is a sentence of
5 imprisonment during which the committed person may be
6 released for periods of time during the day or night or for
7 periods of days, or both, or if convicted of a felony, other
8 than first degree murder, a Class X or Class 1 felony,
9 committed to any county, municipal, or regional correctional
10 or detention institution or facility in this State for such
11 periods of time as the court may direct. Unless the court
12 orders otherwise, the particular times and conditions of
13 release shall be determined by the Department of Corrections,
14 the sheriff, or the Superintendent of the house of
15 corrections, who is administering the program.

16 (b) A sentence of periodic imprisonment may be imposed
17 to permit the defendant to:

- 18 (1) seek employment;
- 19 (2) work;
- 20 (3) conduct a business or other self-employed
21 occupation including housekeeping;
- 22 (4) attend to family needs;
- 23 (5) attend an educational institution, including
24 vocational education;
- 25 (6) obtain medical or psychological treatment;
- 26 (7) perform work duties at a county, municipal, or
27 regional correctional or detention institution or
28 facility;
- 29 (8) continue to reside at home with or without
30 supervision involving the use of an approved electronic
31 monitoring device, subject to Article 8A of Chapter V; or
- 32 (9) for any other purpose determined by the court.

33 (c) Except where prohibited by other provisions of this

1 Code, the court may impose a sentence of periodic
2 imprisonment for a felony or misdemeanor on a person who is
3 17 years of age or older. The court shall not impose a
4 sentence of periodic imprisonment if it imposes a sentence of
5 imprisonment upon the defendant in excess of 90 days.

6 (d) A sentence of periodic imprisonment shall be for a
7 definite term of from 3 to 4 years for a Class 1 felony, 18
8 to 30 months for a Class 2 felony, and up to 18 months, or
9 the longest sentence of imprisonment that could be imposed
10 for the offense, whichever is less, for all other offenses;
11 however, no person shall be sentenced to a term of periodic
12 imprisonment longer than one year if he is committed to a
13 county correctional institution or facility, and in
14 conjunction with that sentence participate in a county work
15 release program comparable to the work and day release
16 program provided for in Article 13 of the Unified Code of
17 Corrections in State facilities. The term of the sentence
18 shall be calculated upon the basis of the duration of its
19 term rather than upon the basis of the actual days spent in
20 confinement. No sentence of periodic imprisonment shall be
21 subject to the good time credit provisions of Section 3-6-3
22 of this Code.

23 (e) When the court imposes a sentence of periodic
24 imprisonment, it shall state:

- 25 (1) the term of such sentence;
- 26 (2) the days or parts of days which the defendant
27 is to be confined;
- 28 (3) the conditions.

29 (f) The court may issue an order of protection pursuant
30 to the Illinois Domestic Violence Act of 1986 as a condition
31 of a sentence of periodic imprisonment. The Illinois Domestic
32 Violence Act of 1986 shall govern the issuance, enforcement
33 and recording of orders of protection issued under this
34 Section. A copy of the order of protection shall be

1 transmitted to the person or agency having responsibility for
2 the case.

3 (f-5) An offender sentenced to a term of periodic
4 imprisonment for a sex offense as defined in the Sex Offender
5 Management Board Act shall be required to undergo and
6 successfully complete sex offender treatment by a treatment
7 provider in conformance with the standards developed under
8 the Sex Offender Management Board Act.

9 (g) An offender sentenced to periodic imprisonment who
10 undergoes mandatory drug or alcohol testing, or both, or is
11 assigned to be placed on an approved electronic monitoring
12 device, shall be ordered to pay the costs incidental to such
13 mandatory drug or alcohol testing, or both, and costs
14 incidental to such approved electronic monitoring in
15 accordance with the defendant's ability to pay those costs.
16 The county board with the concurrence of the Chief Judge of
17 the judicial circuit in which the county is located shall
18 establish reasonable fees for the cost of maintenance,
19 testing, and incidental expenses related to the mandatory
20 drug or alcohol testing, or both, and all costs incidental to
21 approved electronic monitoring, of all offenders with a
22 sentence of periodic imprisonment. The concurrence of the
23 Chief Judge shall be in the form of an administrative order.
24 The fees shall be collected by the clerk of the circuit
25 court. The clerk of the circuit court shall pay all moneys
26 collected from these fees to the county treasurer who shall
27 use the moneys collected to defray the costs of drug
28 testing, alcohol testing, and electronic monitoring. The
29 county treasurer shall deposit the fees collected in the
30 county working cash fund under Section 6-27001 or Section
31 6-29002 of the Counties Code, as the case may be.

32 (h) All fees and costs imposed under this Section for
33 any violation of Chapters 3, 4, 6, and 11 of the Illinois
34 Vehicle Code, or a similar provision of a local ordinance,

1 and any violation of the Child Passenger Protection Act, or a
2 similar provision of a local ordinance, shall be collected
3 and disbursed by the circuit clerk as provided under Section
4 27.5 of the Clerks of Courts Act.

5 (i) A defendant at least 17 years of age who is
6 convicted of a misdemeanor or felony in a county of 3,000,000
7 or more inhabitants and who has not been previously convicted
8 of a misdemeanor or a felony and who is sentenced to a term
9 of periodic imprisonment may as a condition of his or her
10 sentence be required by the court to attend educational
11 courses designed to prepare the defendant for a high school
12 diploma and to work toward receiving a high school diploma or
13 to work toward passing the high school level Test of General
14 Educational Development (GED) or to work toward completing a
15 vocational training program approved by the court. The
16 defendant sentenced to periodic imprisonment must attend a
17 public institution of education to obtain the educational or
18 vocational training required by this subsection (i). The
19 defendant sentenced to a term of periodic imprisonment shall
20 be required to pay for the cost of the educational courses or
21 GED test, if a fee is charged for those courses or test. The
22 court shall revoke the sentence of periodic imprisonment of
23 the defendant who wilfully fails to comply with this
24 subsection (i). The court shall resentence the defendant
25 whose sentence of periodic imprisonment has been revoked as
26 provided in Section 5-7-2. This subsection (i) does not
27 apply to a defendant who has a high school diploma or has
28 successfully passed the GED test. This subsection (i) does
29 not apply to a defendant who is determined by the court to be
30 developmentally disabled or otherwise mentally incapable of
31 completing the educational or vocational program.
32 (Source: P.A. 89-688, eff. 6-1-97; 90-399, eff. 1-1-98;
33 90-655, eff. 7-30-98.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.