

1 AN ACT concerning firearms.

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

4 Section 5. The Firearm Owners Identification Card Act
5 is amended by changing Sections 3, 4, 6, 10, and 14 as
6 follows:

7 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

8 Sec. 3. (a) Except as provided in Section 3a, no person
9 ~~within--this--State~~ may knowingly transfer, or cause to be
10 transferred, any firearm or any firearm ammunition to any
11 person within this State unless the transferee with whom he
12 deals displays a currently valid Firearm Owner's
13 Identification Card which has previously been issued in his
14 name by the Department of State Police under the provisions
15 of this Act. In addition, all firearm transfers by federally
16 licensed firearm dealers are subject to Section 3.1.

17 (b) Any person within this State who transfers or causes
18 to be transferred any firearm shall keep a record of such
19 transfer for a period of 10 years from the date of transfer.
20 Such record shall contain the date of the transfer; the
21 description, serial number or other information identifying
22 the firearm if no serial number is available; and, if the
23 transfer was completed within this State, the transferee's
24 Firearm Owner's Identification Card number. On demand of a
25 peace officer such transferor shall produce for inspection
26 such record of transfer.

27 (c) The provisions of this Section regarding the
28 transfer of firearm ammunition shall not apply to those
29 persons specified in paragraph (b) of Section 2 of this Act.

30 (Source: P.A. 87-299.)

1 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

2 Sec. 4. (a) Each applicant for a Firearm Owner's
3 Identification Card must:

4 (1) Make application on blank forms prepared and
5 furnished at convenient locations throughout the State by
6 the Department of State Police, or by electronic means,
7 if and when made available by the Department of State
8 Police; and

9 (2) Submit evidence ~~under-penalty-of-perjury~~ to the
10 Department of State Police that:

11 (i) He or she is 21 years of age or over, or
12 if he or she is under 21 years of age that he or she
13 has the written consent of his or her parent or
14 legal guardian to possess and acquire firearms and
15 firearm ammunition and that he or she has never been
16 convicted of a misdemeanor other than a traffic
17 offense or adjudged delinquent, provided, however,
18 that such parent or legal guardian is not an
19 individual prohibited from having a Firearm Owner's
20 Identification Card and files an affidavit with the
21 Department as prescribed by the Department stating
22 that he or she is not an individual prohibited from
23 having a Card;

24 (ii) He or she has not been convicted of a
25 felony under the laws of this or any other
26 jurisdiction;

27 (iii) He or she is not addicted to narcotics;

28 (iv) He or she has not been a patient in a
29 mental institution within the past 5 years;

30 (v) He or she is not mentally retarded;

31 (vi) He or she is not an alien who is
32 unlawfully present in the United States under the
33 laws of the United States;

34 (vii) He or she is not subject to an existing

1 order of protection prohibiting him or her from
2 possessing a firearm;

3 (viii) He or she has not been convicted within
4 the past 5 years of battery, assault, aggravated
5 assault, violation of an order of protection, or a
6 substantially similar offense in another
7 jurisdiction, in which a firearm was used or
8 possessed;

9 (ix) He or she has not been convicted of
10 domestic battery or a substantially similar offense
11 in another jurisdiction committed on or after the
12 effective date of this amendatory Act of 1997; and

13 (x) He or she has not been convicted within
14 the past 5 years of domestic battery or a
15 substantially similar offense in another
16 jurisdiction committed before the effective date of
17 this amendatory Act of 1997; and

18 (3) Upon request by the Department of State Police,
19 sign a release on a form prescribed by the Department of
20 State Police waiving any right to confidentiality and
21 requesting the disclosure to the Department of State
22 Police of limited mental health institution admission
23 information from another state, the District of Columbia,
24 any other territory of the United States, or a foreign
25 nation concerning the applicant for the sole purpose of
26 determining whether the applicant is or was a patient in
27 a mental health institution and disqualified because of
28 that status from receiving a Firearm Owner's
29 Identification Card. No mental health care or treatment
30 records may be requested. The information received shall
31 be destroyed within one year of receipt.

32 (a-5) Each applicant for a Firearm Owner's
33 Identification Card who is over the age of 18 shall furnish
34 to the Department of State Police either his or her driver's

1 license number or Illinois Identification Card number.

2 (b) Each application form shall include the following
 3 statement printed in bold type: "Warning: Entering false
 4 information on an application for a Firearm Owner's
 5 Identification Card is punishable as a Class 2 felony in
 6 accordance with subsection (d-5) of Section 14 of the Firearm
 7 Owners Identification Card Act. False--statements--of--the
 8 applicant---shall---result--in--prosecution--for--perjury--in
 9 accordance-with-Section-32-2-of-the-Criminal-Code-of-1961-."

10 (c) Upon such written consent, pursuant to Section 4,
 11 paragraph (a) (2) (i), the parent or legal guardian giving
 12 the consent shall be liable for any damages resulting from
 13 the applicant's use of firearms or firearm ammunition.

14 (Source: P.A. 90-493, eff. 1-1-98; 91-514, eff. 1-1-00;
 15 91-694, eff. 4-13-00.)

16 (430 ILCS 65/6) (from Ch. 38, par. 83-6)

17 Sec. 6. Contents of Firearm Owner's Identification Card.

18 (a) A Firearm Owner's Identification Card, issued by the
 19 Department of State Police at such places as the Director of
 20 the Department shall specify, shall contain the applicant's
 21 name, residence, date of birth, sex, physical description,
 22 recent photograph and signature such--other--personal
 23 identifying-information-as-may-be-required-by--the--Director.
 24 Each Firearm Owner's Identification Card must have the
 25 expiration date boldly and conspicuously displayed on the
 26 face of the card. Each Firearm Owner's Identification Card
 27 must have printed on it the following: "CAUTION - This card
 28 does not permit bearer to UNLAWFULLY carry or use firearms."
 29 Before December 1, 2002, the Department may use a person's
 30 digital photograph and signature from his or her Illinois
 31 driver's license or Illinois Identification Card, if
 32 available. On and after December 1, 2002, the Department
 33 shall use a person's digital photograph and signature from

1 his or her Illinois driver's license or Illinois
2 Identification Card, if available. The Department shall
3 decline to use a person's digital photograph or signature if
4 the digital photograph or signature is the result of or
5 associated with fraudulent or erroneous data, unless
6 otherwise provided by law.

7 (b) A person applying for a Firearm Owner's
8 Identification Card shall consent to the Department of State
9 Police using the applicant's digital driver's license or
10 Illinois Identification Card photograph, if available, and
11 signature on the applicant's Firearm Owner's Identification
12 Card. The Secretary of State shall allow the Department of
13 State Police access to the photograph and signature for the
14 purpose of identifying the applicant and issuing to the
15 applicant a Firearm Owner's Identification Card.

16 (c) The Secretary of State shall conduct a study to
17 determine the cost and feasibility of creating a method of
18 adding an identifiable code, background, or other means on
19 the driver's license or Illinois Identification Card to show
20 that an individual is not disqualified from owning or
21 possessing a firearm under State or federal law. The
22 Secretary shall report the findings of this study 12 months
23 after the effective date of this amendatory Act of the 92nd
24 General Assembly.

25 (Source: P.A. 91-694, eff. 4-13-00.)

26 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

27 Sec. 10. (a) Whenever an application for a Firearm
28 Owner's Identification Card is denied, whenever the
29 Department fails to act on an application within 30 days of
30 its receipt, or whenever such a Card is revoked or seized as
31 provided for in Section 8 of this Act, the aggrieved party
32 may appeal to the Director of the Department of State Police
33 for a hearing upon such denial, revocation or seizure, unless

1 the denial, revocation, or seizure was based upon a forcible
2 felony, stalking, aggravated stalking, domestic battery, any
3 violation of either the Illinois Controlled Substances Act or
4 the Cannabis Control Act that is classified as a Class 2 or
5 greater felony, or any felony violation of Article 24 of the
6 Criminal Code of 1961, in which case the aggrieved party may
7 petition the circuit court in writing in the county of his or
8 her residence for a hearing upon such denial, revocation, or
9 seizure.

10 (b) At least 30 days before any hearing in the circuit
11 court, the petitioner shall serve the relevant State's
12 Attorney with a copy of the petition. The State's Attorney
13 may object to the petition and present evidence. At the
14 hearing the court shall determine whether substantial justice
15 has been done. Should the court determine that substantial
16 justice has not been done, the court shall issue an order
17 directing the Department of State Police to issue a Card.
18 ~~Whenever, upon the receipt of such an appeal for a hearing,~~
19 ~~the Director is satisfied that substantial justice has not~~
20 ~~been done, he may order a hearing to be held by the~~
21 ~~Department upon the denial or revocation.~~

22 (c) Any person prohibited from possessing a firearm
23 under Sections 24-1.1 or 24-3.1 of the Criminal Code of 1961
24 or acquiring a Firearm Owner's Identification Card under
25 Section 8 of this Act may apply to the Director of the
26 Department of State Police or petition the circuit court in
27 the county where the petitioner resides, whichever is
28 applicable in accordance with subsection (a) of this Section,
29 requesting relief from such prohibition and the Director or
30 court may grant such relief if it is established by the
31 applicant to the court's or Director's satisfaction that:

32 (0.05) when in the circuit court, the State's Attorney
33 has been served with a written copy of the petition at least
34 30 days before any such hearing in the circuit court and at

1 the hearing the State's Attorney was afforded an opportunity
2 to present evidence and object to the petition;

3 (1) the applicant has not been convicted of a forcible
4 felony under the laws of this State or any other jurisdiction
5 within 20 years of the applicant's application for a Firearm
6 Owner's Identification Card, or at least 20 years have passed
7 since the end of any period of imprisonment imposed in
8 relation to that conviction;

9 (2) the circumstances regarding a criminal conviction,
10 where applicable, the applicant's criminal history and his
11 reputation are such that the applicant will not be likely to
12 act in a manner dangerous to public safety; and

13 (3) granting relief would not be contrary to the public
14 interest.

15 (Source: P.A. 85-920.)

16 (430 ILCS 65/14) (from Ch. 38, par. 83-14)
17 Sec. 14. Sentence.

18 (a) A violation of paragraph (1) of subsection (a) of
19 Section 2, when the person's Firearm Owner's Identification
20 Card is expired but the person is not otherwise disqualified
21 from renewing the card, is a Class A misdemeanor.

22 (b) Except as provided in subsection (a) with respect to
23 an expired card, a violation of paragraph (1) of subsection
24 (a) of Section 2 is a Class A misdemeanor when the person
25 does not possess a currently valid Firearm Owner's
26 Identification Card, but is otherwise eligible under this
27 Act. A second or subsequent violation is a Class 4 felony.

28 (c) A violation of paragraph (1) of subsection (a) of
29 Section 2 is a Class 3 felony when:

30 (1) the person's Firearm Owner's Identification
31 Card is revoked or subject to revocation under Section 8;
32 or

33 (2) the person's Firearm Owner's Identification

1 Card is expired and not otherwise eligible for renewal
2 under this Act; or

3 (3) the person does not possess a currently valid
4 Firearm Owner's Identification Card, and the person is
5 not otherwise eligible under this Act.

6 (d) A violation of subsection (a) of Section 3 is a
7 Class 4 felony. A third or subsequent conviction is a Class 1
8 felony.

9 (d-5) Any person who knowingly enters false information
10 on an application for a Firearm Owner's Identification Card,
11 who knowingly gives a false answer to any question on the
12 application, or who knowingly submits false evidence in
13 connection with an application is guilty of a Class 2 felony.

14 (e) Any other violation of this Act is a Class A
15 misdemeanor.

16 (Source: P.A. 91-694, eff. 4-13-00.)

17 Section 10. The Code of Criminal Procedure of 1963 is
18 amended by changing Section 110-10 as follows:

19 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

20 Sec. 110-10. Conditions of bail bond.

21 (a) If a person is released prior to conviction, either
22 upon payment of bail security or on his or her own
23 recognizance, the conditions of the bail bond shall be that
24 he or she will:

25 (1) Appear to answer the charge in the court having
26 jurisdiction on a day certain and thereafter as ordered
27 by the court until discharged or final order of the
28 court;

29 (2) Submit himself or herself to the orders and
30 process of the court;

31 (3) Not depart this State without leave of the
32 court;

1 (4) Not violate any criminal statute of any
2 jurisdiction;

3 (5) At a time and place designated by the court,
4 surrender all firearms in his or her possession to a law
5 enforcement officer designated by the court to take
6 custody of and impound the firearms and physically
7 surrender his or her Firearm Owner's Identification Card
8 to the clerk of the circuit court when the offense the
9 person has been charged with is a forcible felony,
10 stalking, aggravated stalking, domestic battery, any
11 violation of either the Illinois Controlled Substances
12 Act or the Cannabis Control Act that is classified as a
13 Class 2 or greater felony, or any felony violation of
14 Article 24 of the Criminal Code of 1961; the court may,
15 however, forgo the imposition of this condition when the
16 circumstances of the case clearly do not warrant it or
17 when its imposition would be impractical; all legally
18 possessed firearms shall be returned to the person upon
19 that person completing a sentence for a conviction on a
20 misdemeanor domestic battery, upon the charges being
21 dismissed, or if the person is found not guilty, unless
22 the finding of not guilty is by reason of insanity; and

23 (6) At a time and place designated by the court,
24 submit to a psychological evaluation when the person has
25 been charged with a violation of item (4) of subsection
26 (a) of Section 24-1 of the Criminal Code of 1961 and that
27 violation occurred in a school or in any conveyance
28 owned, leased, or contracted by a school to transport
29 students to or from school or a school-related activity,
30 or on any public way within 1,000 feet of real property
31 comprising any school.

32 Psychological evaluations ordered pursuant to this
33 Section shall be completed promptly and made available to the
34 State, the defendant, and the court. As a further condition

1 of bail under these circumstances, the court shall order the
2 defendant to refrain from entering upon the property of the
3 school, including any conveyance owned, leased, or contracted
4 by a school to transport students to or from school or a
5 school-related activity, or on any public way within 1,000
6 feet of real property comprising any school. Upon receipt of
7 the psychological evaluation, either the State or the
8 defendant may request a change in the conditions of bail,
9 pursuant to Section 110-6 of this Code. The court may change
10 the conditions of bail to include a requirement that the
11 defendant follow the recommendations of the psychological
12 evaluation, including undergoing psychiatric treatment. The
13 conclusions of the psychological evaluation and any
14 statements elicited from the defendant during its
15 administration are not admissible as evidence of guilt during
16 the course of any trial on the charged offense, unless the
17 defendant places his or her mental competency in issue.

18 (b) The court may impose other conditions, such as the
19 following, if the court finds that such conditions are
20 reasonably necessary to assure the defendant's appearance in
21 court, protect the public from the defendant, or prevent the
22 defendant's unlawful interference with the orderly
23 administration of justice:

24 (1) Report to or appear in person before such
25 person or agency as the court may direct;

26 (2) Refrain from possessing a firearm or other
27 dangerous weapon;

28 (3) Refrain from approaching or communicating with
29 particular persons or classes of persons;

30 (4) Refrain from going to certain described
31 geographical areas or premises;

32 (5) Refrain from engaging in certain activities or
33 indulging in intoxicating liquors or in certain drugs;

34 (6) Undergo treatment for drug addiction or

1 alcoholism;

2 (7) Undergo medical or psychiatric treatment;

3 (8) Work or pursue a course of study or vocational
4 training;

5 (9) Attend or reside in a facility designated by
6 the court;

7 (10) Support his or her dependents;

8 (11) If a minor resides with his or her parents or
9 in a foster home, attend school, attend a non-residential
10 program for youths, and contribute to his or her own
11 support at home or in a foster home;

12 (12) Observe any curfew ordered by the court;

13 (13) Remain in the custody of such designated
14 person or organization agreeing to supervise his release.
15 Such third party custodian shall be responsible for
16 notifying the court if the defendant fails to observe the
17 conditions of release which the custodian has agreed to
18 monitor, and shall be subject to contempt of court for
19 failure so to notify the court;

20 (14) Be placed under direct supervision of the
21 Pretrial Services Agency, Probation Department or Court
22 Services Department in a pretrial bond home supervision
23 capacity with or without the use of an approved
24 electronic monitoring device subject to Article 8A of
25 Chapter V of the Unified Code of Corrections;

26 (14.1) The court shall impose upon a defendant who
27 is charged with any alcohol, cannabis or controlled
28 substance violation and is placed under direct
29 supervision of the Pretrial Services Agency, Probation
30 Department or Court Services Department in a pretrial
31 bond home supervision capacity with the use of an
32 approved monitoring device, as a condition of such bail
33 bond, a fee that represents costs incidental to the
34 electronic monitoring for each day of such bail

1 supervision ordered by the court, unless after
2 determining the inability of the defendant to pay the
3 fee, the court assesses a lesser fee or no fee as the
4 case may be. The fee shall be collected by the clerk of
5 the circuit court. The clerk of the circuit court shall
6 pay all monies collected from this fee to the county
7 treasurer for deposit in the substance abuse services
8 fund under Section 5-1086.1 of the Counties Code;

9 (14.2) The court shall impose upon all defendants,
10 including those defendants subject to paragraph (14.1)
11 above, placed under direct supervision of the Pretrial
12 Services Agency, Probation Department or Court Services
13 Department in a pretrial bond home supervision capacity
14 with the use of an approved monitoring device, as a
15 condition of such bail bond, a fee which shall represent
16 costs incidental to such electronic monitoring for each
17 day of such bail supervision ordered by the court, unless
18 after determining the inability of the defendant to pay
19 the fee, the court assesses a lesser fee or no fee as the
20 case may be. The fee shall be collected by the clerk of
21 the circuit court. The clerk of the circuit court shall
22 pay all monies collected from this fee to the county
23 treasurer who shall use the monies collected to defray
24 the costs of corrections. The county treasurer shall
25 deposit the fee collected in the county working cash fund
26 under Section 6-27001 or Section 6-29002 of the Counties
27 Code, as the case may be;

28 (15) Comply with the terms and conditions of an
29 order of protection issued by the court under the
30 Illinois Domestic Violence Act of 1986 or an order of
31 protection issued by the court of another state, tribe,
32 or United States territory;

33 (16) Under Section 110-6.5 comply with the
34 conditions of the drug testing program; and

1 (17) Such other reasonable conditions as the court
2 may impose.

3 (c) When a person is charged with an offense under
4 Section 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
5 "Criminal Code of 1961", involving a victim who is a minor
6 under 18 years of age living in the same household with the
7 defendant at the time of the offense, in granting bail or
8 releasing the defendant on his own recognizance, the judge
9 shall impose conditions to restrict the defendant's access to
10 the victim which may include, but are not limited to
11 conditions that he will:

12 1. Vacate the Household.

13 2. Make payment of temporary support to his
14 dependents.

15 3. Refrain from contact or communication with the
16 child victim, except as ordered by the court.

17 (d) When a person is charged with a criminal offense and
18 the victim is a family or household member as defined in
19 Article 112A, conditions shall be imposed at the time of the
20 defendant's release on bond that restrict the defendant's
21 access to the victim. Unless provided otherwise by the court,
22 the restrictions shall include requirements that the
23 defendant do the following:

24 (1) refrain from contact or communication with the
25 victim for a minimum period of 72 hours following the
26 defendant's release; and

27 (2) refrain from entering or remaining at the
28 victim's residence for a minimum period of 72 hours
29 following the defendant's release.

30 (e) Local law enforcement agencies shall develop
31 standardized bond forms for use in cases involving family or
32 household members as defined in Article 112A, including
33 specific conditions of bond as provided in subsection (d).
34 Failure of any law enforcement department to develop or use

1 those forms shall in no way limit the applicability and
2 enforcement of subsections (d) and (f).

3 (f) If the defendant is admitted to bail after
4 conviction the conditions of the bail bond shall be that he
5 will, in addition to the conditions set forth in subsections
6 (a) and (b) hereof:

7 (1) Duly prosecute his appeal;

8 (2) Appear at such time and place as the court may
9 direct;

10 (3) Not depart this State without leave of the
11 court;

12 (4) Comply with such other reasonable conditions as
13 the court may impose; and,

14 (5) If the judgment is affirmed or the cause
15 reversed and remanded for a new trial, forthwith
16 surrender to the officer from whose custody he was
17 bailed.

18 (g) Upon a finding of guilty for any felony offense, the
19 defendant shall physically surrender, at a time and place
20 designated by the court, any and all firearms in his or her
21 possession and his or her Firearm Owner's Identification Card
22 as a condition of remaining on bond pending sentencing.

23 (Source: P.A. 90-399, eff. 1-1-98; 91-11, eff. 6-4-99;
24 91-312, eff. 1-1-00; 91-696, eff. 4-13-00; 91-903, eff.
25 1-1-01.)

26 Section 15. The Unified Code of Corrections is amended
27 by changing Section 5-6-3 as follows:

28 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

1 (1) not violate any criminal statute of any
2 jurisdiction;

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

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

7 (4) not leave the State without the consent of the
8 court or, in circumstances in which the reason for the
9 absence is of such an emergency nature that prior consent
10 by the court is not possible, without the prior
11 notification and approval of the person's probation
12 officer;

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

16 (6) perform no less than 30 hours of community
17 service and not more than 120 hours of community service,
18 if community service is available in the jurisdiction and
19 is funded and approved by the county board where the
20 offense was committed, where the offense was related to
21 or in furtherance of the criminal activities of an
22 organized gang and was motivated by the offender's
23 membership in or allegiance to an organized gang. The
24 community service shall include, but not be limited to,
25 the cleanup and repair of any damage caused by a
26 violation of Section 21-1.3 of the Criminal Code of 1961
27 and similar damage to property located within the
28 municipality or county in which the violation occurred.
29 When possible and reasonable, the community service
30 should be performed in the offender's neighborhood. For
31 purposes of this Section, "organized gang" has the
32 meaning ascribed to it in Section 10 of the Illinois
33 Streetgang Terrorism Omnibus Prevention Act;

34 (7) if he or she is at least 17 years of age and

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

28 (8) if convicted of possession of a substance
29 prohibited by the Cannabis Control Act or Illinois
30 Controlled Substances Act after a previous conviction or
31 disposition of supervision for possession of a substance
32 prohibited by the Cannabis Control Act or Illinois
33 Controlled Substances Act or after a sentence of
34 probation under Section 10 of the Cannabis Control Act or

1 Section 410 of the Illinois Controlled Substances Act and
2 upon a finding by the court that the person is addicted,
3 undergo treatment at a substance abuse program approved
4 by the court; and-

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

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

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

17 (2) pay a fine and costs;

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

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

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

24 (6) support his dependents;

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

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

28 (ii) attend school;

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

31 (iv) contribute to his own support at home or
32 in a foster home;

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

1 (9) perform some reasonable public or community
2 service;

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

7 (i) remain within the interior premises of the
8 place designated for his confinement during the
9 hours designated by the court;

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

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

19 (iv) for persons convicted of any alcohol,
20 cannabis or controlled substance violation who are
21 placed on an approved monitoring device as a
22 condition of probation or conditional discharge, the
23 court shall impose a reasonable fee for each day of
24 the use of the device, as established by the county
25 board in subsection (g) of this Section, unless
26 after determining the inability of the offender to
27 pay the fee, the court assesses a lesser fee or no
28 fee as the case may be. This fee shall be imposed in
29 addition to the fees imposed under subsections (g)
30 and (i) of this Section. The fee shall be collected
31 by the clerk of the circuit court. The clerk of the
32 circuit court shall pay all monies collected from
33 this fee to the county treasurer for deposit in the
34 substance abuse services fund under Section 5-1086.1

1 of the Counties Code; and

2 (v) for persons convicted of offenses other
3 than those referenced in clause (iv) above and who
4 are placed on an approved monitoring device as a
5 condition of probation or conditional discharge, the
6 court shall impose a reasonable fee for each day of
7 the use of the device, as established by the county
8 board in subsection (g) of this Section, unless
9 after determining the inability of the defendant to
10 pay the fee, the court assesses a lesser fee or no
11 fee as the case may be. This fee shall be imposed
12 in addition to the fees imposed under subsections
13 (g) and (i) of this Section. The fee shall be
14 collected by the clerk of the circuit court. The
15 clerk of the circuit court shall pay all monies
16 collected from this fee to the county treasurer who
17 shall use the monies collected to defray the costs
18 of corrections. The county treasurer shall deposit
19 the fee collected in the county working cash fund
20 under Section 6-27001 or Section 6-29002 of the
21 Counties Code, as the case may be.

22 (11) comply with the terms and conditions of an
23 order of protection issued by the court pursuant to the
24 Illinois Domestic Violence Act of 1986, as now or
25 hereafter amended, or an order of protection issued by
26 the court of another state, tribe, or United States
27 territory. A copy of the order of protection shall be
28 transmitted to the probation officer or agency having
29 responsibility for the case;

30 (12) reimburse any "local anti-crime program" as
31 defined in Section 7 of the Anti-Crime Advisory Council
32 Act for any reasonable expenses incurred by the program
33 on the offender's case, not to exceed the maximum amount
34 of the fine authorized for the offense for which the

1 defendant was sentenced;

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

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

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

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

25 (c) The court may as a condition of probation or of
26 conditional discharge require that a person under 18 years of
27 age found guilty of any alcohol, cannabis or controlled
28 substance violation, refrain from acquiring a driver's
29 license during the period of probation or conditional
30 discharge. If such person is in possession of a permit or
31 license, the court may require that the minor refrain from
32 driving or operating any motor vehicle during the period of
33 probation or conditional discharge, except as may be
34 necessary in the course of the minor's lawful employment.

1 (d) An offender sentenced to probation or to conditional
2 discharge shall be given a certificate setting forth the
3 conditions thereof.

4 (e) The court shall not require as a condition of the
5 sentence of probation or conditional discharge that the
6 offender be committed to a period of imprisonment in excess
7 of 6 months. This 6 month limit shall not include periods of
8 confinement given pursuant to a sentence of county impact
9 incarceration under Section 5-8-1.2.

10 Persons committed to imprisonment as a condition of
11 probation or conditional discharge shall not be committed to
12 the Department of Corrections.

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

17 (g) An offender sentenced to probation or to conditional
18 discharge and who during the term of either undergoes
19 mandatory drug or alcohol testing, or both, or is assigned to
20 be placed on an approved electronic monitoring device, shall
21 be ordered to pay all costs incidental to such mandatory drug
22 or alcohol testing, or both, and all costs incidental to such
23 approved electronic monitoring in accordance with the
24 defendant's ability to pay those costs. The county board
25 with the concurrence of the Chief Judge of the judicial
26 circuit in which the county is located shall establish
27 reasonable fees for the cost of maintenance, testing, and
28 incidental expenses related to the mandatory drug or alcohol
29 testing, or both, and all costs incidental to approved
30 electronic monitoring, involved in a successful probation
31 program for the county. The concurrence of the Chief Judge
32 shall be in the form of an administrative order. The fees
33 shall be collected by the clerk of the circuit court. The
34 clerk of the circuit court shall pay all moneys collected

1 from these fees to the county treasurer who shall use the
2 moneys collected to defray the costs of drug testing, alcohol
3 testing, and electronic monitoring. The county treasurer
4 shall deposit the fees collected in the county working cash
5 fund under Section 6-27001 or Section 6-29002 of the Counties
6 Code, as the case may be.

7 (h) Jurisdiction over an offender may be transferred
8 from the sentencing court to the court of another circuit
9 with the concurrence of both courts, or to another state
10 under an Interstate Probation Reciprocal Agreement as
11 provided in Section 3-3-11. Further transfers or retransfers
12 of jurisdiction are also authorized in the same manner. The
13 court to which jurisdiction has been transferred shall have
14 the same powers as the sentencing court.

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

32 (j) All fines 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 (Source: P.A. 90-14, eff. 7-1-97; 90-399, eff. 1-1-98;
6 90-504, eff. 1-1-98; 90-655, eff. 7-30-98; 91-325, eff.
7 7-29-99; 91-696, eff. 4-13-00; 91-903, eff. 1-1-01.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.