



1 description, serial number or other information identifying  
2 the firearm if no serial number is available; and, if the  
3 transfer was completed within this State, the transferee's  
4 Firearm Owner's Identification Card number. On demand of a  
5 peace officer such transferor shall produce for inspection  
6 such record of transfer.

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

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

11 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

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

14 (1) Make application on blank forms prepared and  
15 furnished at convenient locations throughout the State by  
16 the Department of State Police, or by electronic means,  
17 if and when made available by the Department of State  
18 Police; and

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

21 (i) He or she is 21 years of age or over, or  
22 if he or she is under 21 years of age that he or she  
23 has the written consent of his or her parent or  
24 legal guardian to possess and acquire firearms and  
25 firearm ammunition and that he or she has never been  
26 convicted of a misdemeanor other than a traffic  
27 offense or adjudged delinquent, provided, however,  
28 that such parent or legal guardian is not an  
29 individual prohibited from having a Firearm Owner's  
30 Identification Card and files an affidavit with the  
31 Department as prescribed by the Department stating  
32 that he or she is not an individual prohibited from  
33 having a Card;

1           (ii) He or she has not been convicted of a  
2 felony under the laws of this or any other  
3 jurisdiction;

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

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

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

8           (vi) He or she is not an alien who is  
9 unlawfully present in the United States under the  
10 laws of the United States;

11           (vii) He or she is not subject to an existing  
12 order of protection prohibiting him or her from  
13 possessing a firearm;

14           (viii) He or she has not been convicted within  
15 the past 5 years of battery, assault, aggravated  
16 assault, violation of an order of protection, or a  
17 substantially similar offense in another  
18 jurisdiction, in which a firearm was used or  
19 possessed;

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

24           (x) He or she has not been convicted within  
25 the past 5 years of domestic battery or a  
26 substantially similar offense in another  
27 jurisdiction committed before the effective date of  
28 this amendatory Act of 1997; and

29           (3) Upon request by the Department of State Police,  
30 sign a release on a form prescribed by the Department of  
31 State Police waiving any right to confidentiality and  
32 requesting the disclosure to the Department of State  
33 Police of limited mental health institution admission  
34 information from another state, the District of Columbia,

1 any other territory of the United States, or a foreign  
 2 nation concerning the applicant for the sole purpose of  
 3 determining whether the applicant is or was a patient in  
 4 a mental health institution and disqualified because of  
 5 that status from receiving a Firearm Owner's  
 6 Identification Card. No mental health care or treatment  
 7 records may be requested. The information received shall  
 8 be destroyed within one year of receipt.

9 (a-5) Each applicant for a Firearm Owner's  
 10 Identification Card who is over the age of 18 shall furnish  
 11 to the Department of State Police either his or her driver's  
 12 license number or Illinois Identification Card number.

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

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

25 (Source: P.A. 90-493, eff. 1-1-98; 91-514, eff. 1-1-00;  
 26 91-694, eff. 4-13-00.)

27 (430 ILCS 65/6) (from Ch. 38, par. 83-6)

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

29 (a) A Firearm Owner's Identification Card, issued by the  
 30 Department of State Police at such places as the Director of  
 31 the Department shall specify, shall contain the applicant's  
 32 name, residence, date of birth, sex, physical description,  
 33 recent photograph and signature ~~such---ether---personal~~

1 ~~identifying--information--as-may-be-required-by-the-Direeter.~~

2 Each Firearm Owner's Identification Card must have the  
3 expiration date boldly and conspicuously displayed on the  
4 face of the card. Each Firearm Owner's Identification Card  
5 must have printed on it the following: "CAUTION - This card  
6 does not permit bearer to UNLAWFULLY carry or use firearms."  
7 Before December 1, 2002, the Department may use a person's  
8 digital photograph and signature from his or her Illinois  
9 driver's license or Illinois Identification Card, if  
10 available. On and after December 1, 2002, the Department  
11 shall use a person's digital photograph and signature from  
12 his or her Illinois driver's license or Illinois  
13 Identification Card, if available. The Department shall  
14 decline to use a person's digital photograph or signature if  
15 the digital photograph or signature is the result of or  
16 associated with fraudulent or erroneous data, unless  
17 otherwise provided by law.

18 (b) A person applying for a Firearm Owner's  
19 Identification Card shall consent to the Department of State  
20 Police using the applicant's digital driver's license or  
21 Illinois Identification Card photograph, if available, and  
22 signature on the applicant's Firearm Owner's Identification  
23 Card. The Secretary of State shall allow the Department of  
24 State Police access to the photograph and signature for the  
25 purpose of identifying the applicant and issuing to the  
26 applicant a Firearm Owner's Identification Card.

27 (c) The Secretary of State shall conduct a study to  
28 determine the cost and feasibility of creating a method of  
29 adding an identifiable code, background, or other means on  
30 the driver's license or Illinois Identification Card to show  
31 that an individual is not disqualified from owning or  
32 possessing a firearm under State or federal law. The  
33 Secretary shall report the findings of this study 12 months  
34 after the effective date of this amendatory Act of the 92nd

1 General Assembly.

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

3 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

4 Sec. 10. (a) Whenever an application for a Firearm  
 5 Owner's Identification Card is denied, whenever the  
 6 Department fails to act on an application within 30 days of  
 7 its receipt, or whenever such a Card is revoked or seized as  
 8 provided for in Section 8 of this Act, the aggrieved party  
 9 may appeal to the Director of the Department of State Police  
 10 for a hearing upon such denial, revocation or seizure, unless  
 11 the denial, revocation, or seizure was based upon a forcible  
 12 felony, stalking, aggravated stalking, domestic battery, any  
 13 violation of either the Illinois Controlled Substances Act or  
 14 the Cannabis Control Act that is classified as a Class 2 or  
 15 greater felony, or any felony violation of Article 24 of the  
 16 Criminal Code of 1961, in which case the aggrieved party may  
 17 petition the circuit court in writing in the county of his or  
 18 her residence for a hearing upon such denial, revocation, or  
 19 seizure.

20 (b) At least 30 days before any hearing in the circuit  
 21 court, the petitioner shall serve the relevant State's  
 22 Attorney with a copy of the petition. The State's Attorney  
 23 may object to the petition and present evidence. At the  
 24 hearing the court shall determine whether substantial justice  
 25 has been done. Should the court determine that substantial  
 26 justice has not been done, the court shall issue an order  
 27 directing the Department of State Police to issue a Card.  
 28 ~~Whenever, upon the receipt of such an appeal for a hearing,~~  
 29 ~~the Director is satisfied that substantial justice has not~~  
 30 ~~been done, he may order a hearing to be held by the~~  
 31 ~~Department upon the denial or revocation.~~

32 (c) Any person prohibited from possessing a firearm  
 33 under Sections 24-1.1 or 24-3.1 of the Criminal Code of 1961

1 or acquiring a Firearm Owner's Identification Card under  
 2 Section 8 of this Act may apply to the Director of the  
 3 Department of State Police or petition the circuit court in  
 4 the county where the petitioner resides, whichever is  
 5 applicable in accordance with subsection (a) of this Section,  
 6 requesting relief from such prohibition and the Director or  
 7 court may grant such relief if it is established by the  
 8 applicant to the court's or Director's satisfaction that:

9 (0.05) when in the circuit court, the State's Attorney  
 10 has been served with a written copy of the petition at least  
 11 30 days before any such hearing in the circuit court and at  
 12 the hearing the State's Attorney was afforded an opportunity  
 13 to present evidence and object to the petition;

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

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

24 (3) granting relief would not be contrary to the public  
 25 interest.

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

27 (430 ILCS 65/14) (from Ch. 38, par. 83-14)  
 28 Sec. 14. Sentence.

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

33 (b) Except as provided in subsection (a) with respect to

1 an expired card, a violation of paragraph (1) of subsection  
2 (a) of Section 2 is a Class A misdemeanor when the person  
3 does not possess a currently valid Firearm Owner's  
4 Identification Card, but is otherwise eligible under this  
5 Act. A second or subsequent violation is a Class 4 felony.

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

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

11 (2) the person's Firearm Owner's Identification  
12 Card is expired and not otherwise eligible for renewal  
13 under this Act; or

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

17 (d) A violation of subsection (a) of Section 3 is a  
18 Class 4 felony. A third or subsequent conviction is a Class 1  
19 felony.

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

25 (e) Any other violation of this Act is a Class A  
26 misdemeanor.

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

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

30 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)  
31 Sec. 110-10. Conditions of bail bond.

32 (a) If a person is released prior to conviction, either



1 upon payment of bail security or on his or her own  
2 recognizance, the conditions of the bail bond shall be that  
3 he or she will:

4 (1) Appear to answer the charge in the court having  
5 jurisdiction on a day certain and thereafter as ordered  
6 by the court until discharged or final order of the  
7 court;

8 (2) Submit himself or herself to the orders and  
9 process of the court;

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

12 (4) Not violate any criminal statute of any  
13 jurisdiction;

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

34 (6) At a time and place designated by the court,

1 submit to a psychological evaluation when the person has  
2 been charged with a violation of item (4) of subsection  
3 (a) of Section 24-1 of the Criminal Code of 1961 and that  
4 violation occurred in a school or in any conveyance  
5 owned, leased, or contracted by a school to transport  
6 students to or from school or a school-related activity,  
7 or on any public way within 1,000 feet of real property  
8 comprising any school.

9 Psychological evaluations ordered pursuant to this  
10 Section shall be completed promptly and made available to the  
11 State, the defendant, and the court. As a further condition  
12 of bail under these circumstances, the court shall order the  
13 defendant to refrain from entering upon the property of the  
14 school, including any conveyance owned, leased, or contracted  
15 by a school to transport students to or from school or a  
16 school-related activity, or on any public way within 1,000  
17 feet of real property comprising any school. Upon receipt of  
18 the psychological evaluation, either the State or the  
19 defendant may request a change in the conditions of bail,  
20 pursuant to Section 110-6 of this Code. The court may change  
21 the conditions of bail to include a requirement that the  
22 defendant follow the recommendations of the psychological  
23 evaluation, including undergoing psychiatric treatment. The  
24 conclusions of the psychological evaluation and any  
25 statements elicited from the defendant during its  
26 administration are not admissible as evidence of guilt during  
27 the course of any trial on the charged offense, unless the  
28 defendant places his or her mental competency in issue.

29 (b) The court may impose other conditions, such as the  
30 following, if the court finds that such conditions are  
31 reasonably necessary to assure the defendant's appearance in  
32 court, protect the public from the defendant, or prevent the  
33 defendant's unlawful interference with the orderly  
34 administration of justice:

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

3           (2) Refrain from possessing a firearm or other  
4 dangerous weapon;

5           (3) Refrain from approaching or communicating with  
6 particular persons or classes of persons;

7           (4) Refrain from going to certain described  
8 geographical areas or premises;

9           (5) Refrain from engaging in certain activities or  
10 indulging in intoxicating liquors or in certain drugs;

11           (6) Undergo treatment for drug addiction or  
12 alcoholism;

13           (7) Undergo medical or psychiatric treatment;

14           (8) Work or pursue a course of study or vocational  
15 training;

16           (9) Attend or reside in a facility designated by  
17 the court;

18           (10) Support his or her dependents;

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

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

24           (13) Remain in the custody of such designated  
25 person or organization agreeing to supervise his release.  
26 Such third party custodian shall be responsible for  
27 notifying the court if the defendant fails to observe the  
28 conditions of release which the custodian has agreed to  
29 monitor, and shall be subject to contempt of court for  
30 failure so to notify the court;

31           (14) Be placed under direct supervision of the  
32 Pretrial Services Agency, Probation Department or Court  
33 Services Department in a pretrial bond home supervision  
34 capacity with or without the use of an approved

1 electronic monitoring device subject to Article 8A of  
2 Chapter V of the Unified Code of Corrections;

3 (14.1) The court shall impose upon a defendant who  
4 is charged with any alcohol, cannabis or controlled  
5 substance violation and is placed under direct  
6 supervision of the Pretrial Services Agency, Probation  
7 Department or Court Services Department in a pretrial  
8 bond home supervision capacity with the use of an  
9 approved monitoring device, as a condition of such bail  
10 bond, a fee that represents costs incidental to the  
11 electronic monitoring for each day of such bail  
12 supervision ordered by the court, unless after  
13 determining the inability of the defendant to pay the  
14 fee, the court assesses a lesser fee or no fee as the  
15 case may be. The fee shall be collected by the clerk of  
16 the circuit court. The clerk of the circuit court shall  
17 pay all monies collected from this fee to the county  
18 treasurer for deposit in the substance abuse services  
19 fund under Section 5-1086.1 of the Counties Code;

20 (14.2) The court shall impose upon all defendants,  
21 including those defendants subject to paragraph (14.1)  
22 above, placed under direct supervision of the Pretrial  
23 Services Agency, Probation Department or Court Services  
24 Department in a pretrial bond home supervision capacity  
25 with the use of an approved monitoring device, as a  
26 condition of such bail bond, a fee which shall represent  
27 costs incidental to such electronic monitoring for each  
28 day of such bail supervision ordered by the court, unless  
29 after determining the inability of the defendant to pay  
30 the fee, the court assesses a lesser fee or no fee as the  
31 case may be. The fee shall be collected by the clerk of  
32 the circuit court. The clerk of the circuit court shall  
33 pay all monies collected from this fee to the county  
34 treasurer who shall use the monies collected to defray

1 the costs of corrections. The county treasurer shall  
2 deposit the fee collected in the county working cash fund  
3 under Section 6-27001 or Section 6-29002 of the Counties  
4 Code, as the case may be;

5 (15) Comply with the terms and conditions of an  
6 order of protection issued by the court under the  
7 Illinois Domestic Violence Act of 1986 or an order of  
8 protection issued by the court of another state, tribe,  
9 or United States territory;

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

12 (17) Such other reasonable conditions as the court  
13 may impose.

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

- 23 1. Vacate the Household.
- 24 2. Make payment of temporary support to his  
25 dependents.
- 26 3. Refrain from contact or communication with the  
27 child victim, except as ordered by the court.

28 (d) When a person is charged with a criminal offense and  
29 the victim is a family or household member as defined in  
30 Article 112A, conditions shall be imposed at the time of the  
31 defendant's release on bond that restrict the defendant's  
32 access to the victim. Unless provided otherwise by the court,  
33 the restrictions shall include requirements that the  
34 defendant do the following:

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

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

7           (e) Local law enforcement agencies shall develop  
8 standardized bond forms for use in cases involving family or  
9 household members as defined in Article 112A, including  
10 specific conditions of bond as provided in subsection (d).  
11 Failure of any law enforcement department to develop or use  
12 those forms shall in no way limit the applicability and  
13 enforcement of subsections (d) and (f).

14           (f) If the defendant is admitted to bail after  
15 conviction the conditions of the bail bond shall be that he  
16 will, in addition to the conditions set forth in subsections  
17 (a) and (b) hereof:

18                 (1) Duly prosecute his appeal;

19                 (2) Appear at such time and place as the court may  
20 direct;

21                 (3) Not depart this State without leave of the  
22 court;

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

25                 (5) If the judgment is affirmed or the cause  
26 reversed and remanded for a new trial, forthwith  
27 surrender to the officer from whose custody he was  
28 bailed.

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

34           (Source: P.A. 90-399, eff. 1-1-98; 91-11, eff. 6-4-99;

1 91-312, eff. 1-1-00; 91-696, eff. 4-13-00; 91-903, eff.  
2 1-1-01.)

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

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

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

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

10 (1) not violate any criminal statute of any  
11 jurisdiction;

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

14 (3) refrain from possessing a firearm or other  
15 dangerous weapon;

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

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

25 (6) perform no less than 30 hours of community  
26 service and not more than 120 hours of community service,  
27 if community service is available in the jurisdiction and  
28 is funded and approved by the county board where the  
29 offense was committed, where the offense was related to  
30 or in furtherance of the criminal activities of an  
31 organized gang and was motivated by the offender's  
32 membership in or allegiance to an organized gang. The

1 community service shall include, but not be limited to,  
2 the cleanup and repair of any damage caused by a  
3 violation of Section 21-1.3 of the Criminal Code of 1961  
4 and similar damage to property located within the  
5 municipality or county in which the violation occurred.  
6 When possible and reasonable, the community service  
7 should be performed in the offender's neighborhood. For  
8 purposes of this Section, "organized gang" has the  
9 meaning ascribed to it in Section 10 of the Illinois  
10 Streetgang Terrorism Omnibus Prevention Act;

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



1 This clause (7) does not apply to a person who is  
2 determined by the court to be developmentally disabled or  
3 otherwise mentally incapable of completing the  
4 educational or vocational program; and

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

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

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

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

28 (2) pay a fine and costs;

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

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

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

- 1           (6) support his dependents;
- 2           (7) and in addition, if a minor:
  - 3                 (i) reside with his parents or in a foster
  - 4                 home;
  - 5                 (ii) attend school;
  - 6                 (iii) attend a non-residential program for
  - 7                 youth;
  - 8                 (iv) contribute to his own support at home or
  - 9                 in a foster home;
- 10          (8) make restitution as provided in Section 5-5-6
- 11          of this Code;
- 12          (9) perform some reasonable public or community
- 13          service;
- 14          (10) serve a term of home confinement. In addition
- 15          to any other applicable condition of probation or
- 16          conditional discharge, the conditions of home confinement
- 17          shall be that the offender:
  - 18                 (i) remain within the interior premises of the
  - 19                 place designated for his confinement during the
  - 20                 hours designated by the court;
  - 21                 (ii) admit any person or agent designated by
  - 22                 the court into the offender's place of confinement
  - 23                 at any time for purposes of verifying the offender's
  - 24                 compliance with the conditions of his confinement;
  - 25                 and
  - 26                 (iii) if further deemed necessary by the court
  - 27                 or the Probation or Court Services Department, be
  - 28                 placed on an approved electronic monitoring device,
  - 29                 subject to Article 8A of Chapter V;
  - 30                 (iv) for persons convicted of any alcohol,
  - 31                 cannabis or controlled substance violation who are
  - 32                 placed on an approved monitoring device as a
  - 33                 condition of probation or conditional discharge, the
  - 34                 court shall impose a reasonable fee for each day of

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

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

33 (11) comply with the terms and conditions of an  
34 order of protection issued by the court pursuant to the

1 Illinois Domestic Violence Act of 1986, as now or  
2 hereafter amended, or an order of protection issued by  
3 the court of another state, tribe, or United States  
4 territory. A copy of the order of protection shall be  
5 transmitted to the probation officer or agency having  
6 responsibility for the case;

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

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

18 (14) refrain from entering into a designated  
19 geographic area except upon such terms as the court finds  
20 appropriate. Such terms may include consideration of the  
21 purpose of the entry, the time of day, other persons  
22 accompanying the defendant, and advance approval by a  
23 probation officer, if the defendant has been placed on  
24 probation or advance approval by the court, if the  
25 defendant was placed on conditional discharge;

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

30 (16) refrain from having in his or her body the  
31 presence of any illicit drug prohibited by the Cannabis  
32 Control Act or the Illinois Controlled Substances Act,  
33 unless prescribed by a physician, and submit samples of  
34 his or her blood or urine or both for tests to determine

1 the presence of any illicit drug.

2 (c) The court may as a condition of probation or of  
3 conditional discharge require that a person under 18 years of  
4 age found guilty of any alcohol, cannabis or controlled  
5 substance violation, refrain from acquiring a driver's  
6 license during the period of probation or conditional  
7 discharge. If such person is in possession of a permit or  
8 license, the court may require that the minor refrain from  
9 driving or operating any motor vehicle during the period of  
10 probation or conditional discharge, except as may be  
11 necessary in the course of the minor's lawful employment.

12 (d) An offender sentenced to probation or to conditional  
13 discharge shall be given a certificate setting forth the  
14 conditions thereof.

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

21 Persons committed to imprisonment as a condition of  
22 probation or conditional discharge shall not be committed to  
23 the Department of Corrections.

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

28 (g) An offender sentenced to probation or to conditional  
29 discharge and who during the term of either undergoes  
30 mandatory drug or alcohol testing, or both, or is assigned to  
31 be placed on an approved electronic monitoring device, shall  
32 be ordered to pay all costs incidental to such mandatory drug  
33 or alcohol testing, or both, and all costs incidental to such  
34 approved electronic monitoring in accordance with the

1 defendant's ability to pay those costs. The county board  
2 with the concurrence of the Chief Judge of the judicial  
3 circuit in which the county is located shall establish  
4 reasonable fees for the cost of maintenance, testing, and  
5 incidental expenses related to the mandatory drug or alcohol  
6 testing, or both, and all costs incidental to approved  
7 electronic monitoring, involved in a successful probation  
8 program for the county. The concurrence of the Chief Judge  
9 shall be in the form of an administrative order. The fees  
10 shall be collected by the clerk of the circuit court. The  
11 clerk of the circuit court shall pay all moneys collected  
12 from these fees to the county treasurer who shall use the  
13 moneys collected to defray the costs of drug testing, alcohol  
14 testing, and electronic monitoring. The county treasurer  
15 shall deposit the fees collected in the county working cash  
16 fund under Section 6-27001 or Section 6-29002 of the Counties  
17 Code, as the case may be.

18 (h) Jurisdiction over an offender may be transferred  
19 from the sentencing court to the court of another circuit  
20 with the concurrence of both courts, or to another state  
21 under an Interstate Probation Reciprocal Agreement as  
22 provided in Section 3-3-11. Further transfers or retransfers  
23 of jurisdiction are also authorized in the same manner. The  
24 court to which jurisdiction has been transferred shall have  
25 the same powers as the sentencing court.

26 (i) The court shall impose upon an offender sentenced to  
27 probation after January 1, 1989 or to conditional discharge  
28 after January 1, 1992, as a condition of such probation or  
29 conditional discharge, a fee of \$25 for each month of  
30 probation or conditional discharge supervision ordered by the  
31 court, unless after determining the inability of the person  
32 sentenced to probation or conditional discharge to pay the  
33 fee, the court assesses a lesser fee. The court may not  
34 impose the fee on a minor who is made a ward of the State

1 under the Juvenile Court Act of 1987 while the minor is in  
2 placement. The fee shall be imposed only upon an offender who  
3 is actively supervised by the probation and court services  
4 department. The fee shall be collected by the clerk of the  
5 circuit court. The clerk of the circuit court shall pay all  
6 monies collected from this fee to the county treasurer for  
7 deposit in the probation and court services fund under  
8 Section 15.1 of the Probation and Probation Officers Act.

9 (j) All fines and costs imposed under this Section for  
10 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
11 Vehicle Code, or a similar provision of a local ordinance,  
12 and any violation of the Child Passenger Protection Act, or a  
13 similar provision of a local ordinance, shall be collected  
14 and disbursed by the circuit clerk as provided under Section  
15 27.5 of the Clerks of Courts Act.

16 (Source: P.A. 90-14, eff. 7-1-97; 90-399, eff. 1-1-98;  
17 90-504, eff. 1-1-98; 90-655, eff. 7-30-98; 91-325, eff.  
18 7-29-99; 91-696, eff. 4-13-00; 91-903, eff. 1-1-01.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law."