

1 AN ACT in relation to minors.

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 5-615 and 5-715 as follows:

6 (705 ILCS 405/5-615)

7 Sec. 5-615. Continuance under supervision.

8 (1) The court may enter an order of continuance under  
9 supervision for an offense other than first degree murder, a  
10 Class X felony or a forcible felony (a) upon an admission or  
11 stipulation by the appropriate respondent or minor respondent  
12 of the facts supporting the petition and before proceeding to  
13 adjudication, or after hearing the evidence at the trial, and  
14 (b) in the absence of objection made in open court by the  
15 minor, his or her parent, guardian, or legal custodian, the  
16 minor's attorney or the State's Attorney.

17 (2) If the minor, his or her parent, guardian, or legal  
18 custodian, the minor's attorney or State's Attorney objects  
19 in open court to any continuance and insists upon proceeding  
20 to findings and adjudication, the court shall so proceed.

21 (3) Nothing in this Section limits the power of the  
22 court to order a continuance of the hearing for the  
23 production of additional evidence or for any other proper  
24 reason.

25 (4) When a hearing where a minor is alleged to be a  
26 delinquent is continued pursuant to this Section, the period  
27 of continuance under supervision may not exceed 24 months.  
28 The court may terminate a continuance under supervision at  
29 any time if warranted by the conduct of the minor and the  
30 ends of justice.

31 (5) When a hearing where a minor is alleged to be

1 delinquent is continued pursuant to this Section, the court  
2 may, as conditions of the continuance under supervision,  
3 require the minor to do any of the following:

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 psychotherapeutic treatment  
11 rendered by a therapist licensed under the provisions of  
12 the Medical Practice Act of 1987, the Clinical  
13 Psychologist Licensing Act, or the Clinical Social Work  
14 and Social Work Practice Act, or an entity licensed by  
15 the Department of Human Services as a successor to the  
16 Department of Alcoholism and Substance Abuse, for the  
17 provision of drug addiction and alcoholism treatment;

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

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

21 (g) pay costs;

22 (h) refrain from possessing a firearm or other  
23 dangerous weapon, or an automobile;

24 (i) permit the probation officer to visit him or  
25 her at his or her home or elsewhere;

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

28 (k) attend school;

29 (k-5) with the consent of the superintendent of the  
30 facility, attend an educational program at a facility  
31 other than the school in which the offense was committed  
32 if he or she committed a crime of violence as defined in  
33 Section 2 of the Crime Victims Compensation Act in a  
34 school, on the real property comprising a school, or

1       within 1,000 feet of the real property comprising a  
2       school;

3           (l) attend a non-residential program for youth;

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

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

8           (o) make restitution to the victim, in the same  
9       manner and under the same conditions as provided in  
10      subsection (4) of Section 5-710, except that the  
11      "sentencing hearing" referred to in that Section shall be  
12      the adjudicatory hearing for purposes of this Section;

13          (p) comply with curfew requirements as designated  
14      by the court;

15          (q) refrain from entering into a designated  
16      geographic area except upon terms as the court finds  
17      appropriate. The terms may include consideration of the  
18      purpose of the entry, the time of day, other persons  
19      accompanying the minor, and advance approval by a  
20      probation officer;

21          (r) refrain from having any contact, directly or  
22      indirectly, with certain specified persons or particular  
23      types of persons, including but not limited to members of  
24      street gangs and drug users or dealers;

25          (r-5) undergo a medical or other procedure to have  
26      a tattoo symbolizing allegiance to a street gang removed  
27      from his or her body;

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

34          (t) comply with any other conditions as may be

1           ordered by the court.

2           (6) A minor whose case is continued under supervision  
3 under subsection (5) shall be given a certificate setting  
4 forth the conditions imposed by the court. Those conditions  
5 may be reduced, enlarged, or modified by the court on motion  
6 of the probation officer or on its own motion, or that of the  
7 State's Attorney, or, at the request of the minor after  
8 notice and hearing.

9           (7) If a petition is filed charging a violation of a  
10 condition of the continuance under supervision, the court  
11 shall conduct a hearing. If the court finds that a condition  
12 of supervision has not been fulfilled, the court may proceed  
13 to findings and adjudication and disposition. The filing of  
14 a petition for violation of a condition of the continuance  
15 under supervision shall toll the period of continuance under  
16 supervision until the final determination of the charge, and  
17 the term of the continuance under supervision shall not run  
18 until the hearing and disposition of the petition for  
19 violation; provided where the petition alleges conduct that  
20 does not constitute a criminal offense, the hearing must be  
21 held within 30 days of the filing of the petition unless a  
22 delay shall continue the tolling of the period of continuance  
23 under supervision for the period of the delay.

24           (8) When a hearing in which a minor is alleged to be a  
25 delinquent for reasons that include a violation of Section  
26 21-1.3 of the Criminal Code of 1961 is continued under this  
27 Section, the court shall, as a condition of the continuance  
28 under supervision, require the minor to perform community  
29 service for not less than 30 and not more than 120 hours, if  
30 community service is available in the jurisdiction. The  
31 community service shall include, but need not be limited to,  
32 the cleanup and repair of the damage that was caused by the  
33 alleged violation or similar damage to property located in  
34 the municipality or county in which the alleged violation

1 occurred. The condition may be in addition to any other  
2 condition.

3 (9) When a hearing in which a minor is alleged to be a  
4 delinquent is continued under this Section, the court, before  
5 continuing the case, shall make a finding whether the offense  
6 alleged to have been committed either: (i) was related to or  
7 in furtherance of the activities of an organized gang or was  
8 motivated by the minor's membership in or allegiance to an  
9 organized gang, or (ii) is a violation of paragraph (13) of  
10 subsection (a) of Section 12-2 of the Criminal Code of 1961,  
11 a violation of any Section of Article 24 of the Criminal Code  
12 of 1961, or a violation of any statute that involved the  
13 unlawful use of a firearm. If the court determines the  
14 question in the affirmative the court shall, as a condition  
15 of the continuance under supervision and as part of or in  
16 addition to any other condition of the supervision, require  
17 the minor to perform community service for not less than 30  
18 hours, provided that community service is available in the  
19 jurisdiction and is funded and approved by the county board  
20 of the county where the offense was committed. The community  
21 service shall include, but need not be limited to, the  
22 cleanup and repair of any damage caused by an alleged  
23 violation of Section 21-1.3 of the Criminal Code of 1961 and  
24 similar damage to property located in the municipality or  
25 county in which the alleged violation occurred. When  
26 possible and reasonable, the community service shall be  
27 performed in the minor's neighborhood. For the purposes of  
28 this Section, "organized gang" has the meaning ascribed to it  
29 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
30 Prevention Act.

31 (10) The court shall impose upon a minor placed on  
32 supervision, as a condition of the supervision, a fee of \$25  
33 for each month of supervision ordered by the court, unless  
34 after determining the inability of the minor placed on

1 supervision to pay the fee, the court assesses a lesser  
2 amount. The court may not impose the fee on a minor who is  
3 made a ward of the State under this Act while the minor is in  
4 placement. The fee shall be imposed only upon a minor who is  
5 actively supervised by the probation and court services  
6 department. A court may order the parent, guardian, or legal  
7 custodian of the minor to pay some or all of the fee on the  
8 minor's behalf.

9 (Source: P.A. 90-590, eff. 1-1-99; 91-98; eff. 1-1-00;  
10 91-332, eff. 7-29-99; revised 10-7-99.)

11 (705 ILCS 405/5-715)

12 Sec. 5-715. Probation.

13 (1) The period of probation or conditional discharge  
14 shall not exceed 5 years or until the minor has attained the  
15 age of 21 years, whichever is less, except as provided in  
16 this Section for a minor who is found to be guilty for an  
17 offense which is first degree murder, a Class X felony or a  
18 forcible felony. The juvenile court may terminate probation  
19 or conditional discharge and discharge the minor at any time  
20 if warranted by the conduct of the minor and the ends of  
21 justice; provided, however, that the period of probation for  
22 a minor who is found to be guilty for an offense which is  
23 first degree murder, a Class X felony, or a forcible felony  
24 shall be at least 5 years.

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

27 (a) not violate any criminal statute of any  
28 jurisdiction;

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

31 (c) work or pursue a course of study or vocational  
32 training;

33 (d) undergo medical or psychiatric treatment,

1 rendered by a psychiatrist or psychological treatment  
 2 rendered by a clinical psychologist or social work  
 3 services rendered by a clinical social worker, or  
 4 treatment for drug addiction or alcoholism;

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

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

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

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

12 (i) reside with his or her parents or in a foster  
 13 home;

14 (j) attend school;

15 (j-5) with the consent of the superintendent of the  
 16 facility, attend an educational program at a facility  
 17 other than the school in which the offense was committed  
 18 if he or she committed a crime of violence as defined in  
 19 Section 2 of the Crime Victims Compensation Act in a  
 20 school, on the real property comprising a school, or  
 21 within 1,000 feet of the real property comprising a  
 22 school;

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

24 (l) make restitution under the terms of subsection  
 25 (4) of Section 5-710;

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

28 (n) perform some reasonable public or community  
 29 service;

30 (o) participate with community corrections programs  
 31 including unified delinquency intervention services  
 32 administered by the Department of Human Services subject  
 33 to Section 5 of the Children and Family Services Act;

34 (p) pay costs;

1           (q) serve a term of home confinement. In addition  
2 to any other applicable condition of probation or  
3 conditional discharge, the conditions of home confinement  
4 shall be that the minor:

5           (i) remain within the interior premises of the  
6 place designated for his or her confinement during  
7 the hours designated by the court;

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

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

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

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

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

31           (t) refrain from having in his or her body the  
32 presence of any illicit drug prohibited by the Cannabis  
33 Control Act or the Illinois Controlled Substances Act,  
34 unless prescribed by a physician, and shall submit



1 samples of his or her blood or urine or both for tests to  
2 determine the presence of any illicit drug; or

3 (u) comply with other conditions as may be ordered  
4 by the court.

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

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

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

32 (6) The General Assembly finds that in order to protect  
33 the public, the juvenile justice system must compel  
34 compliance with the conditions of probation by responding to

1 violations with swift, certain, and fair punishments and  
2 intermediate sanctions. The Chief Judge of each circuit  
3 shall adopt a system of structured, intermediate sanctions  
4 for violations of the terms and conditions of a sentence of  
5 supervision, probation or conditional discharge, under this  
6 Act.

7 The court shall provide as a condition of a disposition  
8 of probation, conditional discharge, or supervision, that the  
9 probation agency may invoke any sanction from the list of  
10 intermediate sanctions adopted by the chief judge of the  
11 circuit court for violations of the terms and conditions of  
12 the sentence of probation, conditional discharge, or  
13 supervision, subject to the provisions of Section 5-720 of  
14 this Act.

15 (Source: P.A. 90-590, eff. 1-1-99; 91-98, eff. 1-1-00.)

16 Section 10. The Unified Code of Corrections is amended  
17 by changing Sections 5-6-3 and 5-6-3.1 as follows:

18 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

23 (1) not violate any criminal statute of any  
24 jurisdiction;

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

27 (3) refrain from possessing a firearm or other  
28 dangerous weapon;

29 (4) not leave the State without the consent of the  
30 court or, in circumstances in which the reason for the  
31 absence is of such an emergency nature that prior consent  
32 by the court is not possible, without the prior

1 notification and approval of the person's probation  
2 officer;

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

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

24 (7) if he or she is at least 17 years of age and  
25 has been sentenced to probation or conditional discharge  
26 for a misdemeanor or felony in a county of 3,000,000 or  
27 more inhabitants and has not been previously convicted of  
28 a misdemeanor or felony, may be required by the  
29 sentencing court to attend educational courses designed  
30 to prepare the defendant for a high school diploma and to  
31 work toward a high school diploma or to work toward  
32 passing the high school level Test of General Educational  
33 Development (GED) or to work toward completing a  
34 vocational training program approved by the court. The

1 person on probation or conditional discharge must attend  
2 a public institution of education to obtain the  
3 educational or vocational training required by this  
4 clause (7). The court shall revoke the probation or  
5 conditional discharge of a person who wilfully fails to  
6 comply with this clause (7). The person on probation or  
7 conditional discharge shall be required to pay for the  
8 cost of the educational courses or GED test, if a fee is  
9 charged for those courses or test. The court shall  
10 resentence the offender whose probation or conditional  
11 discharge has been revoked as provided in Section 5-6-4.  
12 This clause (7) does not apply to a person who has a high  
13 school diploma or has successfully passed the GED test.  
14 This clause (7) does not apply to a person who is  
15 determined by the court to be developmentally disabled or  
16 otherwise mentally incapable of completing the  
17 educational or vocational program; and

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

29 (b) The Court may in addition to other reasonable  
30 conditions relating to the nature of the offense or the  
31 rehabilitation of the defendant as determined for each  
32 defendant in the proper discretion of the Court require that  
33 the person:

34 (1) serve a term of periodic imprisonment under

1 Article 7 for a period not to exceed that specified in  
2 paragraph (d) of Section 5-7-1;

3 (2) pay a fine and costs;

4 (3) work or pursue a course of study or vocational  
5 training;

6 (4) undergo medical, psychological or psychiatric  
7 treatment; or treatment for drug addiction or alcoholism;

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

10 (6) support his dependents;

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

12 (i) reside with his parents or in a foster  
13 home;

14 (ii) attend school;

15 (iii) attend a non-residential program for  
16 youth;

17 (iv) contribute to his own support at home or  
18 in a foster home;

19 (v) with the consent of the superintendent of  
20 the facility, attend an educational program at a  
21 facility other than the school in which the offense  
22 was committed if he or she is convicted of a crime  
23 of violence as defined in Section 2 of the Crime  
24 Victims Compensation Act committed in a school, on  
25 the real property comprising a school, or within  
26 1,000 feet of the real property comprising a school;

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

29 (9) perform some reasonable public or community  
30 service;

31 (10) serve a term of home confinement. In addition  
32 to any other applicable condition of probation or  
33 conditional discharge, the conditions of home confinement  
34 shall be that the offender:

1           (i) remain within the interior premises of the  
2 place designated for his confinement during the  
3 hours designated by the court;

4           (ii) admit any person or agent designated by  
5 the court into the offender's place of confinement  
6 at any time for purposes of verifying the offender's  
7 compliance with the conditions of his confinement;  
8 and

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

13           (iv) for persons convicted of any alcohol,  
14 cannabis or controlled substance violation who are  
15 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 offender 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 in  
23 addition to the fees imposed under subsections (g)  
24 and (i) of this Section. The fee shall be collected  
25 by the clerk of the circuit court. The clerk of the  
26 circuit court shall pay all monies collected from  
27 this fee to the county treasurer for deposit in the  
28 substance abuse services fund under Section 5-1086.1  
29 of the Counties Code; and

30           (v) for persons convicted of offenses other  
31 than those referenced in clause (iv) above and who  
32 are 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 defendant 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  
6 in addition to the fees imposed under subsections  
7 (g) and (i) of this Section. The fee shall be  
8 collected by the clerk of the circuit court. The  
9 clerk of the circuit court shall pay all monies  
10 collected from this fee to the county treasurer who  
11 shall use the monies collected to defray the costs  
12 of corrections. The county treasurer shall deposit  
13 the fee collected in the county working cash fund  
14 under Section 6-27001 or Section 6-29002 of the  
15 Counties Code, as the case may be.

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

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

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

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

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

13           (16) refrain from having in his or her body the  
14 presence of any illicit drug prohibited by the Cannabis  
15 Control Act or the Illinois Controlled Substances Act,  
16 unless prescribed by a physician, and submit samples of  
17 his or her blood or urine or both for tests to determine  
18 the presence of any illicit drug.

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

29           (d) An offender sentenced to probation or to conditional  
30 discharge shall be given a certificate setting forth the  
31 conditions thereof.

32           (e) The court shall not require as a condition of the  
33 sentence of probation or conditional discharge that the  
34 offender be committed to a period of imprisonment in excess



1 of 6 months. This 6 month limit shall not include periods of  
2 confinement given pursuant to a sentence of county impact  
3 incarceration under Section 5-8-1.2.

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

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

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

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

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

26           (j) All fines and costs imposed under this Section for  
27 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
28 Vehicle Code, or a similar provision of a local ordinance,  
29 and any violation of the Child Passenger Protection Act, or a  
30 similar provision of a local ordinance, shall be collected  
31 and disbursed by the circuit clerk as provided under Section  
32 27.5 of the Clerks of Courts Act.

33           (Source: P.A. 90-14, eff. 7-1-97; 90-399, eff. 1-1-98;  
34 90-504, eff. 1-1-98; 90-655, eff. 7-30-98; 91-325, eff.

1 7-29-99; 91-696, eff. 4-13-00; 91-903, eff. 1-1-01.)

2 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

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

4 (a) When a defendant is placed on supervision, the court  
5 shall enter an order for supervision specifying the period of  
6 such supervision, and shall defer further proceedings in the  
7 case until the conclusion of the period.

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

32 For the purposes of this Section, "organized gang" has  
33 the meaning ascribed to it in Section 10 of the Illinois

1 Streetgang Terrorism Omnibus Prevention Act.

2 (c) The court may in addition to other reasonable  
3 conditions relating to the nature of the offense or the  
4 rehabilitation of the defendant as determined for each  
5 defendant in the proper discretion of the court require that  
6 the person:

7 (1) make a report to and appear in person before or  
8 participate with the court or such courts, person, or  
9 social service agency as directed by the court in the  
10 order of supervision;

11 (2) pay a fine and costs;

12 (3) work or pursue a course of study or vocational  
13 training;

14 (4) undergo medical, psychological or psychiatric  
15 treatment; or treatment for drug addiction or alcoholism;

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

18 (6) support his dependents;

19 (7) refrain from possessing a firearm or other  
20 dangerous weapon;

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

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

24 (ii) attend school;

25 (iii) attend a non-residential program for  
26 youth;

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

29 (v) with the consent of the superintendent of  
30 the facility, attend an educational program at a  
31 facility other than the school in which the offense  
32 was committed if he or she is placed on supervision  
33 for a crime of violence as defined in Section 2 of  
34 the Crime Victims Compensation Act committed in a

1           school, on the real property comprising a school, or  
2           within 1,000 feet of the real property comprising a  
3           school;

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

9           (10) perform some reasonable public or community  
10          service;

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

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

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

31          (14) refrain from entering into a designated  
32          geographic area except upon such terms as the court finds  
33          appropriate. Such terms may include consideration of the  
34          purpose of the entry, the time of day, other persons

1 accompanying the defendant, and advance approval by a  
2 probation officer;

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

7 (16) 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 submit samples of  
11 his or her blood or urine or both for tests to determine  
12 the presence of any illicit drug;

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

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

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

28 (f) Discharge and dismissal upon a successful conclusion  
29 of a disposition of supervision shall be deemed without  
30 adjudication of guilt and shall not be termed a conviction  
31 for purposes of disqualification or disabilities imposed by  
32 law upon conviction of a crime. Two years after the  
33 discharge and dismissal under this Section, unless the  
34 disposition of supervision was for a violation of Sections

1 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois  
2 Vehicle Code or a similar provision of a local ordinance, or  
3 for a violation of Sections 12-3.2 or 16A-3 of the Criminal  
4 Code of 1961, in which case it shall be 5 years after  
5 discharge and dismissal, a person may have his record of  
6 arrest sealed or expunged as may be provided by law.  
7 However, any defendant placed on supervision before January  
8 1, 1980, may move for sealing or expungement of his arrest  
9 record, as provided by law, at any time after discharge and  
10 dismissal under this Section. A person placed on supervision  
11 for a sexual offense committed against a minor as defined in  
12 subsection (g) of Section 5 of the Criminal Identification  
13 Act or for a violation of Section 11-501 of the Illinois  
14 Vehicle Code or a similar provision of a local ordinance  
15 shall not have his or her record of arrest sealed or  
16 expunged.

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

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

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

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

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

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



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

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

32 (m) The court shall require a defendant placed on  
33 supervision for a violation of Section 3-707 of the Illinois  
34 Vehicle Code or a similar provision of a local ordinance, as

1 a condition of supervision, to give proof of his or her  
2 financial responsibility as defined in Section 7-315 of the  
3 Illinois Vehicle Code. The proof shall be maintained by the  
4 defendant in a manner satisfactory to the Secretary of State  
5 for a minimum period of one year after the date the proof is  
6 first filed. The Secretary of State shall suspend the  
7 driver's license of any person determined by the Secretary to  
8 be in violation of this subsection.

9 (Source: P.A. 90-14, eff. 7-1-97; 90-399, eff. 1-1-98;  
10 90-504, eff. 1-1-98; 90-655, eff. 7-30-98; 90-784, eff.  
11 1-1-99; 91-127, eff. 1-1-00; 91-696, eff. 4-13-00; 91-903,  
12 eff. 1-1-01.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.