



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-THIRD GENERAL ASSEMBLY

95TH LEGISLATIVE DAY

THURSDAY, APRIL 1, 2004

12:00 O'CLOCK A.M.

SENATE
Daily Journal Index
95th Legislative Day

Action	Page(s)
EXECUTIVE SESSION	24
Message from the President	28
Presentation of Senate Resolution No. 69	10
Presentation of Senate Resolution No. 70	11
Presentation of Senate Resolution No. 71	30
Report Received	3
Resolutions Consent Calendar	29

Bill Number	Legislative Action	Page(s)
SJR 0069	Committee on Rules	11
SJR 0070	Committee on Rules	12
SJR 0071	Adopted	30
HB 2582	Second Reading	13
HB 3877	Second Reading	13
HB 3882	Second Reading	13
HB 3893	First Reading	12
HB 4019	First Reading	12
HB 4031	Second Reading	13
HB 4032	Second Reading	14
HB 4063	Second Reading	14
HB 4086	First Reading	13
HB 4157	Second Reading	24
HB 4179	First Reading	13
HB 4275	Second Reading	14
HB 4287	First Reading	13
HB 4371	Second Reading	14
HB 4538	Second Reading	14
HB 4688	First Reading	13
HB 4712	First Reading	13
HB 4771	Second Reading	14
HB 4947	Second Reading	24
HB 4960	First Reading	13
HB 4990	First Reading	13
HB 5017	First Reading	13
HB 5025	First Reading	13
HB 5613	First Reading	13
HB 6786	Second Reading	14
HB 6811	Second Reading	14
HB 7038	First Reading	13
HB 7057	Second Reading	14

The Senate met pursuant to adjournment.
 Senator Louis Viverito, Burbank, Illinois, presiding.
 Prayer by Senator Meeks.
 Senator Link led the Senate in the Pledge of Allegiance.

The Journal of Wednesday, March 31, 2004, was being read when on motion of Senator Haine, further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

MESSAGE FROM THE HOUSE

A message from the House by
 Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 4712

A bill for AN ACT concerning consumer protection.

HOUSE BILL NO. 4960

A bill for AN ACT concerning professional regulation.

Passed the House, March 31, 2004.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 4712 and 4960** were taken up, ordered printed and placed on first reading.

REPORT RECEIVED

REPORT OF THE COMPENSATION REVIEW BOARD STATE OF ILLINOIS

March 31, 2004

TO: Members of the Illinois House of Representatives
Members of the Illinois Senate
Honorable Daniel W. Hynes, Comptroller
Honorable Jesse White, Secretary of State

RECITALS

WHEREAS, pursuant to the laws of the State of Illinois, there was created the Compensation Review Board, consisting of twelve citizens of the State of Illinois (the "Board"), which Board has been entrusted with the responsibility and duty to determine the compensation for members of the General Assembly, judges, other than the county supplement, the elected constitutional officers of State government, state's attorneys and certain appointed officers of State government (collectively referred to as "Public Officials"); and

WHEREAS, the Board has conducted a series of public hearings, heard the testimony of witnesses, and received and reviewed hundreds of pages of documents, all relating to the compensation of the Public Officials; and

WHEREAS, the Board, in determining the compensation for each and every office contained in this Report, has considered the skill required, the time required, the opportunity for other earned income, the value of public services as performed in comparable states, the value of such services as performed in the private sector in Illinois and comparable states based on the responsibility and discretion required in the office, the average of consumer prices commonly known as the cost of living, the overall

[April 1, 2004]

compensation presently received by the Public Officials and all other benefits received, the interests and welfare of the public and the financial ability of the State to meet those costs, and such other factors, not confined to the foregoing, which are normally and traditionally taken into consideration in the determination of such compensation; and

WHEREAS, it is the unanimous view of the Board that cost-of-living adjustments (“COLAs”) must be applied to the salaries for all positions under the jurisdiction of this Board and paid in order to prevent a reduction, in real dollars, in the salaries of Public Officials and that such reduction is not in the public interest; and

WHEREAS, the May 1990 Report of the Board, as acknowledged by the General Assembly, provided that the right to COLA was a vested component of salary (see SJR 192 of the 86th General Assembly) and this General Assembly has further acknowledged that the COLA is a component of salary (see SB 100); and

WHEREAS, after posting due notice, the Board held a public hearing on March 29, 2004, in Chicago, Illinois, at which the Board voted and approved the following Motions:

1. To place Public Officials in the same position today as they would have been if the FY 2002 and FY 2003 COLAs had been paid and to affirm the application of all past COLAs as vested components of salary to the salaries of all Public Officials under the jurisdiction of the Compensation Review Board.
2. To adopt a Resolution directing that the salaries of all Public Officials under the jurisdiction of the Compensation Review Board be adjusted in accordance with the 1990 Report by the FY 2003 and FY 2004 COLAs and be published and submitted to the General Assembly as a part of the April 2004 Report of the Board.
3. To adopt a Resolution urging the General Assembly to amend the Compensation Review Act to change the year that Reports are to be filed from the even-numbered years to the odd-numbered years.

WHEREAS, the Compensation Review Act requires that seven affirmative votes be cast in order for the Board to determine the compensation of the Public Officials, and each of the aforesaid Motions carried by at least seven affirmative votes, thereby making the results of said Motions the compensation determinations of the Compensation Review Board; and

WHEREAS, in accordance with the foregoing Motions and Resolutions, the annual compensation for the position of each Public Official and per diem amounts are determined as follows:

A **Constitutional Officers -**

- 1 Governor
- 2 Lt. Governor
- 3 Secretary of State
- 4 Comptroller
- 5 State Treasurer
- 6 Attorney General

B **Departments,Boards,Commissions, Authorities -**

- 1 Aging
Director

[April 1, 2004]

2 Agriculture
 Director
 Assistant Director

3 Banks and Real Estate
 Commissioner
 First Deputy Commissioner
 Deputy Commissioner

4 Central Management Services
 Director
 Assistant Directors

5 Children and Family Services
 Director

6 Civil Service Commission
 Chairman
 Member

Pursuant to the 1990 Report of the Compensation Review Board and 1990 Senate Joint Resolution No. 192, all salaries published by the U.S. Department of Labor, Bureau of Labor Statistics. Pursuant to this index, all salaries are scheduled

7 Commerce Commission
 Chairman
 Member

8 Commerce & Economic Opportunity
 Director
 Assistant Director

9 Corrections
 Director
 Assistant Director -Juvenile
 Assistant Director -Adult

10 Court of Claims
 Chief Justice
 Judge

11 Educational Labor Relations Board
 Chairman
 Member

- 12 State Board of Elections
Chairman
Vice Chairman
Members

- 13 Emergency Management
Director
Assistant Director

- 14 Employment Security
Director

- 15 Environmental Protection Agency
Director

- 16 Executive Ethics Commission
Executive Director

- 17 Financial Institutions
Director
Assistant Director

- 18 State Fire Marshall
State Fire Marshall

- 19 Human Rights Department
Director

- 20 Human Rights Commission
Chairman
Members

- 21 Human Services
Secretary
Assistant Secretary

- 22 Illinois Labor Relations Boards
Chairman
State Labor Rel. Board Member
Local Labor Rel. Board Member

- 23 Industrial Commission
Chairman

[April 1, 2004]

Members

- 24 Insurance
 Director
 Assistant Director
- 25 Labor
 Director
 Assistant Director
 Chief Factory Inspector
 Supt. Of Safety Insp. & Educ.
 Supt. Of Women's & Children's Employment
- 26 Legislative Ethics Commission
 Executive Director
- 27 Liquor Control
 Chairman
 Secretary
 Member
- 28 Military Affairs
 Adjutant General
 Assistant Adjutant General (Army)
 Assistant Adjutant General for National Guard
- 29 Natural Resources
 Director
 Assistant Director
 Examining Officer
 Mine Officer
- 30 Pollution Control Board
 Chairman
 Members
- 31 Prisoner Review Board
 Chairman
 Members
- 32 Professional Regulation

- Director
- 33 Property Tax Appeal Board
Chairman
Member
- 34 Public Aid
Director
Assistant Director
- 35 Public Health
Director
Assistant Director
- 36 Racing Board
Chairman Per Diem (\$300/day)
Members Per Diem (\$300/day)
- 37 Revenue
Director
Assistant Director
- 38 Secretary of State Merit Commission
Chairman
Member
- 39 Small Business Utility Advocate
- 40 State Police
Director
Assistant Director
- 41 State Police Merit Board
Chairman Per Diem
Member Per Diem
- 42 State Toll Highway Authority
Chairman
Director
- 43 Transportation
Secretary
Assistant Secretary

[April 1, 2004]

- 44 Veterans' Affairs
 Director
 Assistant Director
- C** **General Assembly -**
- 1 Member
- 2 Senate
 President
 Minority Leader
 Assistant Majority
 Assistant Minority
 Majority Caucus Chairman
 Minority Caucus Chairman
 Standing Committee -
 Chairman
 Minority Spokesman
- 3 House of Representatives
 Speaker
 Minority Leader
 Majority Leader
 Dep. House Majority
 Dep. House Minority
 Assistant Majority
 Assistant Minority
 Majority Conference Chair
 Minority Conference Chair
 Committee Leaders -
 Chairman
 Minority Spokesperson
- 4 Auditor General
 Auditor General
 Deputy Auditor General
- D** **Judiciary -**
 Judges of the Supreme Court
 Judges of the Appellate Court
 Judges of the Circuit Court
 Associate Judges of the Circuit Court

E

State's Attorneys - **

Cook County

For counties of 30,000 and over in population

For counties of 29,900 and under in population

** State's Attorneys received the 2003 COLA of 2.8%, but not the 2002 COLA of 3.8%.

**COMPENSATION REVIEW BOARD
STATE OF ILLINOIS**

**RESOLUTION TO REAFFIRM APPLICATION
OF COLAs AS COMPONENT OF SALARIES**

March 29, 2004

RECITALS

WHEREAS, by virtue of the May, 1990 Compensation Review Board Report all salaries under the jurisdiction of the Board are to be adjusted at the beginning of each fiscal year based on any increase in the Employment Cost Index (salaries of white collar government workers) ("COLA"); and

WHEREAS, by operation of law all salaries under the jurisdiction of the Board were adjusted by 3.8% for FY 2003 (commencing July 1, 2002) and by 2.8% for FY 2004 (commencing July 1, 2003); and

WHEREAS, the full salaries provided for through the application of the COLA have not been paid, to wit: no persons occupying a position covered by the Board's Report received payment of the FY 2003 COLA and only States Attorneys received payment of the FY 2004 COLA; and

WHEREAS, a motion was carried at the March 29, 2004 meeting of the Board to reaffirm the application of past COLAs and report to the General Assembly that all salaries under the jurisdiction of this Board should include the FY 2003 and FY 2004 COLAs.

NOW, THEREFORE, BE IT RESOLVED that the Recitals be incorporated herein and the Compensation Review Board directs that the salaries of all Public Officials under the jurisdiction of the Compensation Review Board be adjusted by the FY 2003 and FY 2004 COLAs and be published and submitted to the General Assembly as a part of the April 2004 Report of the Board.

WITNESSETH

THEREFORE, BE IT RESOLVED that the above Recitals and Resolution be incorporated herein and that the foregoing constitute the 2004 Report of the Compensation Review Board and that a copy of this Report be filed with the House of Representatives, the Senate, the Comptroller and the Secretary of State of Illinois forthwith.

The President of the Senate placed the foregoing report before the Senate, which was ordered received and placed on file in the Secretary's Office.

PRESENTATION OF RESOLUTION

Senator Hunter offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

[April 1, 2004]

SENATE JOINT RESOLUTION NO. 69

WHEREAS, Obesity is caused by multiple factors, including genetic predisposition, environmental factors, and lifestyle factors; and

WHEREAS, Obesity ranks second only to smoking as a preventable cause of death; and

WHEREAS, Great concern has also been expressed regarding the effect that obesity in children may have on their overall health, health care costs, and treatment; and

WHEREAS, A causal relationship exists between obesity and a number of serious disorders, including hypertension, dyslipidemia, cardiovascular disease, type 2 diabetes, gallbladder disease, respiratory dysfunction, gout, and osteoarthritis; and

WHEREAS, The National Institute of Diabetes and Digestive and Kidney Diseases provides information that indicates that nearly 80% of patients with type 2 diabetes are obese, and the incidence of symptomatic gallstones soars as a person's body mass index increases beyond a certain level; and

WHEREAS, The information also reveals that nearly 70% of diagnosed cases of cardiovascular disease are related to obesity, obesity more than doubles a person's chances of developing high blood pressure, almost one-half of breast cancer cases are diagnosed among obese women, and 42% of colon cancer cases occur among obese individuals; and

WHEREAS, There is an urgent need for State health care groups and medical societies to place obesity at the top of Illinois' health care agenda; and

WHEREAS, The National Institutes of Health, the American Society for Bariatric Surgery, and the American Obesity Association recommend that patients who are morbidly obese receive responsible, affordable medical treatment for their obesity; and

WHEREAS, The diagnosis of morbid obesity should be a clinical decision made by a physician based on proper medical protocols; and

WHEREAS, The recent breakthroughs in drug therapy can treat obesity successfully, and the New England Journal of Medicine has emphasized the legitimate use of pharmacotherapy as a component of treatment of medically significant obesity; and

WHEREAS, The breakthroughs in obesity treatment are not widely known and efforts must be made to inform the general public and health care professionals that pharmacotherapy can be used as an effective and cost-efficient treatment for obesity; and

WHEREAS, It is critical to raise the awareness of the public and private sectors that obesity is a problem of epidemic proportions that is treatable and that proper treatment will reduce health care costs and improve the quality of life for a large number of our citizens; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the General Assembly acknowledges obesity as a growing epidemic and encourages improvement in awareness and treatment of the problems of obesity; and be it further

RESOLVED, That the medical community and the Illinois Department of Public Health commit to combating obesity through a myriad of tools deemed appropriate for the individual, including, but not limited to, nutrition education, pharmacotherapy, and exercise; and be it further

RESOLVED, That the General Assembly designates the month of May 2004 as Obesity Awareness Month.

[April 1, 2004]

Senator Hunter offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 70

WHEREAS, A disproportionate burden of disease, disability, and death exists among women and people of color in the State; and

WHEREAS, Infant mortality for American Indians and African-Americans is more than double the rate for non-Hispanic whites; and

WHEREAS, African-Americans are more than three times as likely, American Indians and Alaska Natives are more than twice as likely, and Hispanics are 1.5 times as likely as non-Hispanic whites to die from diabetes ; and

WHEREAS, The foundations for personal health, academic success, and professional achievement begin in early childhood; and

WHEREAS, Comprehensive early childhood development programs foster healthy physical, cognitive, and social development; and

WHEREAS, Long-term benefits include improved high school graduation rates, decreases in teen pregnancy, decreased delinquency, and higher rates of employment; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that a task force on health disparities be created to identify opportunities for improving health care status and addressing health disparities in communities of color; and be it further

RESOLVED, That the task force consist of 8 members from committees with jurisdiction over health and committees with jurisdiction over education: 2 members of the Senate appointed by the President of the Senate; 2 members of the Senate appointed by the Senate Minority Leader; and 2 members of the House of Representatives appointed by the Speaker of the House of Representatives; and 2 members of the House of Representatives appointed by the House Minority Leader; and be it further

RESOLVED, That the task force shall: (1) Consider the impact of early childhood development programs on reducing health disparities in communities of color, including a review of information about the sources of critical childhood interventions that impact health disparities such as family resources, child care, education, community organizations, social determinants, and others; (2) Consider opportunities to improve the health status of people of color by addressing barriers to culturally and linguistically appropriate health care and health education materials and practices, including a review of opportunities to increase the number of minority health providers in the State through development of career ladder, expanded recruiting, education, and retention programs, so that the entire health work force more closely mirrors the people that it serves; (3) Address ways to enumerate the racial and ethnic composition of the health work force and health career training, education, and career ladder programs; (4) Evaluate the impact of reductions in health care expenditures on communities of color; (5) Request input from the African-American Family Commission prior to submitting final review and recommendations to the General Assembly; and (6) Complete its review and submit its recommendations to the General Assembly by December 31, 2005; and be it further

RESOLVED, That the task force is dissolved on January 1, 2006.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 3893, sponsored by Senator Collins, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4019, sponsored by Senator Collins, was taken up, read by title a first time and referred to the Committee on Rules.

[April 1, 2004]

House Bill No. 4086, sponsored by Senator Cullerton, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4179, sponsored by Senators Trotter – Lightford, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4287, sponsored by Senator Lightford, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4688, sponsored by Senator Lightford, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4712, sponsored by Senator Obama, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4960, sponsored by Senator DeLeo, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4990, sponsored by Senator Peterson, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5017, sponsored by Senator Walsh, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5025, sponsored by Senator Walsh, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5613, sponsored by Senator Clayborne, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 7038, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Rules.

REPORT FROM STANDING COMMITTEE

Senator Link, Chairperson of the Committee on Revenue, to which was referred the following Senate floor amendment, reported that the Committee recommends that it be approved for consideration:

Senate Amendment No. 1 to House Bill 850

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator D. Sullivan, **House Bill No. 2582** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Brady, **House Bill No. 3877** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 3882** was taken up, read by title a second time. Floor Amendment No. 1 was held in the Committee on Rules. There being no further amendments the bill was ordered to a third reading.

On motion of Senator Ronen, **House Bill No. 4031** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **House Bill No. 4032** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 4063** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 4275** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **House Bill No. 4371** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **House Bill No. 4538** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Halvorson, **House Bill No. 4771** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **House Bill No. 6786** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **House Bill No. 6811** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 7057** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 7057 by replacing everything after the enacting clause with the following:

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

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

(Text of Section from P.A. 93-475)

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

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

- (1) not violate any criminal statute of any jurisdiction;
- (2) report to or appear in person before such person or agency as directed by the court;
- (3) refrain from possessing a firearm or other dangerous weapon;
- (4) not leave the State without the consent of the court or, in circumstances in which

the reason for the absence is of such an emergency nature that prior consent by the court is not possible, without the prior notification and approval of the person's probation officer. Transfer of a person's probation or conditional discharge supervision to another state is subject to acceptance by the other state pursuant to the Interstate Compact for Adult Offender Supervision;

- (5) permit the probation officer to visit him at his home or elsewhere to the extent necessary to discharge his duties;
- (6) perform no less than 30 hours of community service and not more than 120 hours of

community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, where the offense was related to or in furtherance of the criminal activities of an organized gang and was motivated by the offender's membership in or allegiance to an organized gang. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located within the municipality or county in which the violation occurred. When possible and reasonable, the community service should be performed in the offender's neighborhood. For purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act;

[April 1, 2004]

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

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

(8.5) if convicted of a felony sex offense as defined in the Sex Offender Management Board Act, the person shall undergo and successfully complete sex offender treatment by a treatment provider approved by the Board and conducted in conformance with the standards developed under the Sex Offender Management Board Act; and

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

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

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

(2) pay a fine and costs;

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

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

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

(6) support his dependents;

(7) and in addition, if a minor:

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

(ii) attend school;

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

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

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

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

(9) perform some reasonable public or community service;

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

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

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

his confinement; and

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

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

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

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

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

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

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

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

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

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

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

(e) Except where the offender has committed a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code, the court shall not require as a condition of the sentence of probation or conditional discharge that the offender be committed to a period of imprisonment in excess of 6 months. This 6 month limit shall not include periods of confinement given pursuant to a sentence of

county impact incarceration under Section 5-8-1.2. This 6 month limit does not apply to a person sentenced to probation as a result of a conviction of a fourth or subsequent violation of subsection (c-4) of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

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

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

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

(h) Jurisdiction over an offender may be transferred from the sentencing court to the court of another circuit with the concurrence of both courts. Further transfers or retransfers of jurisdiction are also authorized in the same manner. The court to which jurisdiction has been transferred shall have the same powers as the sentencing court.

(i) The court shall impose upon an offender sentenced to probation after January 1, 1989 or to conditional discharge after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of such probation or conditional discharge or supervised community service, a fee of \$50 for each month of probation or conditional discharge supervision or supervised community service ordered by the court, unless after determining the inability of the person sentenced to probation or conditional discharge or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon an offender who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund under Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee under this subsection (i) in excess of \$25 per month unless: (1) the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay, under guidelines developed by the Administrative Office of the Illinois Courts; and (2) the circuit court has authorized, by administrative order issued by the chief judge, the creation of a Crime Victim's Services Fund, to be administered by the Chief Judge or his or her designee, for services to crime victims and their families. Of the amount collected as a probation fee, up to not to exceed \$5 of that fee collected per month may be used to provide services to crime victims and their families.

This amendatory Act of the 93rd General Assembly deletes the \$10 increase in the fee under this subsection that was imposed by Public Act 93-616. This deletion is intended to control over any other Act of the 93rd General Assembly that retains or incorporates that fee increase.

(i-5) In addition to the fees imposed under subsection (i) of this Section, in the case of an offender convicted of a felony sex offense (as defined in the Sex Offender Management Board Act) or an offense that the court or probation department has determined to be sexually motivated (as defined in the Sex Offender Management Board Act), the court or the probation department shall assess additional fees to pay for all costs of treatment, assessment, evaluation for risk and treatment, and monitoring the offender, based on that offender's ability to pay those costs either as they occur or under a payment plan.

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

(k) Any offender who is sentenced to probation or conditional discharge for a felony sex offense as defined in the Sex Offender Management Board Act or any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.

(Source: P.A. 92-282, eff. 8-7-01; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; 92-571, eff. 6-26-02; 92-651, eff. 7-11-02; 93-475, eff. 8-8-03.)

(Text of Section from P.A. 93-616)

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

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

- (1) not violate any criminal statute of any jurisdiction;
- (2) report to or appear in person before such person or agency as directed by the court;
- (3) refrain from possessing a firearm or other dangerous weapon;
- (4) not leave the State without the consent of the court or, in circumstances in which

the reason for the absence is of such an emergency nature that prior consent by the court is not possible, without the prior notification and approval of the person's probation officer. Transfer of a person's probation or conditional discharge supervision to another state is subject to acceptance by the other state pursuant to the Interstate Compact for Adult Offender Supervision;

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

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

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

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

(8.5) if convicted of a felony sex offense as defined in the Sex Offender Management Board Act, the person shall undergo and successfully complete sex offender treatment by a treatment provider approved by the Board and conducted in conformance with the standards developed under the Sex Offender Management Board Act; and

- (9) if convicted of a felony, physically surrender at a time and place designated by the

court, his or her Firearm Owner's Identification Card and any and all firearms in his or her possession.

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

- (1) serve a term of periodic imprisonment under Article 7 for a period not to exceed that specified in paragraph (d) of Section 5-7-1;
- (2) pay a fine and costs;
- (3) work or pursue a course of study or vocational training;
- (4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;
- (5) attend or reside in a facility established for the instruction or residence of defendants on probation;
- (6) support his dependents;
- (7) and in addition, if a minor:
 - (i) reside with his parents or in a foster home;
 - (ii) attend school;
 - (iii) attend a non-residential program for youth;
 - (iv) contribute to his own support at home or in a foster home;
 - (v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is convicted of a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;
- (8) make restitution as provided in Section 5-5-6 of this Code;
- (9) perform some reasonable public or community service;
- (10) serve a term of home confinement. In addition to any other applicable condition of probation or conditional discharge, the conditions of home confinement shall be that the offender:
 - (i) remain within the interior premises of the place designated for his confinement during the hours designated by the court;
 - (ii) admit any person or agent designated by the court into the offender's place of confinement at any time for purposes of verifying the offender's compliance with the conditions of his confinement; and
 - (iii) if further deemed necessary by the court or the Probation or Court Services Department, be placed on an approved electronic monitoring device, subject to Article 8A of Chapter V;
 - (iv) for persons convicted of any alcohol, cannabis or controlled substance violation who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the offender to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code; and
 - (v) for persons convicted of offenses other than those referenced in clause (iv) above and who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.
- (11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended, or an order of protection issued by the court of another state, tribe, or United States territory. A copy of the order of protection shall be transmitted to the probation officer or agency having responsibility for the case;

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

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

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

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

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

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

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

(e) Except where the offender has committed a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code, the court shall not require as a condition of the sentence of probation or conditional discharge that the offender be committed to a period of imprisonment in excess of 6 months. This 6 month limit shall not include periods of confinement given pursuant to a sentence of county impact incarceration under Section 5-8-1.2. This 6 month limit does not apply to a person sentenced to probation as a result of a conviction of a fourth or subsequent violation of subsection (c-4) of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

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

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

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

(h) Jurisdiction over an offender may be transferred from the sentencing court to the court of another circuit with the concurrence of both courts. Further transfers or retransfers of jurisdiction are also authorized in the same manner. The court to which jurisdiction has been transferred shall have the same powers as the sentencing court.

(i) The court shall impose upon an offender sentenced to probation after January 1, 1989 or to conditional discharge after January 1, 1992 or to community service under the supervision of a probation

or court services department after January 1, 2004, as a condition of such probation or conditional discharge or supervised community service, a fee of \$50 \$35 for each month of probation or conditional discharge supervision or supervised community service ordered by the court, unless after determining the inability of the person sentenced to probation or conditional discharge or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon an offender who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies deposit the first \$25 collected from this fee to the county treasurer for deposit in the probation and court services fund under Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee under this subsection (i) in excess of \$25 per month unless: (1) the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay, under guidelines developed by the Administrative Office of the Illinois Courts; and (2) the circuit court has authorized, by administrative order issued by the chief judge, the creation of a Crime Victim's Services Fund, to be administered by the Chief Judge or his or her designee, for services to crime victims and their families. Of the amount collected as a probation fee, up to \$5 of that fee collected per month may be used to provide services to crime victims and their families.

This amendatory Act of the 93rd General Assembly deletes the \$10 increase in the fee under this subsection that was imposed by Public Act 93-616. This deletion is intended to control over any other Act of the 93rd General Assembly that retains or incorporates that fee increase. The clerk of the court shall deposit \$10 collected from this fee into the Sex Offender Management Board Fund under Section 19 of the Sex Offender Management Board Act. Money deposited into the Sex Offender Management Board Fund shall be administered by the Sex Offender Management Board and be used to fund practices endorsed or required under the Sex Offender Management Board Act, including but not limited to sex offender evaluation, treatment, and monitoring programs that are or may be developed by the agency providing supervision, the Department of Corrections or the Department of Human Services. This Fund shall also be used for administrative costs, including staff, incurred by the Board.

(i-5) In addition to the fees imposed under subsection (i) of this Section, in the case of an offender convicted of a felony sex offense (as defined in the Sex Offender Management Board Act) or an offense that the court or probation department has determined to be sexually motivated (as defined in the Sex Offender Management Board Act), the court or the probation department shall assess additional fees to pay for all costs of treatment, assessment, evaluation for risk and treatment, and monitoring the offender, based on that offender's ability to pay those costs either as they occur or under a payment plan.

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

(k) Any offender who is sentenced to probation or conditional discharge for a felony sex offense as defined in the Sex Offender Management Board Act or any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.

(Source: P.A. 92-282, eff. 8-7-01; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; 92-571, eff. 6-26-02; 92-651, eff. 7-11-02; 93-616, eff. 1-1-04.)

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

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

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

(b) The period of supervision shall be reasonable under all of the circumstances of the case, but may not be longer than 2 years, unless the defendant has failed to pay the assessment required by Section 10.3 of the Cannabis Control Act or Section 411.2 of the Illinois Controlled Substances Act, in which case the court may extend supervision beyond 2 years. Additionally, the court shall order the defendant to perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, when the offense (1) was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's membership in or allegiance to an

organized gang; or (2) is a violation of any Section of Article 24 of the Criminal Code of 1961 where a disposition of supervision is not prohibited by Section 5-6-1 of this Code. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by violation of Section 21-1.3 of the Criminal Code of 1961 and similar damages to property located within the municipality or county in which the violation occurred. Where possible and reasonable, the community service should be performed in the offender's neighborhood.

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

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

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

(2) pay a fine and costs;

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

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

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

(6) support his dependents;

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

(8) and in addition, if a minor:

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

(ii) attend school;

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

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

(v) with the consent of the superintendent of the facility, attend an educational

program at a facility other than the school in which the offense was committed if he or she is placed on supervision for a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;

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

(10) perform some reasonable public or community service;

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

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

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

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

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

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

(17) refrain from operating any motor vehicle not equipped with an ignition interlock device as defined in Section 1-129.1 of the Illinois Vehicle Code. Under this condition the court may

allow a defendant who is not self-employed to operate a vehicle owned by the defendant's employer that is not equipped with an ignition interlock device in the course and scope of the defendant's employment.

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

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

(f) Discharge and dismissal upon a successful conclusion of a disposition of supervision shall be deemed without adjudication of guilt and shall not be termed a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime. Two years after the discharge and dismissal under this Section, unless the disposition of supervision was for a violation of Sections 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, or for a violation of Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which case it shall be 5 years after discharge and dismissal, a person may have his record of arrest sealed or expunged as may be provided by law. However, any defendant placed on supervision before January 1, 1980, may move for sealing or expungement of his arrest record, as provided by law, at any time after discharge and dismissal under this Section. A person placed on supervision for a sexual offense committed against a minor as defined in subsection (g) of Section 5 of the Criminal Identification Act or for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance shall not have his or her record of arrest sealed or expunged.

(g) A defendant placed on supervision and who during the period of supervision undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay the costs incidental to such mandatory drug or alcohol testing, or both, and costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, of all defendants placed on supervision. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

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

(i) The court shall impose upon a defendant placed on supervision after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of supervision or supervised community service, a fee of \$50 for each month of supervision or supervised community service ordered by the court, unless after determining the inability of the person placed on supervision or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon a defendant who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund pursuant to Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee in excess of \$25 per month unless: (1) the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay, under guidelines developed by the Administrative Office of the Illinois Courts; and (2) the circuit court has authorized, by administrative order issued by the chief judge, the creation of a Crime Victim's Services Fund, to be administered by the Chief Judge or his or her designee, for services to crime victims and their families. Of the amount collected as a probation fee, not to exceed \$5 of that fee collected per month may be used to provide services to crime victims and their families.

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

(k) A defendant at least 17 years of age who is placed on supervision for a misdemeanor in a county of 3,000,000 or more inhabitants and who has not been previously convicted of a misdemeanor or felony

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

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

(m) The Secretary of State shall require anyone placed on court supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance to give proof of his or her financial responsibility as defined in Section 7-315 of the Illinois Vehicle Code. The proof shall be maintained by the individual in a manner satisfactory to the Secretary of State for a minimum period of one year after the date the proof is first filed. The proof shall be limited to a single action per arrest and may not be affected by any post-sentence disposition. The Secretary of State shall suspend the driver's license of any person determined by the Secretary to be in violation of this subsection.

(n) Any offender placed on supervision for any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.

(Source: P.A. 92-282, eff. 8-7-01; 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 93-475, eff. 8-8-03.)

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

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator DeLeo, **House Bill No. 4157** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **House Bill No. 4947** was taken up, read by title a second time and ordered to a third reading.

REPORT FROM STANDING COMMITTEE

Senator Hendon, Co-Chairperson of the Committee on Executive Appointments, moved that the Senate resolve itself into Executive Session to consider the report of that Committee relative to the Governor's and Secretary of State's appointments.

The motion prevailed.

EXECUTIVE SESSION

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of March 26, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

[April 1, 2004]

CIVIL SERVICE COMMISSION

To be a Member and Chair of the Civil Service Commission for a term commencing March 16, 2004 and ending March 1, 2005:

Chris Kolker of Fairview Heights
Salaried

COURT OF CLAIMS

To be a Judge of the Court of Claims for a term commencing March 5, 2004 and ending January 19, 2009:

RoseMarie Lipinski of Chicago
Salaried

To be a Judge of the Court of Claims for a term commencing March 5, 2004 and ending January 16, 2006:

Robert J. Steffen of Sleepy Hollow
Salaried

To be a Judge of the Court of Claims for a term commencing March 5, 2004 and ending January 15, 2007:

Donald J. Storino of Inverness
Salaried

EXECUTIVE ETHICS COMMISSION

To be a Member of the Executive Ethics Commission for a term commencing March 19, 2004 and ending June 30, 2007:

Scott Turow of Glencoe
Salaried

LABOR RELATIONS BOARD; STATE PANEL

To be a Member of the Labor Relations Board; State Panel for a term commencing March 5, 2004 and ending January 28, 2008:

Rex Piper of Energy
Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointments.
And on that motion, a call of the roll was had resulting as follows:

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Sieben
Bomke	Haine	Munoz	Silverstein
Brady	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter

[April 1, 2004]

Cronin	Jacobs	Righter	Walsh
Crotty	Jones, J.	Risinger	Watson
Cullerton	Jones, W.	Ronen	Welch
del Valle	Lightford	Roskam	Winkel
DeLeo	Link	Rutherford	Wojcik
Dillard	Luechtefeld	Sandoval	Mr. President
Forby	Maloney	Schoenberg	
Garrett	Martinez	Shadid	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Secretary of State's Message to the Senate of October 23, 2003, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

COMMISSIONER OF THE MERIT COMMISSIONS FOR THE OFFICE OF THE SECRETARY OF STATE

To be Commissioner of the Merit Commission for the Office of the Secretary of State for a term ending June 30, 2009.

Mike Masterson
(Salary)

Senator Hendon moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Soden
Bomke	Halvorson	Obama	Sullivan, D.
Brady	Harmon	Peterson	Sullivan, J.
Burzynski	Hendon	Petka	Trotter
Clayborne	Hunter	Radogno	Viverito
Collins	Jacobs	Righter	Walsh
Cronin	Jones, J.	Risinger	Watson
Crotty	Jones, W.	Ronen	Welch
Cullerton	Lauzen	Roskam	Winkel
del Valle	Lightford	Rutherford	Wojcik
DeLeo	Link	Sandoval	Mr. President
Dillard	Luechtefeld	Schoenberg	
Forby	Maloney	Shadid	
Garrett	Martinez	Sieben	
Geo-Karis	Meeks	Silverstein	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Secretary of State's Message to the Senate of March 15, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

INSPECTOR GENERAL FOR THE OFFICE OF SECRETARY OF STATE

To be Inspector General for the Office of the Secretary of State for a term ending January 1, 2009.

[April 1, 2004]

Jim Burns
(Salaried)

COMMISSIONER OF THE MERIT COMMISSION FOR THE OFFICE OF THE SECRETARY OF STATE

To be Commissioner of the Merit Commission for the Office of the Secretary of State for a term ending November 7, 2007.

Judith A. Myers
(Salaried)

COMMISSIONER OF THE MERIT COMMISSION FOR THE OFFICE OF THE SECRETARY OF STATE

To be Commissioner of the Merit Commission for the Office of the Secretary of State for a term ending November 7, 2007.

Duane Noland
(Salaried)

Senator Hendon moved that the Senate advise and consent to the foregoing appointments.
And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Soden
Bomke	Halvorson	Obama	Sullivan, D.
Brady	Harmon	Peterson	Sullivan, J.
Burzynski	Hendon	Petka	Trotter
Clayborne	Hunter	Radogno	Viverito
Collins	Jacobs	Righter	Walsh
Cronin	Jones, J.	Risinger	Watson
Crotty	Jones, W.	Ronen	Welch
Cullerton	Lauzen	Roskam	Winkel
del Valle	Lightford	Rutherford	Wojcik
DeLeo	Link	Sandoval	Mr. President
Dillard	Luechtefeld	Schoenberg	
Forby	Maloney	Shadid	
Garrett	Martinez	Sieben	
Geo-Karis	Meeks	Silverstein	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of March 26, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

EMPLOYMENT SECURITY ADVISORY BOARD, DEPARTMENT

To be a Member of the Department of Employment Security Advisory Board for a term commencing March 12, 2004 and ending January 17, 2005:

[April 1, 2004]

John Bouman of Maywood
Non-Salaried

SPINAL CORD AND HEAD INJURIES, ADVISORY COUNCIL ON

To be a Member of the Advisory Council on Spinal Cord and Head Injuries for a term commencing March 19, 2004 and ending June 30, 2006:

Sara J. Klaas of Elmhurst
Non-Salaried

To be a Member of the Advisory Council on Spinal Cord and Head Injuries for a term commencing March 19, 2004 and ending June 30, 2006:

Virginia M. Lazzara of Palos Heights
Non-Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointments.
And on that motion, a call of the roll was had resulting as follows:

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Silverstein
Bomke	Haine	Munoz	Soden
Brady	Halvorson	Peterson	Sullivan, D.
Burzynski	Harmon	Petka	Sullivan, J.
Clayborne	Hunter	Radogno	Trotter
Collins	Jacobs	Righter	Viverito
Cronin	Jones, J.	Risinger	Walsh
Crotty	Jones, W.	Ronen	Watson
Cullerton	Lauzen	Roskam	Welch
del Valle	Lightford	Rutherford	Winkel
DeLeo	Link	Sandoval	Wojcik
Dillard	Luechtefeld	Schoenberg	Mr. President
Forby	Maloney	Shadid	
Garrett	Martinez	Sieben	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

On motion of Senator Hendon, the Executive Session arose and the Senate resumed consideration of business.

Senator Viverito, presiding.

MESSAGE FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

April 1, 2004

Ms. Linda Hawker
Secretary of the Senate
Room 403 State Capitol

[April 1, 2004]

Springfield, Illinois 62706

Dear Madam Secretary:

Pursuant to Rule 2-10, I am scheduling Tuesday, April 6, 2004 and Thursday, April 15, 2004 as perfunctory session days.

Very truly yours,
s/Emil Jones Jr.
Senate President

cc: Senate Minority Leader Frank Watson
House Speaker Michael J. Madigan
House Minority Leader Tom Cross
All Senators
Joseph B. Handley, Deputy Chief of Staff for Legislative
Affairs, Governor's Office

EXCUSED FROM ATTENDANCE

On motion of Senator Burzynski, Senator Rauschenberger was excused from attendance due to legislative business.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION 477

Offered by Senator Martinez and all Senators:
Mourns the death of Carmelo Mercado of Chicago.

SENATE RESOLUTION 478

Offered by Senator Lauzen and all Senators:
Mourns the death of L. Earl Youtzy of Aurora.

SENATE RESOLUTION 479

Offered by Senator Lauzen and all Senators:
Mourns the death of Maria Teresa Alvarado Avila of St. Petersburg's Beach Florida.

SENATE RESOLUTION 480

Offered by Senator E. Jones and all Senators:
Mourns the death of Reverend Frank Clark of Chicago.

SENATE RESOLUTION 481

Offered by Senator Halvorson and all Senators:
Mourns the death of Godwin Sunday Daniel Okorafor, M.D., F.A.C.S.

SENATE RESOLUTION 483

Offered by Senator Haine and all Senators:
Mourns the death of Michael Lehnen of Bethalto.

SENATE RESOLUTION 484

Offered by Senator Haine and all Senators:
Mourns the death of Richard I. McClintock of East Alton.

SENATE RESOLUTION 485

Offered by Senator Haine and all Senators:
Mourns the death of Stanley E. Holliday Sr. of Alton.

[April 1, 2004]

SENATE RESOLUTION 486

Offered by Senator Haine and all Senators:
Mourns the death of Lillian Audrey Heintz of Alton.

Senator Viverito moved the adoption of the foregoing resolutions.
The motion prevailed.
And the resolutions were adopted.

PRESENTATION OF RESOLUTION

Senator Hendon offered the following Senate Joint Resolution, and having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE JOINT RESOLUTION NO. 71

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Thursday, April 01, 2004, the Senate stands adjourned until Tuesday, April 06, 2004, in perfunctory session; and when it adjourns on that day, it stands adjourned until Thursday, April 15, 2004, in perfunctory session; and when it adjourns on that day, it stands adjourned until Tuesday, April 20, 2004, at 12:00 o'clock noon; and the House of Representatives stands adjourned until Friday, April 02, 2004, at 10:00 o'clock a.m., and when it adjourns on that day, it stands adjourned until Tuesday, April 20, 2004.

The Motion prevailed.
And the resolution was adopted.
Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

At the hour of 12:30 o'clock p.m., pursuant to **Senate Joint Resolution No. 71**, the Chair announced the Senate stand adjourned until Tuesday, April 6, 2004.