

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)
)
 v.) Case No. _____
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 _____)
 Defendant)

DRUG COURT PROBATION ORDER

BY AGREEMENT OF DEFENDANT AND THE STATE’S ATTORNEY, AND WITH THE APPROVAL OF THE COURT, AND PURSUANT TO THE DRUG COURT TREATMENT ACT, 730 ILCS 166/1 ET SEQ, DEFENDANT IS HEREBY SENTENCED TO DRUG COURT PROBATION, FOR A PERIOD OF _____ MONTHS UPON THE FOLLOWING TERMS AND CONDITIONS, BEGINNING THIS DATE: _____

IT IS THE ORDER OF THE COURT THAT YOU SHALL COMPLY WITH TERMS AND CONDITIONS 1. – 17., AND ANY ADDITIONAL TERMS AND CONDITIONS WHICH ARE MARKED [X], AS FOLLOWS:

1. You shall not violate any criminal statute or ordinance of any jurisdiction. You shall immediately report any ticket, charge, arrest or contact with any police officer to the probation officer and the Court.

2. You shall report to or appear in person before the Probation Officer on the date sentenced and thereafter as directed by the Probation Officer, and comply with all rules and regulations of the Drug Court. As used in this Order, the term “Probation Officer” shall be defined to include both the “Probation Officer” and the “Drug Court Officer.” If directed by the Drug Court Officer and/or Drug Court Judge, you shall report to any Drug Court Officer and/or Drug Court Judge in any other County (“Transferee County”) of this State, and shall comply with all rules, procedures, requests, directives and Orders of the Drug Court Officer and/or Drug Court Judge in that Transferee County, including any Orders or terms concerning rewards, sanctions or additional terms of probation which may be imposed by the Drug Court Judge in that Transferee County.

3. You shall appear in Court when directed by the Court or the Probation Officer. You shall tell the truth in all Court proceedings, Court documents, and treatment sessions. You shall tell the truth to the probation officer and any treatment provider. A Drug Court Hearing is set for _____ at _____ when you shall appear and the Drug Court shall review your compliance with the terms and conditions of this Order.

4. You shall not possess a firearm or other dangerous weapon where the offense is a felony or, if the offense is a misdemeanor, the offense involved the intentional or knowing infliction of bodily harm or threat of bodily harm; and if convicted of a felony, physically surrender at a time and place designated by the Court, your Firearm Owners Identification card and any and all firearms in your possession.

5. You shall not leave the State of Illinois without the consent of the Court or, in circumstances in which the reason for the absence is of such emergency nature that prior consent by the Court is not possible, without prior notification and approval of your Probation Officer. You shall sign a Waiver of Extradition.

6. You shall permit the Probation Officer to visit you at your home or elsewhere to the extent necessary to discharge the Officer's duties. You shall advise the Probation Officer as to your residence, phone number(s) and employment and shall notify and obtain approval of the Probation Officer before making any change thereof. If directed by the Drug Court Officer or Drug Court Judge, you shall reside in a half-way house or other residential facility, you shall not be absent from that half-way house or other residential facility without permission, and you shall follow all rules and regulations of such half-way house or other residential facility.

7. You shall consent to a search of your person, vehicle or residence at any time upon request of the probation officer, any police officer or the Court.

8. You shall not possess or have in your body the presence of any alcohol, any substance containing synthetic cannabinoids, any mood or conscious altering substances (for example K2 or Bath Salts), any drug or substance prohibited by the Cannabis Control Act (720 ILCS 550/1), the Controlled Substance Act (720 ILCS 570/100), the Methamphetamine Control and Community Protection Act (720 ILCS 646/1) or the Use of Intoxicating Compounds Act (720 ILCS 690/0.01) unless prescribed by a licensed physician and approved by the Drug Court Officer or Drug Court Judge. Prior to being prescribed any medication by a licensed physician, you shall advise that physician in writing that you are an "addict", that

you are currently in a Drug Court Program and you shall request that licensed physician to prescribe non-narcotic medication which may be available for your condition of ill-being. You shall submit to drug or alcohol tests of urine, blood, hair follicle, intoxilizer or portable breath testing device as directed by the Drug Court Judge, Probation Officer, any treatment professional or any peace officer, and pay the cost thereof, and you shall undergo inpatient or outpatient substance abuse or behavioral counseling and/or other treatment as directed or referred by the Drug Court Judge or Probation Officer, and pay the cost thereof. If you miss or fail or refuse to submit to any such test, or attempt to falsify or adulterate a test sample, it shall count as a positive (dirty) test. You shall submit to any such testing at least once each week. As to any positive test result, if you do not object in writing to the Probation Officer on the date of and immediately after such positive test, such result shall be conclusive and not subject to challenge in Court, and you hereby stipulate and agree to the admission in evidence of that positive test result and waive all rights to object to the admission in evidence of such positive test result at any trial or hearing in this case. In addition, as to any confirming lab test, you hereby stipulate to and agree to the admission in evidence of the confirming lab test result and waive all rights to object to the admission in evidence of such confirming lab test result at any trial or hearing in this case.

9. You shall:

- a. Obey all rules and regulations of the Drug Court Program which include, but are not limited to:
 1. Comply with Phases I – IV and all treatment plans set by the Court and the Probation Officer.
 2. Obey all rules and regulations of any treatment provider.
 3. Upon request, sign any and all additional consents or releases regarding any personal or protected health information and permit it to be disclosed and discussed in a Drug Court open to the public.
 4. Comply with any curfew imposed by the Probation Officer or the Court.
 5. Participate in and complete any and all programs or groups recommended by the Probation Officer.
 6. Advise any law enforcement officer with whom you have any type of contact (i.e. traffic stop, questioning, arrest, etc.) that

you are a Defendant in a Drug Court Program in the above County.

7. Comply with all imposed sanctions.
- b. Obey all additional rules, regulations and conditions which may be imposed by the Drug Court Judge, the Probation Officer or any treatment provider while you are participating in the Drug Court Program.
- c. Not be unsuccessfully terminated from the Drug Court Program.

10. You shall pay a fine of \$ _____; a domestic violence fine/domestic battery fine/street value fine of \$ _____; plus Court costs, including arrestee medical fee, drug/DUI lab fee according to the following payment schedule: \$ _____ per _____ beginning _____ to be paid in full within _____ as per "Pay or Appear Order" attached. All payments shall be made to the Circuit Clerk.

11. You shall pay to the Circuit Clerk a Drug Court Program Fee of \$ _____ (insert amount up to \$500.00) one-half of which shall be remitted by the County Treasurer to the County Drug Court Fee Fund and one-half of which shall be remitted by the County Treasurer to the Second Circuit Drug Court Fund administered by the Chief Judge. You shall make these payments according to the payment schedule in paragraph 10, but you must pay one-half of any assessed program fees before advancing to Phase III, and you must pay the balance of that fee in order to be approved for graduation from the Drug Court Program.

12. You shall not associate with or have contact with persons using or possessing alcohol, cannabis, controlled substances or intoxicating compounds. You shall not live with a convicted felon, unless approved by the probation officer or the Drug Court Judge. You shall not contact, be in the presence of, or go upon the premises of _____ or any other person which the Drug Court Judge may from time to time after entry of this Order prohibit you from having contact with. You shall not enter into any establishment whose primary business is the sale of alcoholic liquor.

13. You shall be employed or actively seeking employment, or in school, or pursuing a GED, or any combination of these, all of which must be approved by the Court or the probation officer. You must present satisfactory evidence of such employment, school, GED, or combination of these, to the Court or probation

officer. Upon request, you shall sign an authorization for the probation officer and the Court to obtain and publicly discuss all GED records, school records, payroll records, employment records, and any other such records. Upon request of the probation officer or the Court, you shall keep and maintain a written job search record/diary. Upon request of the probation officer or the Court, you shall provide all pay stubs, tax returns, job search records, school report cards, GED records or any other documents pertaining to the your job search, employment, school or GED.

14. You shall pursue and complete any course of study or vocational training as directed by the Probation Officer and shall present satisfactory evidence thereof to the Probation Officer.

15. You shall support your dependents as required by law and, in addition, pay all Court or administratively ordered child support and maintenance, and shall present satisfactory evidence thereof to the Probation Officer.

16. You shall perform public service work, as directed by the Probation Officer or the Drug Court Judge, for a total of 240 hours. You shall abide by all the rules and responsibilities of the applicable public service work program. You shall not be entitled to any compensation therefor and shall not be considered an employee for any purpose, including worker's compensation coverage. The Drug Court Judge may vacate this requirement or any number of said hours.

17. You are hereby sentenced to a term of six months' imprisonment in the County Jail. However, service of this sentence is stayed until further order of the Drug Court Judge, who may lift stay of service of this sentence or any part thereof at any time. Unless the Drug Court orders otherwise, any unserved term of imprisonment imposed by any Supplemental Order in this case is, upon successful discharge from probation, vacated.

____ 18. An Order of Withholding is entered pursuant to Illinois Compiled Statutes, 730 ILCS 5/5-9-4.

____ 19. You shall pay a drug assessment of \$ _____ according to the payment schedule set forth in Paragraph 10.

____ a. The drug assessment is converted to public service work (with 1 hour to be equivalent to \$4) for a period of _____ under the terms and conditions listed in paragraph 16.

_____ b. The drug assessment collection is suspended until _____ during your participation in the _____ program or a substance abuse intervention or treatment program approved by the Probation Officer, and you shall pay all costs thereof. If you successfully complete said program, you may apply to the Court for a reduction in the drug assessment by the amount of the cost of said program.

_____ 20. You shall undergo a psychological assessment by _____ or a licensed facility approved by the Probation Officer and, if required by said facility or the Probation Officer, complete psychological evaluation, counseling, or treatment as an outpatient for the period of time required by said facility or the Probation Officer and shall pay all cost thereof.

_____ 21. You shall serve a term of home confinement at _____ or any location subsequently approved by the Probation Officer for a period of _____ beginning _____ from _____ until _____ each day. You shall remain within the interior of the place designated for your confinement during the hours designated and shall not leave your confinement except for the reasons set forth on the attached "Conditions of Release from Home Confinement/Custodian's Home."

_____ As part of this home confinement, you shall be placed on an approved monitoring device as provided by law with your consent and/or other person in the residence with you and shall comply with the terms and conditions of an agreement with _____ and shall pay all cost thereof, according to the following schedule: Initial charge of \$ _____ within 7 days and _____ per _____ beginning _____ and continuing on the same day of each _____ thereafter until home confinement is terminated.

You shall admit the Probation Officer into your place of confinement at any time for the purpose of verifying your compliance with the conditions of your confinement.

_____ 22. You shall participate in and complete the requirements of the _____ program and shall report to said program as _____ or the Probation Officer shall direct and pay all cost thereof.

____ 23. You shall obey the provisions of an Order of Protection entered in case number _____.

____ 24. You shall not operate any motor vehicle except in the course of your employment.

____ 25. You shall make restitution of \$_____ to _____

_____ according to the payment schedule set forth in Paragraph 10. A judgment for this amount is entered in favor of said victim.

____ 26. You shall make a contribution of \$_____ to the local anti-crime program to be paid according to the payment schedule set forth in Paragraph 10.

____ 27. You shall undergo an alcohol and drug assessment by _____ or a licensed agency approved by the Probation Officer and, if required by said agency or the Probation Officer, complete a remedial education course and/or an alcohol and drug evaluation, counseling, or treatment as an inpatient or outpatient for the period of time required by said agency or the Probation Officer. You shall report to said agency within 7 days and further as said agency or the Probation Officer shall direct and pay all costs thereof.

____ 28. You shall advise all physicians who prescribe you with any medication that you are an addict and request all such physicians prescribe non-addicting medication to you.

____ 29. You shall submit to Genetic Marker Group (DNA) as set forth in the Order attached hereto. You shall provide specimens of blood, saliva or tissue for genetic marker grouping analysis as required by 730 ILCS 5/5-4-3. You shall pay to the Clerk of the Court an analysis fee of \$250.00 and any cost for obtaining the specimen.

____ 30. IT IS FURTHER ORDERED that, upon motion of the State's Attorney, the Court allows the State's Attorney a per diem fee of \$25.00 for each of _____ days actually employed in the trial of this cause.

____ 31. IT IS FURTHER ORDERED that, having considered your ability to pay, a probation fee of \$_____ for each month of actively supervised

public service work, probation, conditional discharge, or supervision is imposed upon you as costs.

____ 32. (TRACK 1 ONLY) IT IS FURTHER ORDERED that at the conclusion of the term of the Drug Court Probation, if the Court determines that you have successfully complied with all of the terms and conditions of this Order, the Court shall enter a judgment dismissing this cause.

____ 33. Comply with any other conditions specified below:

In the event that you are successfully discharged from the Drug Court Treatment Program, the Drug Court Judge, may in his or her discretion, grant early successful discharge from probation.

Date: _____

ENTER: _____
JUDGE

DEFENDANT'S AGREEMENT AND CERTIFICATION

I hereby certify and agree as follows:

1. That I have been given a copy of this Order, that I have read it, that I understand it, and that I promise to comply with its terms and conditions.

2. That if I fail to comply with any of the terms and conditions of this Order, the Judge may at any time, without revoking my probation or discharging me from the Drug Court Program, impose sanctions or penalties. I agree these sanctions may include but not be limited to any one or more or all of the following:

- a. Admonishment from the Drug Court Judge
- b. Curfew
- c. Electronic Monitoring
- d. Shock Incarceration or other Jail sentence
- e. Periodic Imprisonment
- f. Increased fines, community/public service work or reporting
- g. Increased drug testing, counseling or meetings
- h. Increased level of treatment (in-patient or out-patient)
- i. Courtroom Detention
- j. Extension of Drug Court completion date
- k. Termination from Drug Court
- l. Other penalties as determined by the Drug Court Judge

3. That I hereby waive any and all rights to notice, a hearing and to present evidence (a) before the Drug Court Judge imposes any sanction or penalty for non-compliance with this Order, (b) before the Drug Court Judge terminates me unsuccessfully from the Drug Court Program; or (c) before the Court revokes my probation for unsuccessful termination from the Drug Court Program based upon a Petition to Revoke filed by the State's Attorney.

4. That from the date of this Order forward in time, I hereby consent to *ex parte* communications (communications without me or my attorney being present) between the Drug Court Judge, the State's Attorney, any Assistant State's Attorney, any law enforcement officer and any treatment provider and any other person regarding my compliance with this Order and/or any sanctions or rewards to be imposed by the Drug Court Judge, or for any other reason or purpose.

5. That I waive and release all claims of ineffective assistance of counsel by reason of any act or omission of my attorney while attending or by failing to attend any Drug Court staffing.

6. That my failure to comply with the terms and conditions of this Order may result in revocation of my probation and resentencing according to law.

Date: _____

Defendant