

HB5967



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5967

by Rep. David McSweeney

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-7

from Ch. 38, par. 1003-3-7

Amends the Unified Code of Corrections. Provides that the conditions of every parole and mandatory supervised release are that the subject if convicted of a sex offense as defined in the Sex Offender Registration Act against a victim under 18 years of age on or after the effective date of the amendatory Act, refrain from accessing the Internet without the prior written approval of the Department of Corrections for the duration of the parole or release term.

LRB100 23512 SLF 42551 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 3-3-7 as follows:

6 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

7 Sec. 3-3-7. Conditions of parole or mandatory supervised
8 release.

9 (a) The conditions of parole or mandatory supervised
10 release shall be such as the Prisoner Review Board deems
11 necessary to assist the subject in leading a law-abiding life.
12 The conditions of every parole and mandatory supervised release
13 are that the subject:

14 (1) not violate any criminal statute of any
15 jurisdiction during the parole or release term;

16 (2) refrain from possessing a firearm or other
17 dangerous weapon;

18 (3) report to an agent of the Department of
19 Corrections;

20 (4) permit the agent to visit him or her at his or her
21 home, employment, or elsewhere to the extent necessary for
22 the agent to discharge his or her duties;

23 (5) attend or reside in a facility established for the

1 instruction or residence of persons on parole or mandatory
2 supervised release;

3 (6) secure permission before visiting or writing a
4 committed person in an Illinois Department of Corrections
5 facility;

6 (7) report all arrests to an agent of the Department of
7 Corrections as soon as permitted by the arresting authority
8 but in no event later than 24 hours after release from
9 custody and immediately report service or notification of
10 an order of protection, a civil no contact order, or a
11 stalking no contact order to an agent of the Department of
12 Corrections;

13 (7.5) if convicted of a sex offense as defined in the
14 Sex Offender Management Board Act, the individual shall
15 undergo and successfully complete sex offender treatment
16 conducted in conformance with the standards developed by
17 the Sex Offender Management Board Act by a treatment
18 provider approved by the Board;

19 (7.6) if convicted of a sex offense as defined in the
20 Sex Offender Management Board Act, refrain from residing at
21 the same address or in the same condominium unit or
22 apartment unit or in the same condominium complex or
23 apartment complex with another person he or she knows or
24 reasonably should know is a convicted sex offender or has
25 been placed on supervision for a sex offense; the
26 provisions of this paragraph do not apply to a person

1 convicted of a sex offense who is placed in a Department of
2 Corrections licensed transitional housing facility for sex
3 offenders, or is in any facility operated or licensed by
4 the Department of Children and Family Services or by the
5 Department of Human Services, or is in any licensed medical
6 facility;

7 (7.7) if convicted for an offense that would qualify
8 the accused as a sexual predator under the Sex Offender
9 Registration Act on or after January 1, 2007 (the effective
10 date of Public Act 94-988), wear an approved electronic
11 monitoring device as defined in Section 5-8A-2 for the
12 duration of the person's parole, mandatory supervised
13 release term, or extended mandatory supervised release
14 term and if convicted for an offense of criminal sexual
15 assault, aggravated criminal sexual assault, predatory
16 criminal sexual assault of a child, criminal sexual abuse,
17 aggravated criminal sexual abuse, or ritualized abuse of a
18 child committed on or after August 11, 2009 (the effective
19 date of Public Act 96-236) when the victim was under 18
20 years of age at the time of the commission of the offense
21 and the defendant used force or the threat of force in the
22 commission of the offense wear an approved electronic
23 monitoring device as defined in Section 5-8A-2 that has
24 Global Positioning System (GPS) capability for the
25 duration of the person's parole, mandatory supervised
26 release term, or extended mandatory supervised release

1 term;

2 (7.8) if convicted for an offense committed on or after
3 June 1, 2008 (the effective date of Public Act 95-464) that
4 would qualify the accused as a child sex offender as
5 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
6 1961 or the Criminal Code of 2012, refrain from
7 communicating with or contacting, by means of the Internet,
8 a person who is not related to the accused and whom the
9 accused reasonably believes to be under 18 years of age;
10 for purposes of this paragraph (7.8), "Internet" has the
11 meaning ascribed to it in Section 16-0.1 of the Criminal
12 Code of 2012; and a person is not related to the accused if
13 the person is not: (i) the spouse, brother, or sister of
14 the accused; (ii) a descendant of the accused; (iii) a
15 first or second cousin of the accused; or (iv) a step-child
16 or adopted child of the accused;

17 (7.8-5) if convicted of a sex offense as defined in
18 Section 2 of the Sex Offender Registration Act against a
19 victim under 18 years of age on or after the effective date
20 of this amendatory Act of the 100th General Assembly,
21 refrain from accessing the Internet without the prior
22 written approval of the Department for the duration of the
23 parole or release term; for purposes of this paragraph
24 (7.8-5), "Internet" has the meaning ascribed to it in
25 Section 16-0.1 of the Criminal Code of 2012;

26 (7.9) if convicted under Section 11-6, 11-20.1,

1 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or
2 the Criminal Code of 2012, consent to search of computers,
3 PDAs, cellular phones, and other devices under his or her
4 control that are capable of accessing the Internet or
5 storing electronic files, in order to confirm Internet
6 protocol addresses reported in accordance with the Sex
7 Offender Registration Act and compliance with conditions
8 in this Act;

9 (7.10) if convicted for an offense that would qualify
10 the accused as a sex offender or sexual predator under the
11 Sex Offender Registration Act on or after June 1, 2008 (the
12 effective date of Public Act 95-640), not possess
13 prescription drugs for erectile dysfunction;

14 (7.11) if convicted for an offense under Section 11-6,
15 11-9.1, 11-14.4 that involves soliciting for a juvenile
16 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
17 of the Criminal Code of 1961 or the Criminal Code of 2012,
18 or any attempt to commit any of these offenses, committed
19 on or after June 1, 2009 (the effective date of Public Act
20 95-983):

21 (i) not access or use a computer or any other
22 device with Internet capability without the prior
23 written approval of the Department;

24 (ii) submit to periodic unannounced examinations
25 of the offender's computer or any other device with
26 Internet capability by the offender's supervising

1 agent, a law enforcement officer, or assigned computer
2 or information technology specialist, including the
3 retrieval and copying of all data from the computer or
4 device and any internal or external peripherals and
5 removal of such information, equipment, or device to
6 conduct a more thorough inspection;

7 (iii) submit to the installation on the offender's
8 computer or device with Internet capability, at the
9 offender's expense, of one or more hardware or software
10 systems to monitor the Internet use; and

11 (iv) submit to any other appropriate restrictions
12 concerning the offender's use of or access to a
13 computer or any other device with Internet capability
14 imposed by the Board, the Department or the offender's
15 supervising agent;

16 (7.12) if convicted of a sex offense as defined in the
17 Sex Offender Registration Act committed on or after January
18 1, 2010 (the effective date of Public Act 96-262), refrain
19 from accessing or using a social networking website as
20 defined in Section 17-0.5 of the Criminal Code of 2012;

21 (7.13) if convicted of a sex offense as defined in
22 Section 2 of the Sex Offender Registration Act committed on
23 or after January 1, 2010 (the effective date of Public Act
24 96-362) that requires the person to register as a sex
25 offender under that Act, may not knowingly use any computer
26 scrub software on any computer that the sex offender uses;

1 (8) obtain permission of an agent of the Department of
2 Corrections before leaving the State of Illinois;

3 (9) obtain permission of an agent of the Department of
4 Corrections before changing his or her residence or
5 employment;

6 (10) consent to a search of his or her person,
7 property, or residence under his or her control;

8 (11) refrain from the use or possession of narcotics or
9 other controlled substances in any form, or both, or any
10 paraphernalia related to those substances and submit to a
11 urinalysis test as instructed by a parole agent of the
12 Department of Corrections;

13 (12) not frequent places where controlled substances
14 are illegally sold, used, distributed, or administered;

15 (13) not knowingly associate with other persons on
16 parole or mandatory supervised release without prior
17 written permission of his or her parole agent, except when
18 the association involves activities related to community
19 programs, worship services, volunteering, and engaging
20 families, and not associate with persons who are members of
21 an organized gang as that term is defined in the Illinois
22 Streetgang Terrorism Omnibus Prevention Act;

23 (14) provide true and accurate information, as it
24 relates to his or her adjustment in the community while on
25 parole or mandatory supervised release or to his or her
26 conduct while incarcerated, in response to inquiries by his

1 or her parole agent or of the Department of Corrections;

2 (15) follow any specific instructions provided by the
3 parole agent that are consistent with furthering
4 conditions set and approved by the Prisoner Review Board or
5 by law, exclusive of placement on electronic detention, to
6 achieve the goals and objectives of his or her parole or
7 mandatory supervised release or to protect the public.
8 These instructions by the parole agent may be modified at
9 any time, as the agent deems appropriate;

10 (16) if convicted of a sex offense as defined in
11 subsection (a-5) of Section 3-1-2 of this Code, unless the
12 offender is a parent or guardian of the person under 18
13 years of age present in the home and no non-familial minors
14 are present, not participate in a holiday event involving
15 children under 18 years of age, such as distributing candy
16 or other items to children on Halloween, wearing a Santa
17 Claus costume on or preceding Christmas, being employed as
18 a department store Santa Claus, or wearing an Easter Bunny
19 costume on or preceding Easter;

20 (17) if convicted of a violation of an order of
21 protection under Section 12-3.4 or Section 12-30 of the
22 Criminal Code of 1961 or the Criminal Code of 2012, be
23 placed under electronic surveillance as provided in
24 Section 5-8A-7 of this Code;

25 (18) comply with the terms and conditions of an order
26 of protection issued pursuant to the Illinois Domestic

1 Violence Act of 1986; an order of protection issued by the
2 court of another state, tribe, or United States territory;
3 a no contact order issued pursuant to the Civil No Contact
4 Order Act; or a no contact order issued pursuant to the
5 Stalking No Contact Order Act;

6 (19) if convicted of a violation of the Methamphetamine
7 Control and Community Protection Act, the Methamphetamine
8 Precursor Control Act, or a methamphetamine related
9 offense, be:

10 (A) prohibited from purchasing, possessing, or
11 having under his or her control any product containing
12 pseudoephedrine unless prescribed by a physician; and

13 (B) prohibited from purchasing, possessing, or
14 having under his or her control any product containing
15 ammonium nitrate;

16 (20) if convicted of a hate crime under Section 12-7.1
17 of the Criminal Code of 2012, perform public or community
18 service of no less than 200 hours and enroll in an
19 educational program discouraging hate crimes involving the
20 protected class identified in subsection (a) of Section
21 12-7.1 of the Criminal Code of 2012 that gave rise to the
22 offense the offender committed ordered by the court; and

23 (21) be evaluated by the Department of Corrections
24 prior to release using a validated risk assessment and be
25 subject to a corresponding level of supervision. In
26 accordance with the findings of that evaluation:

1 (A) All subjects found to be at a moderate or high
2 risk to recidivate, or on parole or mandatory
3 supervised release for first degree murder, a forcible
4 felony as defined in Section 2-8 of the Criminal Code
5 of 2012, any felony that requires registration as a sex
6 offender under the Sex Offender Registration Act, or a
7 Class X felony or Class 1 felony that is not a
8 violation of the Cannabis Control Act, the Illinois
9 Controlled Substances Act, or the Methamphetamine
10 Control and Community Protection Act, shall be subject
11 to high level supervision. The Department shall define
12 high level supervision based upon evidence-based and
13 research-based practices. Notwithstanding this
14 placement on high level supervision, placement of the
15 subject on electronic monitoring or detention shall
16 not occur unless it is required by law or expressly
17 ordered or approved by the Prisoner Review Board.

18 (B) All subjects found to be at a low risk to
19 recidivate shall be subject to low-level supervision,
20 except for those subjects on parole or mandatory
21 supervised release for first degree murder, a forcible
22 felony as defined in Section 2-8 of the Criminal Code
23 of 2012, any felony that requires registration as a sex
24 offender under the Sex Offender Registration Act, or a
25 Class X felony or Class 1 felony that is not a
26 violation of the Cannabis Control Act, the Illinois

1 Controlled Substances Act, or the Methamphetamine
2 Control and Community Protection Act. Low level
3 supervision shall require the subject to check in with
4 the supervising officer via phone or other electronic
5 means. Notwithstanding this placement on low level
6 supervision, placement of the subject on electronic
7 monitoring or detention shall not occur unless it is
8 required by law or expressly ordered or approved by the
9 Prisoner Review Board.

10 (b) The Board may in addition to other conditions require
11 that the subject:

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

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

16 (3) attend or reside in a facility established for the
17 instruction or residence of persons on probation or parole;

18 (4) support his or her dependents;

19 (5) (blank);

20 (6) (blank);

21 (7) (blank);

22 (7.5) if convicted for an offense committed on or after
23 the effective date of this amendatory Act of the 95th
24 General Assembly that would qualify the accused as a child
25 sex offender as defined in Section 11-9.3 or 11-9.4 of the
26 Criminal Code of 1961 or the Criminal Code of 2012, refrain

1 from communicating with or contacting, by means of the
2 Internet, a person who is related to the accused and whom
3 the accused reasonably believes to be under 18 years of
4 age; for purposes of this paragraph (7.5), "Internet" has
5 the meaning ascribed to it in Section 16-0.1 of the
6 Criminal Code of 2012; and a person is related to the
7 accused if the person is: (i) the spouse, brother, or
8 sister of the accused; (ii) a descendant of the accused;
9 (iii) a first or second cousin of the accused; or (iv) a
10 step-child or adopted child of the accused;

11 (7.6) if convicted for an offense committed on or after
12 June 1, 2009 (the effective date of Public Act 95-983) that
13 would qualify as a sex offense as defined in the Sex
14 Offender Registration Act:

15 (i) not access or use a computer or any other
16 device with Internet capability without the prior
17 written approval of the Department;

18 (ii) submit to periodic unannounced examinations
19 of the offender's computer or any other device with
20 Internet capability by the offender's supervising
21 agent, a law enforcement officer, or assigned computer
22 or information technology specialist, including the
23 retrieval and copying of all data from the computer or
24 device and any internal or external peripherals and
25 removal of such information, equipment, or device to
26 conduct a more thorough inspection;

1 (iii) submit to the installation on the offender's
2 computer or device with Internet capability, at the
3 offender's expense, of one or more hardware or software
4 systems to monitor the Internet use; and

5 (iv) submit to any other appropriate restrictions
6 concerning the offender's use of or access to a
7 computer or any other device with Internet capability
8 imposed by the Board, the Department or the offender's
9 supervising agent; and

10 (8) in addition, if a minor:

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

13 (ii) attend school;

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

15 or

16 (iv) contribute to his or her own support at home
17 or in a foster home.

18 (b-1) In addition to the conditions set forth in
19 subsections (a) and (b), persons required to register as sex
20 offenders pursuant to the Sex Offender Registration Act, upon
21 release from the custody of the Illinois Department of
22 Corrections, may be required by the Board to comply with the
23 following specific conditions of release:

24 (1) reside only at a Department approved location;

25 (2) comply with all requirements of the Sex Offender
26 Registration Act;

1 (3) notify third parties of the risks that may be
2 occasioned by his or her criminal record;

3 (4) obtain the approval of an agent of the Department
4 of Corrections prior to accepting employment or pursuing a
5 course of study or vocational training and notify the
6 Department prior to any change in employment, study, or
7 training;

8 (5) not be employed or participate in any volunteer
9 activity that involves contact with children, except under
10 circumstances approved in advance and in writing by an
11 agent of the Department of Corrections;

12 (6) be electronically monitored for a minimum of 12
13 months from the date of release as determined by the Board;

14 (7) refrain from entering into a designated geographic
15 area except upon terms approved in advance by an agent of
16 the Department of Corrections. The terms may include
17 consideration of the purpose of the entry, the time of day,
18 and others accompanying the person;

19 (8) refrain from having any contact, including written
20 or oral communications, directly or indirectly, personally
21 or by telephone, letter, or through a third party with
22 certain specified persons including, but not limited to,
23 the victim or the victim's family without the prior written
24 approval of an agent of the Department of Corrections;

25 (9) refrain from all contact, directly or indirectly,
26 personally, by telephone, letter, or through a third party,

1 with minor children without prior identification and
2 approval of an agent of the Department of Corrections;

3 (10) neither possess or have under his or her control
4 any material that is sexually oriented, sexually
5 stimulating, or that shows male or female sex organs or any
6 pictures depicting children under 18 years of age nude or
7 any written or audio material describing sexual
8 intercourse or that depicts or alludes to sexual activity,
9 including but not limited to visual, auditory, telephonic,
10 or electronic media, or any matter obtained through access
11 to any computer or material linked to computer access use;

12 (11) not patronize any business providing sexually
13 stimulating or sexually oriented entertainment nor utilize
14 "900" or adult telephone numbers;

15 (12) not reside near, visit, or be in or about parks,
16 schools, day care centers, swimming pools, beaches,
17 theaters, or any other places where minor children
18 congregate without advance approval of an agent of the
19 Department of Corrections and immediately report any
20 incidental contact with minor children to the Department;

21 (13) not possess or have under his or her control
22 certain specified items of contraband related to the
23 incidence of sexually offending as determined by an agent
24 of the Department of Corrections;

25 (14) may be required to provide a written daily log of
26 activities if directed by an agent of the Department of

1 Corrections;

2 (15) comply with all other special conditions that the
3 Department may impose that restrict the person from
4 high-risk situations and limit access to potential
5 victims;

6 (16) take an annual polygraph exam;

7 (17) maintain a log of his or her travel; or

8 (18) obtain prior approval of his or her parole officer
9 before driving alone in a motor vehicle.

10 (c) The conditions under which the parole or mandatory
11 supervised release is to be served shall be communicated to the
12 person in writing prior to his or her release, and he or she
13 shall sign the same before release. A signed copy of these
14 conditions, including a copy of an order of protection where
15 one had been issued by the criminal court, shall be retained by
16 the person and another copy forwarded to the officer in charge
17 of his or her supervision.

18 (d) After a hearing under Section 3-3-9, the Prisoner
19 Review Board may modify or enlarge the conditions of parole or
20 mandatory supervised release.

21 (e) The Department shall inform all offenders committed to
22 the Department of the optional services available to them upon
23 release and shall assist inmates in availing themselves of such
24 optional services upon their release on a voluntary basis.

25 (f) (Blank).

26 (Source: P.A. 99-628, eff. 1-1-17; 99-698, eff. 7-29-16;

1 100-201, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.
2 1-8-18.)