



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

**HB2244**

by Rep. Marcus C. Evans, Jr.

#### 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 include that the subject: (1) not knowingly frequent (rather than frequent) places where controlled substances are illegally sold, used, distributed, or administered; and (2) except when the association described in (2)(A) or (2)(B) involves activities related to community programs, worship services, volunteering, engaging families, or some other pro-social activity in which there is no evidence of criminal intent: (A) not knowingly associate with other persons on parole or mandatory supervised release without prior written permission of his or her parole agent; or (B) not knowingly associate with persons who are members of an organized gang as that term is defined in the Illinois Streetgang Terrorism Omnibus Prevention Act. Effective immediately.

LRB101 09689 SLF 55913 b

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 1. This Act may be referred to as the Free Meek  
5 Mill Act.

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

8 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

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

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

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

18 (2) refrain from possessing a firearm or other  
19 dangerous weapon;

20 (3) report to an agent of the Department of  
21 Corrections;

22 (4) permit the agent to visit him or her at his or her

1 home, employment, or elsewhere to the extent necessary for  
2 the agent to discharge his or her duties;

3 (5) attend or reside in a facility established for the  
4 instruction or residence of persons on parole or mandatory  
5 supervised release;

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

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

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

22 (7.6) if convicted of a sex offense as defined in the  
23 Sex Offender Management Board Act, refrain from residing at  
24 the same address or in the same condominium unit or  
25 apartment unit or in the same condominium complex or  
26 apartment complex with another person he or she knows or

1 reasonably should know is a convicted sex offender or has  
2 been placed on supervision for a sex offense; the  
3 provisions of this paragraph do not apply to a person  
4 convicted of a sex offense who is placed in a Department of  
5 Corrections licensed transitional housing facility for sex  
6 offenders, or is in any facility operated or licensed by  
7 the Department of Children and Family Services or by the  
8 Department of Human Services, or is in any licensed medical  
9 facility;

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

1 Global Positioning System (GPS) capability for the  
2 duration of the person's parole, mandatory supervised  
3 release term, or extended mandatory supervised release  
4 term;

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

20 (7.9) if convicted under Section 11-6, 11-20.1,  
21 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or  
22 the Criminal Code of 2012, consent to search of computers,  
23 PDAs, cellular phones, and other devices under his or her  
24 control that are capable of accessing the Internet or  
25 storing electronic files, in order to confirm Internet  
26 protocol addresses reported in accordance with the Sex

1 Offender Registration Act and compliance with conditions  
2 in this Act;

3 (7.10) if convicted for an offense that would qualify  
4 the accused as a sex offender or sexual predator under the  
5 Sex Offender Registration Act on or after June 1, 2008 (the  
6 effective date of Public Act 95-640), not possess  
7 prescription drugs for erectile dysfunction;

8 (7.11) if convicted for an offense under Section 11-6,  
9 11-9.1, 11-14.4 that involves soliciting for a juvenile  
10 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
11 of the Criminal Code of 1961 or the Criminal Code of 2012,  
12 or any attempt to commit any of these offenses, committed  
13 on or after June 1, 2009 (the effective date of Public Act  
14 95-983):

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;

10 (7.12) if convicted of a sex offense as defined in the  
11 Sex Offender Registration Act committed on or after January  
12 1, 2010 (the effective date of Public Act 96-262), refrain  
13 from accessing or using a social networking website as  
14 defined in Section 17-0.5 of the Criminal Code of 2012;

15 (7.13) if convicted of a sex offense as defined in  
16 Section 2 of the Sex Offender Registration Act committed on  
17 or after January 1, 2010 (the effective date of Public Act  
18 96-362) that requires the person to register as a sex  
19 offender under that Act, may not knowingly use any computer  
20 scrub software on any computer that the sex offender uses;

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

23 (9) obtain permission of an agent of the Department of  
24 Corrections before changing his or her residence or  
25 employment;

26 (10) consent to a search of his or her person,

1 property, or residence under his or her control;

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

7 (12) not knowingly frequent places where controlled  
8 substances are illegally sold, used, distributed, or  
9 administered;

10 (13) except when the association described in either  
11 subparagraph (A) or (B) of this paragraph (13) involves  
12 activities related to community programs, worship  
13 services, volunteering, engaging families, or some other  
14 pro-social activity in which there is no evidence of  
15 criminal intent:

16 (A) not knowingly associate with other persons on  
17 parole or mandatory supervised release without prior  
18 written permission of his or her parole agent; or

19 (B) not knowingly ~~, except when the association~~  
20 ~~involves activities related to community programs,~~  
21 ~~worship services, volunteering, and engaging families,~~  
22 ~~and not~~ associate with persons who are members of an  
23 organized gang as that term is defined in the Illinois  
24 Streetgang Terrorism Omnibus Prevention Act;

25 (14) provide true and accurate information, as it  
26 relates to his or her adjustment in the community while on



1 parole or mandatory supervised release or to his or her  
2 conduct while incarcerated, in response to inquiries by his  
3 or her parole agent or of the Department of Corrections;

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

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

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

1           (18) comply with the terms and conditions of an order  
2 of protection issued pursuant to the Illinois Domestic  
3 Violence Act of 1986; an order of protection issued by the  
4 court of another state, tribe, or United States territory;  
5 a no contact order issued pursuant to the Civil No Contact  
6 Order Act; or a no contact order issued pursuant to the  
7 Stalking No Contact Order Act;

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

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

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

18           (20) if convicted of a hate crime under Section 12-7.1  
19 of the Criminal Code of 2012, perform public or community  
20 service of no less than 200 hours and enroll in an  
21 educational program discouraging hate crimes involving the  
22 protected class identified in subsection (a) of Section  
23 12-7.1 of the Criminal Code of 2012 that gave rise to the  
24 offense the offender committed ordered by the court; and

25           (21) be evaluated by the Department of Corrections  
26 prior to release using a validated risk assessment and be

1 subject to a corresponding level of supervision. In  
2 accordance with the findings of that evaluation:

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

20 (B) All subjects found to be at a low risk to  
21 recidivate shall be subject to low-level supervision,  
22 except for those subjects on parole or mandatory  
23 supervised release for first degree murder, a forcible  
24 felony as defined in Section 2-8 of the Criminal Code  
25 of 2012, any felony that requires registration as a sex  
26 offender under the Sex Offender Registration Act, or a

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

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

14 (1) work or pursue a course of study or vocational  
15 training;

16 (2) undergo medical or psychiatric treatment, or  
17 treatment for drug addiction or alcoholism;

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

20 (4) support his or her dependents;

21 (5) (blank);

22 (6) (blank);

23 (7) (blank);

24 (7.5) if convicted for an offense committed on or after  
25 the effective date of this amendatory Act of the 95th  
26 General Assembly that would qualify the accused as a child

1 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
2 Criminal Code of 1961 or the Criminal Code of 2012, refrain  
3 from communicating with or contacting, by means of the  
4 Internet, a person who is related to the accused and whom  
5 the accused reasonably believes to be under 18 years of  
6 age; for purposes of this paragraph (7.5), "Internet" has  
7 the meaning ascribed to it in Section 16-0.1 of the  
8 Criminal Code of 2012; and a person is related to the  
9 accused if the person is: (i) the spouse, brother, or  
10 sister of the accused; (ii) a descendant of the accused;  
11 (iii) a first or second cousin of the accused; or (iv) a  
12 step-child or adopted child of the accused;

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

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

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

1 removal of such information, equipment, or device to  
2 conduct a more thorough inspection;

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

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

12 (8) in addition, if a minor:

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

15 (ii) attend school;

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

17 or

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

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

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

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

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

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

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

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

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

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

1           (9) refrain from all contact, directly or indirectly,  
2 personally, by telephone, letter, or through a third party,  
3 with minor children without prior identification and  
4 approval of an agent of the Department of Corrections;

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

14           (11) not patronize any business providing sexually  
15 stimulating or sexually oriented entertainment nor utilize  
16 "900" or adult telephone numbers;

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

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



1           (14) may be required to provide a written daily log of  
2           activities if directed by an agent of the Department of  
3           Corrections;

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

8           (16) take an annual polygraph exam;

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

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

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

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

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

1 (f) (Blank).

2 (Source: P.A. 99-628, eff. 1-1-17; 99-698, eff. 7-29-16;  
3 100-201, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.  
4 1-8-18.)

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