



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3441

by Rep. Luis Arroyo

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-7
730 ILCS 5/3-3-9

from Ch. 38, par. 1003-3-7
from Ch. 38, par. 1003-3-9

Amends the Unified Code of Corrections. Provides that the conditions of every parole and mandatory supervised release include that the subject not to commit a felony or Class A misdemeanor or what would be classified as a felony or a Class A misdemeanor in another jurisdiction during the parole or release term (rather than not violate any criminal statute of any jurisdiction during the parole or release term). Provides that the Prisoner Review Board may not revoke parole or mandatory supervised release based solely on the commission of a business offense, petty offense, Class C misdemeanor, or Class B misdemeanor.

LRB101 11209 SLF 56456 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 5. The Unified Code of Corrections is amended by
5 changing Sections 3-3-7 and 3-3-9 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 to commit a felony or Class A misdemeanor or
15 what would be classified as a felony or a Class A
16 misdemeanor in another jurisdiction ~~violate any criminal~~
17 ~~statute of any jurisdiction~~ during the parole or release
18 term;

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

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

23 (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 frequent places where controlled substances
8 are illegally sold, used, distributed, or administered;

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

17 (14) provide true and accurate information, as it
18 relates to his or her adjustment in the community while on
19 parole or mandatory supervised release or to his or her
20 conduct while incarcerated, in response to inquiries by his
21 or her parole agent or of the Department of Corrections;

22 (15) follow any specific instructions provided by the
23 parole agent that are consistent with furthering
24 conditions set and approved by the Prisoner Review Board or
25 by law, exclusive of placement on electronic detention, to
26 achieve the goals and objectives of his or her parole or

1 mandatory supervised release or to protect the public.
2 These instructions by the parole agent may be modified at
3 any time, as the agent deems appropriate;

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

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

19 (18) comply with the terms and conditions of an order
20 of protection issued pursuant to the Illinois Domestic
21 Violence Act of 1986; an order of protection issued by the
22 court of another state, tribe, or United States territory;
23 a no contact order issued pursuant to the Civil No Contact
24 Order Act; or a no contact order issued pursuant to the
25 Stalking No Contact Order Act;

26 (19) if convicted of a violation of the Methamphetamine

1 Control and Community Protection Act, the Methamphetamine
2 Precursor Control Act, or a methamphetamine related
3 offense, be:

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

7 (B) prohibited from purchasing, possessing, or
8 having under his or her control any product containing
9 ammonium nitrate;

10 (20) if convicted of a hate crime under Section 12-7.1
11 of the Criminal Code of 2012, perform public or community
12 service of no less than 200 hours and enroll in an
13 educational program discouraging hate crimes involving the
14 protected class identified in subsection (a) of Section
15 12-7.1 of the Criminal Code of 2012 that gave rise to the
16 offense the offender committed ordered by the court; and

17 (21) be evaluated by the Department of Corrections
18 prior to release using a validated risk assessment and be
19 subject to a corresponding level of supervision. In
20 accordance with the findings of that evaluation:

21 (A) All subjects found to be at a moderate or high
22 risk to recidivate, or 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, shall be subject
5 to high level supervision. The Department shall define
6 high level supervision based upon evidence-based and
7 research-based practices. Notwithstanding this
8 placement on high level supervision, placement of the
9 subject on electronic monitoring or detention shall
10 not occur unless it is required by law or expressly
11 ordered or approved by the Prisoner Review Board.

12 (B) All subjects found to be at a low risk to
13 recidivate shall be subject to low-level supervision,
14 except for those subjects on parole or mandatory
15 supervised release for first degree murder, a forcible
16 felony as defined in Section 2-8 of the Criminal Code
17 of 2012, any felony that requires registration as a sex
18 offender under the Sex Offender Registration Act, or a
19 Class X felony or Class 1 felony that is not a
20 violation of the Cannabis Control Act, the Illinois
21 Controlled Substances Act, or the Methamphetamine
22 Control and Community Protection Act. Low level
23 supervision shall require the subject to check in with
24 the supervising officer via phone or other electronic
25 means. Notwithstanding this placement on low level
26 supervision, placement of the subject on electronic

1 monitoring or detention shall not occur unless it is
2 required by law or expressly ordered or approved by the
3 Prisoner Review Board.

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

6 (1) work or pursue a course of study or vocational
7 training;

8 (2) undergo medical or psychiatric treatment, or
9 treatment for drug addiction or alcoholism;

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

12 (4) support his or her dependents;

13 (5) (blank);

14 (6) (blank);

15 (7) (blank);

16 (7.5) if convicted for an offense committed on or after
17 the effective date of this amendatory Act of the 95th
18 General Assembly that would qualify the accused as a child
19 sex offender as defined in Section 11-9.3 or 11-9.4 of the
20 Criminal Code of 1961 or the Criminal Code of 2012, refrain
21 from communicating with or contacting, by means of the
22 Internet, a person who is related to the accused and whom
23 the accused reasonably believes to be under 18 years of
24 age; for purposes of this paragraph (7.5), "Internet" has
25 the meaning ascribed to it in Section 16-0.1 of the
26 Criminal Code of 2012; and a person is related to the

1 accused if the person is: (i) the spouse, brother, or
2 sister of the accused; (ii) a descendant of the accused;
3 (iii) a first or second cousin of the accused; or (iv) a
4 step-child or adopted child of the accused;

5 (7.6) if convicted for an offense committed on or after
6 June 1, 2009 (the effective date of Public Act 95-983) that
7 would qualify as a sex offense as defined in the Sex
8 Offender Registration Act:

9 (i) not access or use a computer or any other
10 device with Internet capability without the prior
11 written approval of the Department;

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

21 (iii) submit to the installation on the offender's
22 computer or device with Internet capability, at the
23 offender's expense, of one or more hardware or software
24 systems to monitor the Internet use; and

25 (iv) submit to any other appropriate restrictions
26 concerning the offender's use of or access to a

1 computer or any other device with Internet capability
2 imposed by the Board, the Department or the offender's
3 supervising agent; and

4 (8) in addition, if a minor:

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

7 (ii) attend school;

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

9 or

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

12 (b-1) In addition to the conditions set forth in
13 subsections (a) and (b), persons required to register as sex
14 offenders pursuant to the Sex Offender Registration Act, upon
15 release from the custody of the Illinois Department of
16 Corrections, may be required by the Board to comply with the
17 following specific conditions of release:

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

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

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

23 (4) obtain the approval of an agent of the Department
24 of Corrections prior to accepting employment or pursuing a
25 course of study or vocational training and notify the
26 Department prior to any change in employment, study, or

1 training;

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

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

8 (7) refrain from entering into a designated geographic
9 area except upon terms approved in advance by an agent of
10 the Department of Corrections. The terms may include
11 consideration of the purpose of the entry, the time of day,
12 and others accompanying the person;

13 (8) refrain from having any contact, including written
14 or oral communications, directly or indirectly, personally
15 or by telephone, letter, or through a third party with
16 certain specified persons including, but not limited to,
17 the victim or the victim's family without the prior written
18 approval of an agent of the Department of Corrections;

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

23 (10) neither possess or have under his or her control
24 any material that is sexually oriented, sexually
25 stimulating, or that shows male or female sex organs or any
26 pictures depicting children under 18 years of age nude or

1 any written or audio material describing sexual
2 intercourse or that depicts or alludes to sexual activity,
3 including but not limited to visual, auditory, telephonic,
4 or electronic media, or any matter obtained through access
5 to any computer or material linked to computer access use;

6 (11) not patronize any business providing sexually
7 stimulating or sexually oriented entertainment nor utilize
8 "900" or adult telephone numbers;

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

15 (13) not possess or have under his or her control
16 certain specified items of contraband related to the
17 incidence of sexually offending as determined by an agent
18 of the Department of Corrections;

19 (14) may be required to provide a written daily log of
20 activities if directed by an agent of the Department of
21 Corrections;

22 (15) comply with all other special conditions that the
23 Department may impose that restrict the person from
24 high-risk situations and limit access to potential
25 victims;

26 (16) take an annual polygraph exam;

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

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

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

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

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

19 (f) (Blank).

20 (Source: P.A. 99-628, eff. 1-1-17; 99-698, eff. 7-29-16;
21 100-201, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.
22 1-8-18.)

23 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

24 Sec. 3-3-9. Violations; changes of conditions; preliminary
25 hearing; revocation of parole or mandatory supervised release;

1 revocation hearing.

2 (a) If prior to expiration or termination of the term of
3 parole or mandatory supervised release, a person violates a
4 condition set by the Prisoner Review Board or a condition of
5 parole or mandatory supervised release under Section 3-3-7 of
6 this Code to govern that term, the Board may:

7 (1) continue the existing term, with or without
8 modifying or enlarging the conditions; or

9 (2) parole or release the person to a half-way house;
10 or

11 (3) revoke the parole or mandatory supervised release
12 and reconfine the person for a term computed in the
13 following manner:

14 (i) (A) For those sentenced under the law in effect
15 prior to this amendatory Act of 1977, the recommitment
16 shall be for any portion of the imposed maximum term of
17 imprisonment or confinement which had not been served
18 at the time of parole and the parole term, less the
19 time elapsed between the parole of the person and the
20 commission of the violation for which parole was
21 revoked;

22 (B) Except as set forth in paragraph (C), for those
23 subject to mandatory supervised release under
24 paragraph (d) of Section 5-8-1 of this Code, the
25 recommitment shall be for the total mandatory
26 supervised release term, less the time elapsed between

1 the release of the person and the commission of the
2 violation for which mandatory supervised release is
3 revoked. The Board may also order that a prisoner serve
4 up to one year of the sentence imposed by the court
5 which was not served due to the accumulation of
6 sentence credit;

7 (C) For those subject to sex offender supervision
8 under clause (d) (4) of Section 5-8-1 of this Code, the
9 reconfinement period for violations of clauses (a) (3)
10 through (b-1) (15) of Section 3-3-7 shall not exceed 2
11 years from the date of reconfinement;

12 (ii) the person shall be given credit against
13 the term of reimprisonment or reconfinement for
14 time spent in custody since he or she was paroled
15 or released which has not been credited against
16 another sentence or period of confinement;

17 (iii) (blank);

18 (iv) this Section is subject to the release
19 under supervision and the reparole and rerelease
20 provisions of Section 3-3-10.

21 (b) The Board may revoke parole or mandatory supervised
22 release for violation of a condition for the duration of the
23 term and for any further period which is reasonably necessary
24 for the adjudication of matters arising before its expiration.
25 Notwithstanding any provision of law to the contrary, the Board
26 may not revoke parole or mandatory supervised release based

1 solely on the commission of a business offense, petty offense,
2 Class C misdemeanor, or Class B misdemeanor. The issuance of a
3 warrant of arrest for an alleged violation of the conditions of
4 parole or mandatory supervised release shall toll the running
5 of the term until the final determination of the charge. When
6 parole or mandatory supervised release is not revoked that
7 period shall be credited to the term, unless a community-based
8 sanction is imposed as an alternative to revocation and
9 reincarceration, including a diversion established by the
10 Illinois Department of Corrections Parole Services Unit prior
11 to the holding of a preliminary parole revocation hearing.
12 Parolees who are diverted to a community-based sanction shall
13 serve the entire term of parole or mandatory supervised
14 release, if otherwise appropriate.

15 (b-5) The Board shall revoke parole or mandatory supervised
16 release for violation of the conditions prescribed in paragraph
17 (7.6) of subsection (a) of Section 3-3-7.

18 (c) A person charged with violating a condition of parole
19 or mandatory supervised release shall have a preliminary
20 hearing before a hearing officer designated by the Board to
21 determine if there is cause to hold the person for a revocation
22 hearing. However, no preliminary hearing need be held when
23 revocation is based upon new criminal charges and a court finds
24 probable cause on the new criminal charges or when the
25 revocation is based upon a new criminal conviction and a
26 certified copy of that conviction is available.

1 (d) Parole or mandatory supervised release shall not be
2 revoked without written notice to the offender setting forth
3 the violation of parole or mandatory supervised release charged
4 against him or her.

5 (e) A hearing on revocation shall be conducted before at
6 least one member of the Prisoner Review Board. The Board may
7 meet and order its actions in panels of 3 or more members. The
8 action of a majority of the panel shall be the action of the
9 Board. A record of the hearing shall be made. At the hearing
10 the offender shall be permitted to:

11 (1) appear and answer the charge; and

12 (2) bring witnesses on his or her behalf.

13 (f) The Board shall either revoke parole or mandatory
14 supervised release or order the person's term continued with or
15 without modification or enlargement of the conditions.

16 (g) Parole or mandatory supervised release shall not be
17 revoked for failure to make payments under the conditions of
18 parole or release unless the Board determines that such failure
19 is due to the offender's willful refusal to pay.

20 (Source: P.A. 98-463, eff. 8-16-13; 98-558, eff. 1-1-14;
21 99-628, eff. 1-1-17.)