



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB2990

by Rep. Justin Slaughter

#### 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 not knowingly frequent places where controlled substances are illegally sold, used, distributed, or administered and not knowingly associate with other persons on parole or mandatory supervised release without prior written permission of his or her parole agent, and not associate with persons who are members of an organized gang as that term is defined in the Illinois Streetgang Terrorism Omnibus Prevention Act, except when the association 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. Effective immediately.

LRB100 10707 RLC 20934 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 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 (7.9) if convicted under Section 11-6, 11-20.1,  
18 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or  
19 the Criminal Code of 2012, consent to search of computers,  
20 PDAs, cellular phones, and other devices under his or her  
21 control that are capable of accessing the Internet or  
22 storing electronic files, in order to confirm Internet  
23 protocol addresses reported in accordance with the Sex  
24 Offender Registration Act and compliance with conditions  
25 in this Act;

26 (7.10) if convicted for an offense that would qualify

1 the accused as a sex offender or sexual predator under the  
2 Sex Offender Registration Act on or after June 1, 2008 (the  
3 effective date of Public Act 95-640), not possess  
4 prescription drugs for erectile dysfunction;

5 (7.11) if convicted for an offense under Section 11-6,  
6 11-9.1, 11-14.4 that involves soliciting for a juvenile  
7 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
8 of the Criminal Code of 1961 or the Criminal Code of 2012,  
9 or any attempt to commit any of these offenses, committed  
10 on or after June 1, 2009 (the effective date of Public Act  
11 95-983):

12 (i) not access or use a computer or any other  
13 device with Internet capability without the prior  
14 written approval of the Department;

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

24 (iii) submit to the installation on the offender's  
25 computer or device with Internet capability, at the  
26 offender's expense, of one or more hardware or software

1 systems to monitor the Internet use; and

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

7 (7.12) if convicted of a sex offense as defined in the  
8 Sex Offender Registration Act committed on or after January  
9 1, 2010 (the effective date of Public Act 96-262), refrain  
10 from accessing or using a social networking website as  
11 defined in Section 17-0.5 of the Criminal Code of 2012;

12 (7.13) if convicted of a sex offense as defined in  
13 Section 2 of the Sex Offender Registration Act committed on  
14 or after January 1, 2010 (the effective date of Public Act  
15 96-362) that requires the person to register as a sex  
16 offender under that Act, may not knowingly use any computer  
17 scrub software on any computer that the sex offender uses;

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

20 (9) obtain permission of an agent of the Department of  
21 Corrections before changing his or her residence or  
22 employment;

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

25 (11) refrain from the use or possession of narcotics or  
26 other controlled substances in any form, or both, or any

1 paraphernalia related to those substances and submit to a  
2 urinalysis test as instructed by a parole agent of the  
3 Department of Corrections;

4 (12) not knowingly frequent places where controlled  
5 substances are illegally sold, used, distributed, or  
6 administered;

7 (13) not knowingly associate with other persons on  
8 parole or mandatory supervised release without prior  
9 written permission of his or her parole agent, ~~except when~~  
10 ~~the association involves activities related to community~~  
11 ~~programs, worship services, volunteering, and engaging~~  
12 ~~families,~~ and not associate with persons who are members of  
13 an organized gang as that term is defined in the Illinois  
14 Streetgang Terrorism Omnibus Prevention Act, except when  
15 the association involves activities related to community  
16 programs, worship, services, volunteering, engaging  
17 families, or some other pro-social activity in which there  
18 is no evidence of criminal intent;

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

24 (15) follow any specific instructions provided by the  
25 parole agent that are consistent with furthering  
26 conditions set and approved by the Prisoner Review Board or



1 by law, exclusive of placement on electronic detention, to  
2 achieve the goals and objectives of his or her parole or  
3 mandatory supervised release or to protect the public.  
4 These instructions by the parole agent may be modified at  
5 any time, as the agent deems appropriate;

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

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

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

1 Stalking No Contact Order Act; and

2 (19) if convicted of a violation of the Methamphetamine  
3 Control and Community Protection Act, the Methamphetamine  
4 Precursor Control Act, or a methamphetamine related  
5 offense, be:

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

9 (B) prohibited from purchasing, possessing, or  
10 having under his or her control any product containing  
11 ammonium nitrate.

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. 98-558, eff. 1-1-14; 99-628, eff. 1-1-17; 99-698,  
3 eff. 7-29-16; revised 9-1-16.)

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