



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4539

by Rep. Sara Wojcicki Jimenez

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-8-7.5

Amends the Unified Code of Corrections. Provides that an inmate designated by mental health personnel of the Department of Corrections may not receive nor possess a photograph or image of a minor under 18 years of age while incarcerated in an institution or facility of the Department of Corrections if he or she has been convicted of any of the following offenses if the victim of the offense was under 18 years of age at the time of the commission of the offense: (1) criminal sexual assault; (2) aggravated criminal sexual assault; (3) predatory criminal sexual assault of a child; (4) criminal sexual abuse; (5) aggravated criminal sexual abuse; (6) child pornography; (7) a substantially similar offense under the laws of the United States, another state, or foreign jurisdiction; or (8) a predecessor offense to any of these offenses.

LRB100 15665 RLC 30766 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 3-8-7.5 as follows:

6 (730 ILCS 5/3-8-7.5)

7 Sec. 3-8-7.5. Mail, photograph, and image possession
8 restrictions.

9 (a) An inmate shall not correspond with a victim or member
10 of a victim's family upon being given notice by the Department
11 that the person has notified the Department that he or she does
12 not wish correspondence from the inmate.

13 (b) The victim or family member of the victim may give
14 notice to the Department of his or her desire not to receive
15 correspondence as provided in this Section and may do so at the
16 time of sentencing or at any time during the period of
17 incarceration of the inmate by the Department. After receipt of
18 the notice, the Department shall not knowingly forward any mail
19 addressed to a victim or family member of a victim named in the
20 notice as not desiring correspondence from a named inmate.

21 (c) At the time of any sentencing which results in the
22 imposition of any term of incarceration with the Department,
23 the State's Attorney shall provide the victim with written

1 notification that the victim or a family member of the victim
2 at any time may notify the Department in writing of the
3 person's desire not to receive correspondence from the inmate
4 convicted of the offense against the victim. The notification
5 provided by the State's Attorney shall inform the victim of the
6 following:

7 (1) that it is the duty of the person desiring not to
8 receive correspondence under this Section to notify the
9 Department of any change of address if the person wants the
10 restriction on mail to apply after a change of address; and

11 (2) that the notice to the Department is to include the
12 name of the person incarcerated, the name and number of the
13 case resulting in the incarceration, and the inmate number,
14 if known.

15 The State's Attorney shall assist the victim in obtaining this
16 information at any time during the incarceration.

17 (d) The Department shall notify the inmate that the victim
18 or members of the victim's family have provided notice to the
19 Department that the persons do not wish correspondence from
20 that inmate during the incarceration.

21 (e) An inmate designated by mental health personnel of the
22 Department may not receive nor possess a photograph or image of
23 a minor under 18 years of age while incarcerated in an
24 institution or facility of the Department if he or she has been
25 convicted of any of the following offenses if the victim of the
26 offense was under 18 years of age at the time of the commission

1 of the offense:

2 (1) criminal sexual assault;

3 (2) aggravated criminal sexual assault;

4 (3) predatory criminal sexual assault of a child;

5 (4) criminal sexual abuse;

6 (5) aggravated criminal sexual abuse;

7 (6) child pornography;

8 (7) a substantially similar offense under the laws of

9 the United States, another state, or foreign jurisdiction;

10 or

11 (8) a predecessor offense to any of the offenses listed

12 in paragraphs (1) through (7) of this subsection (e).

13 (Source: P.A. 88-331.)