



Rep. Patricia Bailey

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LRB093 18689 RLC 49484 a

1 AMENDMENT TO HOUSE BILL 5870

2 AMENDMENT NO. _____. Amend House Bill 5870 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-3-7, 3-7-6, and 5-7-6 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
24 instruction or residence of persons on parole or mandatory

1 supervised release;

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

5 (7) report all arrests to an agent of the Department of
6 Corrections as soon as permitted by the arresting authority
7 but in no event later than 24 hours after release from
8 custody;

9 (7.5) if convicted of a sex offense as defined in the
10 Sex Offender Management Board Act, the individual shall
11 undergo and successfully complete sex offender treatment
12 conducted in conformance with the standards developed by
13 the Sex Offender Management Board Act by a treatment
14 provider approved by the Board;

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

17 (9) obtain permission of an agent of the Department of
18 Corrections before changing his or her residence or
19 employment;

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

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

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

29 (13) not knowingly associate with other persons on
30 parole or mandatory supervised release without prior
31 written permission of his or her parole agent and not
32 associate with persons who are members of an organized gang
33 as that term is defined in the Illinois Streetgang
34 Terrorism Omnibus Prevention Act;

1 (14) provide true and accurate information, as it
2 relates to his or her adjustment in the community while on
3 parole or mandatory supervised release or to his or her
4 conduct while incarcerated, in response to inquiries by his
5 or her parole agent or of the Department of Corrections;
6 and

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

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

17 (1) work or pursue a course of study or vocational
18 training;

19 (2) undergo medical or psychiatric treatment, or
20 treatment for drug addiction or alcoholism;

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

23 (4) support his dependents;

24 (5) (blank);

25 (6) (blank);

26 (7) comply with the terms and conditions of an order of
27 protection issued pursuant to the Illinois Domestic
28 Violence Act of 1986, enacted by the 84th General Assembly,
29 or an order of protection issued by the court of another
30 state, tribe, or United States territory; and

31 (8) in addition, if a minor:

32 (i) reside with his parents or in a foster home;

33 (ii) attend school;

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

1 or

2 (iv) contribute to his own support at home or in a
3 foster home.

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 release, and he shall sign the
7 same before release. A signed copy of these conditions,
8 including a copy of an order of protection where one had been
9 issued by the criminal court, shall be retained by the person
10 and another copy forwarded to the officer in charge of his
11 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) In determining the conditions of parole or mandatory
20 supervised release, the Prisoner Review Board may not take into
21 consideration the person's assets or the person's ability or
22 inability to pay for the costs of his or her incarceration.

23 (Source: P.A. 92-460, eff. 1-1-02; 93-616, eff. 1-1-04.)

24 (730 ILCS 5/3-7-6) (from Ch. 38, par. 1003-7-6)

25 Sec. 3-7-6. Reimbursement for expenses.

26 (a) Responsibility of committed persons. For the purposes
27 of this Section, "committed persons" mean those persons who
28 through judicial determination have been placed in the custody
29 of the Department on the basis of a conviction as an adult.
30 Committed persons whose assets exceed \$10,000 (excluding the
31 value of their primary residence and primary motor vehicle)
32 shall be responsible to reimburse the Department for the
33 expenses incurred by their incarceration at a rate to be

1 determined by the Department in accordance with this Section.

2 (1) Committed persons shall fully cooperate with the
3 Department by providing complete financial information for
4 the purposes under this Section.

5 (2) The failure of a committed person to fully
6 cooperate as provided for in clauses (3) and (4) of
7 subsection (a-5) shall be considered for purposes of a
8 parole determination. Any committed person who willfully
9 refuses to cooperate with the obligations set forth in this
10 Section may be subject to the loss of good conduct credit
11 towards his or her sentence of up to 180 days.

12 (a-5) Assets information form.

13 (1) The Department shall develop a form, which shall be
14 used by the Department to obtain information from all
15 committed persons regarding assets of the persons.

16 (2) In order to enable the Department to determine the
17 financial status of the committed person, the form shall
18 provide for obtaining the age and marital status of a
19 committed person, the number and ages of children of the
20 person, the number and ages of other dependents, the type
21 and value of real estate, the type and value of personal
22 property, cash and bank accounts, the location of any lock
23 boxes, the type and value of investments, pensions and
24 annuities and any other personalty of significant cash
25 value, including but not limited to jewelry, art work and
26 collectables, and all medical or dental insurance policies
27 covering the committed person. The form may also provide
28 for other information deemed pertinent by the Department in
29 the investigation of a committed person's assets.

30 (3) Upon being developed, the form shall be submitted
31 to each committed person as of the date the form is
32 developed and to every committed person who thereafter is
33 sentenced to imprisonment under the jurisdiction of the
34 Department. The form may be resubmitted to a committed

1 person by the Department for purpose of obtaining current
2 information regarding the assets of the person.

3 (4) Every committed person shall complete the form or
4 provide for completion of the form and the committed person
5 shall swear under oath or affirm that to the best of his or
6 her knowledge the information provided is complete and
7 accurate.

8 (b) Expenses. The rate at which sums to be charged for the
9 expenses incurred by a committed person subject to this Section
10 for his or her confinement shall be computed by the Department
11 as the average per capita cost per day for all inmates of that
12 institution or facility for that fiscal year. The average per
13 capita cost per day shall be computed by the Department based
14 on the average per capita cost per day for the operation of
15 that institution or facility for the fiscal year immediately
16 preceding the period of incarceration for which the rate is
17 being calculated. The Department shall establish rules and
18 regulations providing for the computation of the above costs,
19 and shall determine the average per capita cost per day for
20 each of its institutions or facilities for each fiscal year.
21 The Department shall have the power to modify its rules and
22 regulations, so as to provide for the most accurate and most
23 current average per capita cost per day computation. Where the
24 committed person is placed in a facility outside the
25 Department, the Department may pay the actual cost of services
26 in that facility, and may collect reimbursement for the entire
27 amount paid from the committed person receiving those services.

28 (c) Records. The records of the Department, including, but
29 not limited to, those relating to: the average per capita cost
30 per day for a particular institution or facility for a
31 particular year, and the calculation of the average per capita
32 cost per day; the average daily population of a particular
33 Department correctional institution or facility for a
34 particular year; the specific placement of a particular

1 committed person in various Department correctional
2 institutions or facilities for various periods of time; and the
3 record of transactions of a particular committed person's trust
4 account under Section 3-4-3 of this Act; may be proved in any
5 legal proceeding, by a reproduced copy thereof or by a computer
6 printout of Department records, under the certificate of the
7 Director. If reproduced copies are used, the Director must
8 certify that those are true and exact copies of the records on
9 file with the Department. If computer printouts of records of
10 the Department are offered as proof, the Director must certify
11 that those computer printouts are true and exact
12 representations of records properly entered into standard
13 electronic computing equipment, in the regular course of the
14 Department's business, at or reasonably near the time of the
15 occurrence of the facts recorded, from trustworthy and reliable
16 information. The reproduced copy or computer printout shall,
17 without further proof, be admitted into evidence in any legal
18 proceeding, and shall be prima facie correct and prima facie
19 evidence of the accuracy of the information contained therein.

20 (d) Authority. The Director, or the Director's designee,
21 may, when he or she knows or reasonably believes that a
22 committed person whose assets exceed \$10,000 (excluding the
23 value of his or her primary residence and his or her primary
24 motor vehicle), or the estate of that person, has assets which
25 may be used to satisfy all or part of a judgment rendered under
26 this Act, or when he or she knows or reasonably believes that a
27 committed person whose assets exceed \$10,000 (excluding the
28 value of his or her primary residence and his or her primary
29 motor vehicle) is engaged in gang-related activity and has a
30 substantial sum of money or other assets, provide for the
31 forwarding to the Attorney General of a report on the committed
32 person and that report shall contain a completed form under
33 subsection (a-5) together with all other information available
34 concerning the assets of the committed person and an estimate

1 of the total expenses for that committed person, and authorize
2 the Attorney General to institute proceedings to require the
3 persons, or the estates of the persons, to reimburse the
4 Department for the expenses incurred by their incarceration.
5 The Attorney General, upon authorization of the Director, or
6 the Director's designee, shall institute actions on behalf of
7 the Department and pursue claims on the Department's behalf in
8 probate and bankruptcy proceedings, to recover from committed
9 persons whose assets exceed \$10,000 (excluding the value of
10 their residence and their primary motor vehicle) the expenses
11 incurred by their confinement. For purposes of this subsection
12 (d), "gang-related" activity has the meaning ascribed to it in
13 Section 10 of the Illinois Streetgang Terrorism Omnibus
14 Prevention Act.

15 (e) Scope and limitations.

16 (1) No action under this Section shall be initiated
17 more than 2 years after the release or death of the
18 committed person in question.

19 (2) The death of a convicted person, by execution or
20 otherwise, while committed to a Department correctional
21 institution or facility shall not act as a bar to any
22 action or proceeding under this Section.

23 (3) The assets of a committed person, for the purposes
24 of this Section, shall include any property, tangible or
25 intangible, real or personal, belonging to or due to a
26 committed or formerly committed person including income or
27 payments to the person from social security, worker's
28 compensation, veteran's compensation, pension benefits, or
29 from any other source whatsoever and any and all assets and
30 property of whatever character held in the name of the
31 person, held for the benefit of the person, or payable or
32 otherwise deliverable to the person, except his or her
33 primary residence and a primary motor vehicle. Any trust,
34 or portion of a trust, of which a convicted person is a

1 beneficiary, shall be construed as an asset of the person,
2 to the extent that benefits thereunder are required to be
3 paid to the person, or shall in fact be paid to the person.
4 At the time of a legal proceeding by the Attorney General
5 under this Section, if it appears that the committed person
6 has any assets which ought to be subjected to the claim of
7 the Department under this Section, the court may issue an
8 order requiring any person, corporation, or other legal
9 entity possessed or having custody of those assets to
10 appropriate any of the assets or a portion thereof toward
11 reimbursing the Department as provided for under this
12 Section. No provision of this Section shall be construed in
13 violation of any State or federal limitation on the
14 collection of money judgments.

15 (4) Nothing in this Section shall preclude the
16 Department from applying federal benefits that are
17 specifically provided for the care and treatment of a
18 committed person toward the cost of care provided by a
19 State facility or private agency.

20 (Source: P.A. 92-564, eff. 1-1-03.)

21 (730 ILCS 5/5-7-6) (from Ch. 38, par. 1005-7-6)

22 Sec. 5-7-6. Duty of Clerk of Court or the Department of
23 Corrections; collection and disposition of compensation.

24 (a) Every gainfully employed offender shall be responsible
25 for managing his or her earnings. The clerk of the circuit
26 court shall have only those responsibilities regarding an
27 offender's earnings as are set forth in this Section.

28 Every offender, including offenders who are sentenced to
29 periodic imprisonment for weekends only, gainfully employed
30 shall pay a fee for room and board at a rate established, with
31 the concurrence of the chief judge of the judicial circuit, by
32 the county board of the county in which the offender is
33 incarcerated. The concurrence of the chief judge shall be in

1 the form of an administrative order. In establishing the fee
2 for room and board consideration may be given to all costs
3 incidental to the incarceration of offenders. If an offender is
4 necessarily absent from the institution at mealtime he or she
5 shall, without additional charge, be furnished with a meal to
6 carry to work. Each week, on a day designated by the clerk of
7 the circuit court, every offender shall pay the clerk the fees
8 for the offender's room and board. Failure to pay the clerk on
9 the day designated shall result in the termination of the
10 offender's release. All fees for room and board collected by
11 the circuit court clerk shall be disbursed into the county's
12 General Corporate Fund.

13 By order of the court, all or a portion of the earnings of
14 employed offenders shall be turned over to the clerk to be
15 distributed for the following purposes, in the order stated:

16 (1) the room and board of the offender;

17 (2) necessary travel expenses to and from work and
18 other incidental expenses of the offender, when those
19 expenses are incurred by the administrator of the
20 offender's imprisonment;

21 (3) support of the offender's dependents, if any.

22 (b) If the offender has one or more dependents who are
23 recipients of financial assistance pursuant to the Illinois
24 Public Aid Code, or who are residents of a State hospital,
25 State school or foster care facility provided by the State, the
26 court shall order the offender to turn over all or a portion of
27 his earnings to the clerk who shall, after making the
28 deductions provided for under paragraph (a), distribute those
29 earnings to the appropriate agency as reimbursement for the
30 cost of care of such dependents. The order shall permit the
31 Department of Human Services (acting as successor to the
32 Illinois Department of Public Aid under the Department of Human
33 Services Act) or the local governmental unit, as the case may
34 be, to request the clerk that subsequent payments be made

1 directly to the dependents, or to some agency or person in
2 their behalf, upon removal of the dependents from the public
3 aid rolls; and upon such direction and removal of the
4 recipients from the public aid rolls, the Department of Human
5 Services or the local governmental unit, as the case requires,
6 shall give written notice of such action to the court. Payments
7 received by the Department of Human Services or by governmental
8 units in behalf of recipients of public aid shall be deposited
9 into the General Revenue Fund of the State Treasury or General
10 Assistance Fund of the governmental unit, under Section 10-19
11 of the Illinois Public Aid Code.

12 (c) The clerk of the circuit court shall keep individual
13 accounts of all money collected by him as required by this
14 Article. He shall deposit all moneys as trustee in a depository
15 designated by the county board and shall make payments required
16 by the court's order from such trustee account. Such accounts
17 shall be subject to audit in the same manner as accounts of the
18 county are audited.

19 (d) If an institution or the Department of Corrections
20 certifies to the court that it can administer this Section with
21 respect to persons committed to it under this Article, the
22 clerk of the court shall be relieved of its duties under this
23 Section and they shall be assumed by such institution or the
24 Department.

25 (e) This Section does not apply to a person sentenced to
26 periodic imprisonment for a felony whose assets do not exceed
27 \$10,000 (excluding the value of his or her primary residence
28 and his or her primary motor vehicle).

29 (Source: P.A. 90-14, eff. 7-1-97; 91-357, eff. 7-29-99.)"