

**HB6786**



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**HB6786**

Introduced 2/9/2004, by Rep. Careen Gordon - John E. Bradley -  
Eileen Lyons - James D. Brosnahan

**SYNOPSIS AS INTRODUCED:**

730 ILCS 5/3-3-7

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

Amends the Unified Code of Corrections. Establishes various conditions of parole and mandatory supervised release required of registered sex offenders. Effective January 1, 2005.

LRB093 16186 RLC 41819 b

FISCAL NOTE ACT  
MAY APPLY

**A BILL FOR**

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  
24 instruction or residence of persons on parole or mandatory  
25 supervised release;

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

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

1 (7.5) if convicted of a sex offense as defined in the  
2 Sex Offender Management Board Act, the individual shall  
3 undergo and successfully complete sex offender treatment  
4 conducted in conformance with the standards developed by  
5 the Sex Offender Management Board Act by a treatment  
6 provider approved by the Board;

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

9 (9) obtain permission of an agent of the Department of  
10 Corrections before changing his or her residence or  
11 employment;

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

14 (11) refrain from the use or possession of narcotics or  
15 other controlled substances in any form, or both, or any  
16 paraphernalia related to those substances and submit to a  
17 urinalysis test as instructed by a parole agent of the  
18 Department of Corrections;

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

21 (13) not knowingly associate with other persons on  
22 parole or mandatory supervised release without prior  
23 written permission of his or her parole agent and not  
24 associate with persons who are members of an organized gang  
25 as that term is defined in the Illinois Streetgang  
26 Terrorism Omnibus Prevention Act;

27 (14) provide true and accurate information, as it  
28 relates to his or her adjustment in the community while on  
29 parole or mandatory supervised release or to his or her  
30 conduct while incarcerated, in response to inquiries by his  
31 or her parole agent or of the Department of Corrections;  
32 and

33 (15) follow any specific instructions provided by the  
34 parole agent that are consistent with furthering  
35 conditions set and approved by the Prisoner Review Board or  
36 by law, exclusive of placement on electronic detention, to

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

5 (a-1) In addition to the conditions set forth in subsection  
6 (a), persons required to register as sex offenders under the  
7 Sex Offender Registration Act, upon release from the custody of  
8 the Illinois Department of Corrections, shall comply with the  
9 following conditions of release:

10 (1) not leave the State without the consent of the  
11 Department;

12 (2) at the direction of the Department, notify third  
13 parties of the risks that may be occasioned by his or her  
14 criminal record or sexual offending history or  
15 characteristics, and permit the supervising officer or  
16 agent to make the notification requirement;

17 (3) attend and fully participate in assessment,  
18 treatment, and behavior monitoring including, but not  
19 limited to, medical, psychological or psychiatric  
20 treatment specific to sexual offending, drug addiction, or  
21 alcoholism, to the extent appropriate to the person based  
22 upon the recommendation and findings made in the Department  
23 evaluation or based upon any subsequent recommendations by  
24 the Department;

25 (4) waive confidentiality allowing the Department  
26 access to assessment or treatment results or both;

27 (5) work regularly at a Department approved occupation  
28 or pursue a course of study or vocational training and  
29 notify the Department within 72 hours of any change in  
30 employment, study, or training;

31 (6) not be employed or participate in any volunteer  
32 activity that involves contact with children, except under  
33 circumstances approved in advance and in writing by the  
34 Department officer;

35 (7) submit to the search of his or her person,  
36 residence, vehicle, or any personal or real property under

1 his or her control at any time by the Department;

2 (8) financially support his or her dependents and  
3 provide the Department access to any requested financial  
4 information;

5 (9) if ordered by the Prisoner Review Board, serve a  
6 term of home confinement, the conditions of which shall be  
7 that the person:

8 (A) admit any person designated by the Department  
9 into the offender's place of confinement at any time  
10 for purposes of verifying the person's compliance with  
11 the condition of his or her confinement; and

12 (B) if deemed necessary by the Department, be  
13 placed on an electronic monitoring device;

14 (10) comply with the terms and conditions of an order  
15 of protection issued by the court pursuant to the Illinois  
16 Domestic Violence Act of 1986. A copy of the order of  
17 protection shall be transmitted to the Department by the  
18 clerk of the court;

19 (11) refrain from entering into a designated  
20 geographic area except upon terms the Department finds  
21 appropriate. The terms may include consideration of the  
22 purpose of the entry, the time of day, others accompanying  
23 the person, and advance approval by the Department;

24 (12) refrain from having any contact, including  
25 written or oral communications, directly or indirectly,  
26 with certain specified persons including, but not limited  
27 to, the victim or the victim's family, and report any  
28 incidental contact with the victim or the victim's family  
29 to the Department within 72 hours; refrain from entering  
30 onto the premises of, traveling past, or loitering near the  
31 victim's residence, place of employment, or other places  
32 frequented by the victim;

33 (13) refrain from having any contact, including  
34 written or oral communications, directly or indirectly,  
35 with particular types of persons, including but not limited  
36 to members of street gangs, drug users, drug dealers, or

1 prostitutes;

2 (14) refrain from all contact, direct or indirect,  
3 personally, by telephone, letter, or through another  
4 person, with minor children without prior identification  
5 and approval of the Department;

6 (15) refrain from having in his or her body the  
7 presence of alcohol or any illicit drug prohibited by the  
8 Cannabis Control Act or the Illinois Controlled Substances  
9 Act, unless prescribed by a physician, and submit samples  
10 of his or her breath, saliva, blood, or urine for tests to  
11 determine the presence of alcohol or any illicit drug;

12 (16) not establish a dating, intimate, or sexual  
13 relationship with a person without prior written  
14 notification to the Department;

15 (17) neither possess or have under his or her control  
16 any material that is pornographic, sexually oriented, or  
17 sexually stimulating, or that depicts or alludes to sexual  
18 activity or depicts minors under the age of 18, including  
19 but not limited to visual, auditory, telephonic,  
20 electronic media, or any matter obtained through access to  
21 any computer or material linked to computer access use;

22 (18) not patronize any business providing sexually  
23 stimulating or sexually oriented entertainment nor utilize  
24 "900" or adult telephone numbers or any other sex-related  
25 telephone numbers;

26 (19) not reside near, visit, or be in or about parks,  
27 schools, day care centers, swimming pools, beaches,  
28 theaters, or any other places where minor children  
29 congregate without advance approval of the Department and  
30 report any incidental contact with minor children to the  
31 Department within 72 hours;

32 (20) not establish any living arrangement or residence  
33 without prior approval of the Department;

34 (21) not publish any materials or print any  
35 advertisements without providing a copy of the proposed  
36 publications to the Department officer and obtaining

1 permission prior to publication;

2 (22) not leave the county except with prior permission  
3 of the Department and provide the Department officer or  
4 agent with written travel routes to and from work and any  
5 other designated destinations;

6 (23) not possess or have under his or her control  
7 certain specified items of contraband related to the  
8 incidence of sexually offending items including video or  
9 still camera items or children's toys;

10 (24) provide a written daily log of activities as  
11 directed by the Department;

12 (25) comply with all other special conditions that the  
13 Department may impose that restrict the person from  
14 high-risk situations and limit access or potential  
15 victims.

16 (a-2) A person required to register as a sex offender under  
17 the Sex Offender Registration Act who is placed on parole or  
18 mandatory supervised release and who during the term undergoes  
19 mandatory drug or alcohol testing or is assigned to be placed  
20 on an approved electronic monitoring device may be ordered to  
21 pay all costs incidental to the mandatory drug or alcohol  
22 testing and all costs incidental to the approved electronic  
23 monitoring in accordance with the person's ability to pay those  
24 costs. The Department may establish reasonable fees for the  
25 cost of maintenance, testing, and incidental expenses related  
26 to the mandatory drug or alcohol testing and all costs  
27 incidental to approved electronic monitoring.

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

30 (1) work or pursue a course of study or vocational  
31 training;

32 (2) undergo medical or psychiatric treatment, or  
33 treatment for drug addiction or alcoholism;

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

36 (4) support his dependents;

1 (5) (blank);

2 (6) (blank);

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

8 (8) in addition, if a minor:

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

10 (ii) attend school;

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

12 or

13 (iv) contribute to his own support at home or in a  
14 foster home.

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

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

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

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

31 Section 99. Effective date. This Act takes effect January  
32 1, 2005.