

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 3-14-2 as follows:

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

7 (Text of Section after amendment by P.A. 95-464, 95-579,  
8 and 95-640)

9 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised  
10 Release.

11 (a) The conditions of parole or mandatory supervised  
12 release shall be such as the Prisoner Review Board deems  
13 necessary to assist the subject in leading a law-abiding life.  
14 The conditions of every parole and mandatory supervised release  
15 are that the subject:

16 (1) not violate any criminal statute of any  
17 jurisdiction during the parole or release term;

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

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

22 (4) permit the agent to visit him or her at his or her  
23 home, employment, or elsewhere to the extent necessary for

1 the agent to discharge his or her duties;

2 (5) attend or reside in a facility established for the  
3 instruction or residence of persons on parole or mandatory  
4 supervised release;

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

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

12 (7.1) report all orders of protection issued against  
13 the parolee or releasee to an agent of the Department of  
14 Corrections as soon as possible after service of the order  
15 of protection upon the parolee or releasee but in no event  
16 later than 24 hours after service of the order of  
17 protection;

18 (7.5) if convicted of a sex offense as defined in the  
19 Sex Offender Management Board Act, the individual shall  
20 undergo and successfully complete sex offender treatment  
21 conducted in conformance with the standards developed by  
22 the Sex Offender Management Board Act by a treatment  
23 provider approved by the Board;

24 (7.6) if convicted of a sex offense as defined in the  
25 Sex Offender Management Board Act, refrain from residing at  
26 the same address or in the same condominium unit or

1 apartment unit or in the same condominium complex or  
2 apartment complex with another person he or she knows or  
3 reasonably should know is a convicted sex offender or has  
4 been placed on supervision for a sex offense; the  
5 provisions of this paragraph do not apply to a person  
6 convicted of a sex offense who is placed in a Department of  
7 Corrections licensed transitional housing facility for sex  
8 offenders, or is in any facility operated or licensed by  
9 the Department of Children and Family Services or by the  
10 Department of Human Services, or is in any licensed medical  
11 facility;

12 (7.7) if convicted for an offense that would qualify  
13 the accused as a sexual predator under the Sex Offender  
14 Registration Act on or after the effective date of this  
15 amendatory Act of the 94th General Assembly, wear an  
16 approved electronic monitoring device as defined in  
17 Section 5-8A-2 for the duration of the person's parole,  
18 mandatory supervised release term, or extended mandatory  
19 supervised release term;

20 (7.8) if convicted for an offense committed on or after  
21 the effective date of this amendatory Act of the 95th  
22 General Assembly that would qualify the accused as a child  
23 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
24 Criminal Code of 1961, refrain from communicating with or  
25 contacting, by means of the Internet, a person who is not  
26 related to the accused and whom the accused reasonably

1 believes to be under 18 years of age; for purposes of this  
2 paragraph (7.8), "Internet" has the meaning ascribed to it  
3 in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~  
4 ~~Public Act 94-179~~; and a person is not related to the  
5 accused if the person is not: (i) the spouse, brother, or  
6 sister of the accused; (ii) a descendant of the accused;  
7 (iii) a first or second cousin of the accused; or (iv) a  
8 step-child or adopted child of the accused;

9 (7.9) ~~(7.8)~~ if convicted under Section 11-6, 11-20.1,  
10 11-20.3, or 11-21 of the Criminal Code of 1961, consent to  
11 search of computers, PDAs, cellular phones, and other  
12 devices under his or her control that are capable of  
13 accessing the Internet or storing electronic files, in  
14 order to confirm Internet protocol addresses reported in  
15 accordance with the Sex Offender Registration Act and  
16 compliance with conditions in this Act;

17 (7.10) ~~(7.8)~~ if convicted for an offense that would  
18 qualify the accused as a sex offender or sexual predator  
19 under the Sex Offender Registration Act on or after the  
20 effective date of this amendatory Act of the 95th General  
21 Assembly, not possess prescription drugs for erectile  
22 dysfunction;

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

25 (9) obtain permission of an agent of the Department of  
26 Corrections before changing his or her residence or

1 employment;

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

4 (11) refrain from the use or possession of narcotics or  
5 other controlled substances in any form, or both, or any  
6 paraphernalia related to those substances and submit to a  
7 urinalysis test as instructed by a parole agent of the  
8 Department of Corrections;

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

11 (13) not knowingly associate with other persons on  
12 parole or mandatory supervised release without prior  
13 written permission of his or her parole agent and not  
14 associate with persons who are members of an organized gang  
15 as that term is defined in the Illinois Streetgang  
16 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; and

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

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

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

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

22 (4) support his dependents;

23 (5) (blank);

24 (6) (blank);

25 (7) comply with the terms and conditions of an order of  
26 protection issued pursuant to the Illinois Domestic

1 Violence Act of 1986, enacted by the 84th General Assembly,  
2 or an order of protection issued by the court of another  
3 state, tribe, or United States territory;

4 (7.5) if convicted for an offense committed on or after  
5 the effective date of this amendatory Act of the 95th  
6 General Assembly that would qualify the accused as a child  
7 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
8 Criminal Code of 1961, refrain from communicating with or  
9 contacting, by means of the Internet, a person who is  
10 related to the accused and whom the accused reasonably  
11 believes to be under 18 years of age; for purposes of this  
12 paragraph (7.5), "Internet" has the meaning ascribed to it  
13 in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~  
14 ~~Public Act 94-179~~; and a person is related to the accused  
15 if the person is: (i) the spouse, brother, or sister of the  
16 accused; (ii) a descendant of the accused; (iii) a first or  
17 second cousin of the accused; or (iv) a step-child or  
18 adopted child of the accused; and

19 (8) in addition, if a minor:

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

21 (ii) attend school;

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

23 or

24 (iv) contribute to his own support at home or in a  
25 foster home.

26 (b-1) In addition to the conditions set forth in

1 subsections (a) and (b), persons required to register as sex  
2 offenders pursuant to the Sex Offender Registration Act, upon  
3 release from the custody of the Illinois Department of  
4 Corrections, may be required by the Board to comply with the  
5 following specific conditions of release:

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

7 (2) comply with all requirements of the Sex Offender  
8 Registration Act;

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

11 (4) obtain the approval of an agent of the Department  
12 of Corrections prior to accepting employment or pursuing a  
13 course of study or vocational training and notify the  
14 Department prior to any change in employment, study, or  
15 training;

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

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

22 (7) refrain from entering into a designated geographic  
23 area except upon terms approved in advance by an agent of  
24 the Department of Corrections. The terms may include  
25 consideration of the purpose of the entry, the time of day,  
26 and others accompanying the person;



1           (8) refrain from having any contact, including written  
2           or oral communications, directly or indirectly, personally  
3           or by telephone, letter, or through a third party with  
4           certain specified persons including, but not limited to,  
5           the victim or the victim's family without the prior written  
6           approval of an agent of the Department of Corrections;

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

11          (10) neither possess or have under his or her control  
12          any material that is sexually oriented, sexually  
13          stimulating, or that shows male or female sex organs or any  
14          pictures depicting children under 18 years of age nude or  
15          any written or audio material describing sexual  
16          intercourse or that depicts or alludes to sexual activity,  
17          including but not limited to visual, auditory, telephonic,  
18          or electronic media, or any matter obtained through access  
19          to any computer or material linked to computer access use;

20          (11) not patronize any business providing sexually  
21          stimulating or sexually oriented entertainment nor utilize  
22          "900" or adult telephone numbers;

23          (12) not reside near, visit, or be in or about parks,  
24          schools, day care centers, swimming pools, beaches,  
25          theaters, or any other places where minor children  
26          congregate without advance approval of an agent of the

1 Department of Corrections and immediately report any  
2 incidental contact with minor children to the Department;

3 (13) not possess or have under his or her control  
4 certain specified items of contraband related to the  
5 incidence of sexually offending as determined by an agent  
6 of the Department of Corrections;

7 (14) may be required to provide a written daily log of  
8 activities if directed by an agent of the Department of  
9 Corrections;

10 (15) comply with all other special conditions that the  
11 Department may impose that restrict the person from  
12 high-risk situations and limit access to potential  
13 victims;

14 (16) take an annual polygraph exam;

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

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

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

26 (d) After a hearing under Section 3-3-9, the Prisoner

1 Review Board may modify or enlarge the conditions of parole or  
2 mandatory supervised release.

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

7 (f) When the subject is in compliance with all conditions  
8 of his or her parole or mandatory supervised release, the  
9 subject shall receive a reduction of the period of his or her  
10 parole or mandatory supervised release of 90 days upon passage  
11 of the high school level Test of General Educational  
12 Development during the period of his or her parole or mandatory  
13 supervised release. This reduction in the period of a subject's  
14 term of parole or mandatory supervised release shall be  
15 available only to subjects who have not previously earned a  
16 high school diploma or who have not previously passed the high  
17 school level Test of General Educational Development.

18 (g) Notwithstanding any other rulemaking authority that  
19 may exist, neither the Governor nor any agency or agency head  
20 under the jurisdiction of the Governor has any authority to  
21 make or promulgate rules to implement or enforce the provisions  
22 of this amendatory Act of the 95th General Assembly. If,  
23 however, the Governor believes that rules are necessary to  
24 implement or enforce the provisions of this amendatory Act of  
25 the 95th General Assembly, the Governor may suggest rules to  
26 the General Assembly by filing them with the Clerk of the House

1 and Secretary of the Senate and by requesting that the General  
2 Assembly authorize such rulemaking by law, enact those  
3 suggested rules into law, or take any other appropriate action  
4 in the General Assembly's discretion. Nothing contained in this  
5 amendatory Act of the 95th General Assembly shall be  
6 interpreted to grant rulemaking authority under any other  
7 Illinois statute where such authority is not otherwise  
8 explicitly given. For the purposes of this amendatory Act of  
9 the 95th General Assembly, "rules" is given the meaning  
10 contained in Section 1-70 of the Illinois Administrative  
11 Procedure Act, and "agency" and "agency head" are given the  
12 meanings contained in Sections 1-20 and 1-25 of the Illinois  
13 Administrative Procedure Act to the extent that such  
14 definitions apply to agencies or agency heads under the  
15 jurisdiction of the Governor.

16 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
17 94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;  
18 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; revised 12-26-07.)

19 (730 ILCS 5/3-14-2) (from Ch. 38, par. 1003-14-2)

20 Sec. 3-14-2. Supervision on Parole, Mandatory Supervised  
21 Release and Release by Statute.

22 (a) The Department shall retain custody of all persons  
23 placed on parole or mandatory supervised release or released  
24 pursuant to Section 3-3-10 of this Code and shall supervise  
25 such persons during their parole or release period in accord

1 with the conditions set by the Prisoner Review Board. Such  
2 conditions shall include referral to an alcohol or drug abuse  
3 treatment program, as appropriate, if such person has  
4 previously been identified as having an alcohol or drug abuse  
5 problem. Such conditions may include that the person use an  
6 approved electronic monitoring device subject to Article 8A of  
7 Chapter V.

8 (b) The Department shall assign personnel to assist persons  
9 eligible for parole in preparing a parole plan. Such Department  
10 personnel shall make a report of their efforts and findings to  
11 the Prisoner Review Board prior to its consideration of the  
12 case of such eligible person.

13 (c) A copy of the conditions of his parole or release shall  
14 be signed by the parolee or releasee and given to him and to  
15 his supervising officer who shall report on his progress under  
16 the rules and regulations of the Prisoner Review Board. The  
17 supervising officer shall report violations to the Prisoner  
18 Review Board and shall have the full power of peace officers in  
19 the arrest and retaking of any parolees or releasees or the  
20 officer may request the Department to issue a warrant for the  
21 arrest of any parolee or releasee who has allegedly violated  
22 his parole or release conditions.

23 (c-1) The supervising officer shall request the Department  
24 to issue a parole violation warrant, and the Department shall  
25 issue a parole violation warrant, under the following  
26 circumstances:

1           (1) If the parolee or releasee commits an act that  
2 constitutes a felony using a firearm or knife, ~~or,~~

3           (2) if applicable, fails to comply with the  
4 requirements of the Sex Offender Registration Act, or

5           (3) if the parolee or releasee is charged with:

6                   (A) domestic battery under Section 12-3.2 of the  
7 Criminal Code of 1961,

8                   (B) aggravated domestic battery under Section  
9 12-3.3 of the Criminal Code of 1961,

10                   (C) stalking under Section 12-7.3 of the Criminal  
11 Code of 1961,

12                   (D) aggravated stalking under Section 12-7.4 of  
13 the Criminal Code of 1961,

14                   (E) violation of an order of protection under  
15 Section 12-30 of the Criminal Code of 1961, or

16                   (F) any offense that would require registration as  
17 a sex offender under the Sex Offender Registration Act.

18           ~~the officer shall request the Department to issue a~~  
19 ~~warrant and the Department shall issue the warrant and the~~  
20 ~~officer or the Department shall file a violation report~~  
21 ~~with notice of charges with the Prisoner Review Board. A~~  
22 sheriff or other peace officer may detain an alleged parole  
23 or release violator until a warrant for his return to the  
24 Department can be issued. The parolee or releasee may be  
25 delivered to any secure place until he can be transported  
26 to the Department. The officer or the Department shall file

1       a violation report with notice of charges with the Prisoner  
2       Review Board.

3       (d) The supervising officer shall regularly advise and  
4 consult with the parolee or releasee, assist him in adjusting  
5 to community life, inform him of the restoration of his rights  
6 on successful completion of sentence under Section 5-5-5. If  
7 the parolee or releasee has been convicted of a sex offense as  
8 defined in the Sex Offender Management Board Act, the  
9 supervising officer shall periodically, but not less than once  
10 a month, verify that the parolee or releasee is in compliance  
11 with paragraph (7.6) of subsection (a) of Section 3-3-7.

12       (e) Supervising officers shall receive specialized  
13 training in the special needs of female releasees or parolees  
14 including the family reunification process.

15       (f) The supervising officer shall keep such records as the  
16 Prisoner Review Board or Department may require. All records  
17 shall be entered in the master file of the individual.

18       (g) Notwithstanding any other rulemaking authority that  
19 may exist, neither the Governor nor any agency or agency head  
20 under the jurisdiction of the Governor has any authority to  
21 make or promulgate rules to implement or enforce the provisions  
22 of this amendatory Act of the 95th General Assembly. If,  
23 however, the Governor believes that rules are necessary to  
24 implement or enforce the provisions of this amendatory Act of  
25 the 95th General Assembly, the Governor may suggest rules to  
26 the General Assembly by filing them with the Clerk of the House

1 and Secretary of the Senate and by requesting that the General  
2 Assembly authorize such rulemaking by law, enact those  
3 suggested rules into law, or take any other appropriate action  
4 in the General Assembly's discretion. Nothing contained in this  
5 amendatory Act of the 95th General Assembly shall be  
6 interpreted to grant rulemaking authority under any other  
7 Illinois statute where such authority is not otherwise  
8 explicitly given. For the purposes of this amendatory Act of  
9 the 95th General Assembly, "rules" is given the meaning  
10 contained in Section 1-70 of the Illinois Administrative  
11 Procedure Act, and "agency" and "agency head" are given the  
12 meanings contained in Sections 1-20 and 1-25 of the Illinois  
13 Administrative Procedure Act to the extent that such  
14 definitions apply to agencies or agency heads under the  
15 jurisdiction of the Governor.

16 (Source: P.A. 93-979, eff. 8-20-04; 94-161, eff. 7-11-05.)