



Rep. Constance A. Howard

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09500HB2748ham002

LRB095 01001 DRJ 49682 a

1 AMENDMENT TO HOUSE BILL 2748

2 AMENDMENT NO. _____. Amend House Bill 2748 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 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

1 jurisdiction during the parole or release term;

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

4 (3) report to an agent of the Department of
5 Corrections;

6 (4) permit the agent to visit him or her at his or her
7 home, employment, or elsewhere to the extent necessary for
8 the agent to discharge his or her duties;

9 (5) attend or reside in a facility established for the
10 instruction or residence of persons on parole or mandatory
11 supervised release;

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

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

19 (7.1) report all orders of protection issued against
20 the parolee or releasee to an agent of the Department of
21 Corrections as soon as possible after service of the order
22 of protection upon the parolee or releasee but in no event
23 later than 24 hours after service of the order of
24 protection;

25 (7.5) if convicted of a sex offense as defined in the
26 Sex Offender Management Board Act, the individual shall

1 undergo and successfully complete sex offender treatment
2 conducted in conformance with the standards developed by
3 the Sex Offender Management Board Act by a treatment
4 provider approved by the Board;

5 (7.6) if convicted of a sex offense as defined in the
6 Sex Offender Management Board Act, refrain from residing at
7 the same address or in the same condominium unit or
8 apartment unit or in the same condominium complex or
9 apartment complex with another person he or she knows or
10 reasonably should know is a convicted sex offender or has
11 been placed on supervision for a sex offense; the
12 provisions of this paragraph do not apply to a person
13 convicted of a sex offense who is placed in a Department of
14 Corrections licensed transitional housing facility for sex
15 offenders, or is in any facility operated or licensed by
16 the Department of Children and Family Services or by the
17 Department of Human Services, or is in any licensed medical
18 facility;

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

1 (7.8) if convicted for an offense committed on or after
2 the effective date of this amendatory Act of the 95th
3 General Assembly that would qualify the accused as a child
4 sex offender as defined in Section 11-9.3 or 11-9.4 of the
5 Criminal Code of 1961, refrain from communicating with or
6 contacting, by means of the Internet, a person who is not
7 related to the accused and whom the accused reasonably
8 believes to be under 18 years of age; for purposes of this
9 paragraph (7.8), "Internet" has the meaning ascribed to it
10 in Section 16J-5 of the Criminal Code of 1961,~~as added by~~
11 ~~Public Act 94-179~~; and a person is not related to the
12 accused if the person is not: (i) the spouse, brother, or
13 sister of the accused; (ii) a descendant of the accused;
14 (iii) a first or second cousin of the accused; or (iv) a
15 step-child or adopted child of the accused;

16 (7.9) ~~(7.8)~~ if convicted under Section 11-6, 11-20.1,
17 11-20.3, or 11-21 of the Criminal Code of 1961, consent to
18 search of computers, PDAs, cellular phones, and other
19 devices under his or her control that are capable of
20 accessing the Internet or storing electronic files, in
21 order to confirm Internet protocol addresses reported in
22 accordance with the Sex Offender Registration Act and
23 compliance with conditions in this Act;

24 (7.10) ~~(7.8)~~ if convicted for an offense that would
25 qualify the accused as a sex offender or sexual predator
26 under the Sex Offender Registration Act on or after the

1 effective date of this amendatory Act of the 95th General
2 Assembly, not possess prescription drugs for erectile
3 dysfunction;

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

6 (9) obtain permission of an agent of the Department of
7 Corrections before changing his or her residence or
8 employment;

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

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

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

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

24 (14) provide true and accurate information, as it
25 relates to his or her adjustment in the community while on
26 parole or mandatory supervised release or to his or her

1 conduct while incarcerated, in response to inquiries by his
2 or her parole agent or of the Department of Corrections;

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

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

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

23 (1) work or pursue a course of study or vocational
24 training;

25 (2) undergo medical or psychiatric treatment, or
26 treatment for drug addiction or alcoholism;

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

3 (4) support his dependents;

4 (5) (blank);

5 (6) (blank);

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

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

26 (8) in addition, if a minor:

- 1 (i) reside with his parents or in a foster home;
2 (ii) attend school;
3 (iii) attend a non-residential program for youth;
4 or
5 (iv) contribute to his own support at home or in a
6 foster home.

7 (b-1) In addition to the conditions set forth in
8 subsections (a) and (b), persons required to register as sex
9 offenders pursuant to the Sex Offender Registration Act, upon
10 release from the custody of the Illinois Department of
11 Corrections, may be required by the Board to comply with the
12 following specific conditions of release:

- 13 (1) reside only at a Department approved location;
14 (2) comply with all requirements of the Sex Offender
15 Registration Act;
16 (3) notify third parties of the risks that may be
17 occasioned by his or her criminal record;
18 (4) obtain the approval of an agent of the Department
19 of Corrections prior to accepting employment or pursuing a
20 course of study or vocational training and notify the
21 Department prior to any change in employment, study, or
22 training;
23 (5) not be employed or participate in any volunteer
24 activity that involves contact with children, except under
25 circumstances approved in advance and in writing by an
26 agent of the Department of Corrections;

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

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

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

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

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

1 (11) not patronize any business providing sexually
2 stimulating or sexually oriented entertainment nor utilize
3 "900" or adult telephone numbers;

4 (12) not reside near, visit, or be in or about parks,
5 schools, day care centers, swimming pools, beaches,
6 theaters, or any other places where minor children
7 congregate without advance approval of an agent of the
8 Department of Corrections and immediately report any
9 incidental contact with minor children to the Department;

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

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

17 (15) comply with all other special conditions that the
18 Department may impose that restrict the person from
19 high-risk situations and limit access to potential
20 victims;

21 (16) take an annual polygraph exam;

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

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

25 (c) The conditions under which the parole or mandatory
26 supervised release is to be served shall be communicated to the

1 person in writing prior to his release, and he shall sign the
2 same before release. A signed copy of these conditions,
3 including a copy of an order of protection where one had been
4 issued by the criminal court, shall be retained by the person
5 and another copy forwarded to the officer in charge of his
6 supervision.

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

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

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

25 (g) Notwithstanding any other rulemaking authority that
26 may exist, neither the Governor nor any agency or agency head

1 under the jurisdiction of the Governor has any authority to
2 make or promulgate rules to implement or enforce the provisions
3 of this amendatory Act of the 95th General Assembly. If,
4 however, the Governor believes that rules are necessary to
5 implement or enforce the provisions of this amendatory Act of
6 the 95th General Assembly, the Governor may suggest rules to
7 the General Assembly by filing them with the Clerk of the House
8 and Secretary of the Senate and by requesting that the General
9 Assembly authorize such rulemaking by law, enact those
10 suggested rules into law, or take any other appropriate action
11 in the General Assembly's discretion. Nothing contained in this
12 amendatory Act of the 95th General Assembly shall be
13 interpreted to grant rulemaking authority under any other
14 Illinois statute where such authority is not otherwise
15 explicitly given. For the purposes of this amendatory Act of
16 the 95th General Assembly, "rules" is given the meaning
17 contained in Section 1-70 of the Illinois Administrative
18 Procedure Act, and "agency" and "agency head" are given the
19 meanings contained in Sections 1-20 and 1-25 of the Illinois
20 Administrative Procedure Act to the extent that such
21 definitions apply to agencies or agency heads under the
22 jurisdiction of the Governor.

23 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
24 94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;
25 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; revised 12-26-07.)

1 (730 ILCS 5/3-14-2) (from Ch. 38, par. 1003-14-2)

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

4 (a) The Department shall retain custody of all persons
5 placed on parole or mandatory supervised release or released
6 pursuant to Section 3-3-10 of this Code and shall supervise
7 such persons during their parole or release period in accord
8 with the conditions set by the Prisoner Review Board. Such
9 conditions shall include referral to an alcohol or drug abuse
10 treatment program, as appropriate, if such person has
11 previously been identified as having an alcohol or drug abuse
12 problem. Such conditions may include that the person use an
13 approved electronic monitoring device subject to Article 8A of
14 Chapter V.

15 (b) The Department shall assign personnel to assist persons
16 eligible for parole in preparing a parole plan. Such Department
17 personnel shall make a report of their efforts and findings to
18 the Prisoner Review Board prior to its consideration of the
19 case of such eligible person.

20 (c) A copy of the conditions of his parole or release shall
21 be signed by the parolee or releasee and given to him and to
22 his supervising officer who shall report on his progress under
23 the rules and regulations of the Prisoner Review Board. The
24 supervising officer shall report violations to the Prisoner
25 Review Board and shall have the full power of peace officers in
26 the arrest and retaking of any parolees or releasees or the

1 officer may request the Department to issue a warrant for the
2 arrest of any parolee or releasee who has allegedly violated
3 his parole or release conditions.

4 (c-1) The supervising officer shall request the Department
5 to issue a parole violation warrant, and the Department shall
6 issue a parole violation warrant, under the following
7 circumstances:

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

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

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

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

15 (B) aggravated domestic battery under Section
16 12-3.3 of the Criminal Code of 1961,

17 (C) stalking under Section 12-7.3 of the Criminal
18 Code of 1961,

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

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

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

25 ~~the officer shall request the Department to issue a~~
26 ~~warrant and the Department shall issue the warrant and the~~

1 ~~officer or the Department shall file a violation report~~
2 ~~with notice of charges with the Prisoner Review Board.~~ A
3 sheriff or other peace officer may detain an alleged parole
4 or release violator until a warrant for his return to the
5 Department can be issued. The parolee or releasee may be
6 delivered to any secure place until he can be transported
7 to the Department. The officer or the Department shall file
8 a violation report with notice of charges with the Prisoner
9 Review Board.

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

19 (e) Supervising officers shall receive specialized
20 training in the special needs of female releasees or parolees
21 including the family reunification process.

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

25 (g) Notwithstanding any other rulemaking authority that
26 may exist, neither the Governor nor any agency or agency head

1 under the jurisdiction of the Governor has any authority to
2 make or promulgate rules to implement or enforce the provisions
3 of this amendatory Act of the 95th General Assembly. If,
4 however, the Governor believes that rules are necessary to
5 implement or enforce the provisions of this amendatory Act of
6 the 95th General Assembly, the Governor may suggest rules to
7 the General Assembly by filing them with the Clerk of the House
8 and Secretary of the Senate and by requesting that the General
9 Assembly authorize such rulemaking by law, enact those
10 suggested rules into law, or take any other appropriate action
11 in the General Assembly's discretion. Nothing contained in this
12 amendatory Act of the 95th General Assembly shall be
13 interpreted to grant rulemaking authority under any other
14 Illinois statute where such authority is not otherwise
15 explicitly given. For the purposes of this amendatory Act of
16 the 95th General Assembly, "rules" is given the meaning
17 contained in Section 1-70 of the Illinois Administrative
18 Procedure Act, and "agency" and "agency head" are given the
19 meanings contained in Sections 1-20 and 1-25 of the Illinois
20 Administrative Procedure Act to the extent that such
21 definitions apply to agencies or agency heads under the
22 jurisdiction of the Governor.

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