



Sen. Mattie Hunter

Filed: 3/23/2007

09500SB1391sam001

LRB095 11016 RLC 34484 a

1 AMENDMENT TO SENATE BILL 1391

2 AMENDMENT NO. _____. Amend Senate Bill 1391 by replacing
3 everything after the enacting clause with the following:

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

1 dangerous weapon;

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

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

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

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

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

17 (7.5) if convicted of a sex offense as defined in the
18 Sex Offender Management Board Act, the individual shall
19 undergo and successfully complete sex offender treatment
20 conducted in conformance with the standards developed by
21 the Sex Offender Management Board Act by a treatment
22 provider approved by the Board;

23 (7.6) if convicted of a sex offense as defined in the
24 Sex Offender Management Board Act, refrain from residing at
25 the same address or in the same condominium unit or
26 apartment unit or in the same condominium complex or

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

11 (7.7) if convicted for an offense that would qualify
12 the accused as a sexual predator under the Sex Offender
13 Registration Act on or after the effective date of this
14 amendatory Act of the 94th General Assembly, wear an
15 approved electronic monitoring device as defined in
16 Section 5-8A-2 for the duration of the person's parole,
17 mandatory supervised release term, or extended mandatory
18 supervised release term, provided funding is appropriated
19 by the General Assembly;

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

22 (9) obtain permission of an agent of the Department of
23 Corrections before changing his or her residence or
24 employment;

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

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

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

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

14 (14) provide true and accurate information, as it
15 relates to his or her adjustment in the community while on
16 parole or mandatory supervised release or to his or her
17 conduct while incarcerated, in response to inquiries by his
18 or her parole agent or of the Department of Corrections;

19 (15) follow any specific instructions provided by the
20 parole agent that are consistent with furthering
21 conditions set and approved by the Prisoner Review Board or
22 by law, exclusive of placement on electronic detention, to
23 achieve the goals and objectives of his or her parole or
24 mandatory supervised release or to protect the public.
25 These instructions by the parole agent may be modified at
26 any time, as the agent deems appropriate; and

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

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

13 (1) work or pursue a course of study or vocational
14 training;

15 (2) undergo medical or psychiatric treatment, or
16 treatment for drug addiction or alcoholism;

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

19 (4) support his dependents;

20 (5) (blank);

21 (6) (blank);

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

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

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

9 subsections (a) and (b), persons required to register as sex

10 offenders pursuant to the Sex Offender Registration Act, upon

11 release from the custody of the Illinois Department of

12 Corrections, may be required by the Board to comply with the

13 following specific conditions of release:

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

1 agent of the Department of Corrections;

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

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

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

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

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

1 to any computer or material linked to computer access use;

2 (11) not patronize any business providing sexually
3 stimulating or sexually oriented entertainment nor utilize
4 "900" or adult telephone numbers;

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

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

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

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

22 (c) The conditions under which the parole or mandatory
23 supervised release is to be served shall be communicated to the
24 person in writing prior to his release, and he shall sign the
25 same before release. A signed copy of these conditions,
26 including a copy of an order of protection where one had been

1 issued by the criminal court, shall be retained by the person
2 and another copy forwarded to the officer in charge of his
3 supervision.

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

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

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

22 (Source: P.A. 93-616, eff. 1-1-04; 93-865, eff. 1-1-05; 94-159,
23 eff. 7-11-05; 94-161, eff. 7-11-05; 94-988, eff. 1-1-07.)".