



## Adopted in House Comm. on Mar 12, 2009

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LRB096 03069 RLC 22894 a

1 AMENDMENT TO HOUSE BILL 327

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 327 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 (Text of Section after amendment by P.A. 95-983)

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

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

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

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

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

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

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

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

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

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 and if convicted for an offense of  
20 criminal sexual assault, aggravated criminal sexual  
21 assault, predatory criminal sexual assault of a child,  
22 criminal sexual abuse, aggravated criminal sexual abuse,  
23 or ritualized abuse of a child committed on or after the  
24 effective date of this amendatory Act of the 96th General  
25 Assembly when the victim was under 18 years of age at the  
26 time of the commission of the offense and the defendant

1       used force or the threat of force in the commission of the  
2       offense wear an approved electronic monitoring device as  
3       defined in Section 5-8A-2 that has Global Positioning  
4       System (GPS) capability for the duration of the person's  
5       parole, mandatory supervised release term, or extended  
6       mandatory supervised release term;

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

22           (7.9) if convicted under Section 11-6, 11-20.1,  
23      11-20.3, or 11-21 of the Criminal Code of 1961, consent to  
24      search of computers, PDAs, cellular phones, and other  
25      devices under his or her control that are capable of  
26      accessing the Internet or storing electronic files, in

1 order to confirm Internet protocol addresses reported in  
2 accordance with the Sex Offender Registration Act and  
3 compliance with conditions in this Act;

4 (7.10) if convicted for an offense that would qualify  
5 the accused as a sex offender or sexual predator under the  
6 Sex Offender Registration Act on or after the effective  
7 date of this amendatory Act of the 95th General Assembly,  
8 not possess prescription drugs for erectile dysfunction;

9 (7.11) if convicted for an offense under Section 11-6,  
10 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal  
11 Code of 1961, or any attempt to commit any of these  
12 offenses, committed on or after June 1, 2009 (the effective  
13 date of Public Act 95-983) ~~this amendatory Act of the 95th~~  
14 ~~General Assembly:~~

15 (i) not access or use a computer or any other  
16 device with Internet capability without the prior  
17 written approval of the Department;

18 (ii) submit to periodic unannounced examinations  
19 of the offender's computer or any other device with  
20 Internet capability by the offender's supervising  
21 agent, a law enforcement officer, or assigned computer  
22 or information technology specialist, including the  
23 retrieval and copying of all data from the computer or  
24 device and any internal or external peripherals and  
25 removal of such information, equipment, or device to  
26 conduct a more thorough inspection;

1           (iii) submit to the installation on the offender's  
2 computer or device with Internet capability, at the  
3 offender's expense, of one or more hardware or software  
4 systems to monitor the Internet use; and

5           (iv) submit to any other appropriate restrictions  
6 concerning the offender's use of or access to a  
7 computer or any other device with Internet capability  
8 imposed by the Board, the Department or the offender's  
9 supervising agent;

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

12          (9) obtain permission of an agent of the Department of  
13 Corrections before changing his or her residence or  
14 employment;

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

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

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

24          (13) not knowingly associate with other persons on  
25 parole or mandatory supervised release without prior  
26 written permission of his or her parole agent and not

1 associate with persons who are members of an organized gang  
2 as that term is defined in the Illinois Streetgang  
3 Terrorism Omnibus Prevention Act;

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

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

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

1           (17) if convicted of a violation of an order of  
2 protection under Section 12-30 of the Criminal Code of  
3 1961, be placed under electronic surveillance as provided  
4 in Section 5-8A-7 of this Code.

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

7           (1) work or pursue a course of study or vocational  
8 training;

9           (2) undergo medical or psychiatric treatment, or  
10 treatment for drug addiction or alcoholism;

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

13           (4) support his dependents;

14           (5) (blank);

15           (6) (blank);

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

21           (7.5) if convicted for an offense committed on or after  
22 the effective date of this amendatory Act of the 95th  
23 General Assembly that would qualify the accused as a child  
24 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
25 Criminal Code of 1961, refrain from communicating with or  
26 contacting, by means of the Internet, a person who is



1 related to the accused and whom the accused reasonably  
2 believes to be under 18 years of age; for purposes of this  
3 paragraph (7.5), "Internet" has the meaning ascribed to it  
4 in Section 16J-5 of the Criminal Code of 1961; and a person  
5 is related to the accused if the person is: (i) the spouse,  
6 brother, or sister of the accused; (ii) a descendant of the  
7 accused; (iii) a first or second cousin of the accused; or  
8 (iv) a step-child or adopted child of the accused;

9 (7.6) if convicted for an offense committed on or after  
10 June 1, 2009 (the effective date of Public Act 95-983) ~~this~~  
11 ~~amendatory Act of the 95th General Assembly~~ that would  
12 qualify as a sex offense as defined in the Sex Offender  
13 Registration Act:

14 (i) not access or use a computer or any other  
15 device with Internet capability without the prior  
16 written approval of the Department;

17 (ii) submit to periodic unannounced examinations  
18 of the offender's computer or any other device with  
19 Internet capability by the offender's supervising  
20 agent, a law enforcement officer, or assigned computer  
21 or information technology specialist, including the  
22 retrieval and copying of all data from the computer or  
23 device and any internal or external peripherals and  
24 removal of such information, equipment, or device to  
25 conduct a more thorough inspection;

26 (iii) submit to the installation on the offender's

1 computer or device with Internet capability, at the  
2 offender's expense, of one or more hardware or software  
3 systems to monitor the Internet use; and

4 (iv) submit to any other appropriate restrictions  
5 concerning the offender's use of or access to a  
6 computer or any other device with Internet capability  
7 imposed by the Board, the Department or the offender's  
8 supervising agent; and

9 (8) in addition, if a minor:

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

11 (ii) attend school;

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

13 or

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

16 (b-1) In addition to the conditions set forth in  
17 subsections (a) and (b), persons required to register as sex  
18 offenders pursuant to the Sex Offender Registration Act, upon  
19 release from the custody of the Illinois Department of  
20 Corrections, may be required by the Board to comply with the  
21 following specific conditions of release:

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

23 (2) comply with all requirements of the Sex Offender  
24 Registration Act;

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

1           (4) obtain the approval of an agent of the Department  
2 of Corrections prior to accepting employment or pursuing a  
3 course of study or vocational training and notify the  
4 Department prior to any change in employment, study, or  
5 training;

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

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

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

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

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

1           (10) neither possess or have under his or her control  
2 any material that is sexually oriented, sexually  
3 stimulating, or that shows male or female sex organs or any  
4 pictures depicting children under 18 years of age nude or  
5 any written or audio material describing sexual  
6 intercourse or that depicts or alludes to sexual activity,  
7 including but not limited to visual, auditory, telephonic,  
8 or electronic media, or any matter obtained through access  
9 to any computer or material linked to computer access use;

10           (11) not patronize any business providing sexually  
11 stimulating or sexually oriented entertainment nor utilize  
12 "900" or adult telephone numbers;

13           (12) not reside near, visit, or be in or about parks,  
14 schools, day care centers, swimming pools, beaches,  
15 theaters, or any other places where minor children  
16 congregate without advance approval of an agent of the  
17 Department of Corrections and immediately report any  
18 incidental contact with minor children to the Department;

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

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

26           (15) comply with all other special conditions that the

1 Department may impose that restrict the person from  
2 high-risk situations and limit access to potential  
3 victims;

4 (16) take an annual polygraph exam;

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

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

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

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

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

23 (f) When the subject is in compliance with all conditions  
24 of his or her parole or mandatory supervised release, the  
25 subject shall receive a reduction of the period of his or her  
26 parole or mandatory supervised release of 90 days upon passage

1 of the high school level Test of General Educational  
2 Development during the period of his or her parole or mandatory  
3 supervised release. This reduction in the period of a subject's  
4 term of parole or mandatory supervised release shall be  
5 available only to subjects who have not previously earned a  
6 high school diploma or who have not previously passed the high  
7 school level Test of General Educational Development.

8 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
9 94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;  
10 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;  
11 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; revised 10-20-08.)

12 Section 99. Effective date. This Act takes effect June 1,  
13 2009.".