



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB2047

by Rep. Dennis M. Reboletti

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-7

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

730 ILCS 5/3-3-8

from Ch. 38, par. 1003-3-8

Amends the Unified Code of Corrections clarifying date ambiguities and moving a clause regarding reduction of parole or mandatory supervised release upon passing the GED to another Section in the Code. Also provides that if the subject is in compliance with the terms and conditions of his or her parole or mandatory supervised release, the Prisoner Review Board may reduce the period of a parolee or releasee's parole or mandatory supervised release by 90 days upon the parolee or releasee receiving a high school diploma during the period of his or her parole or mandatory supervised release.

LRB097 10617 RLC 51008 b

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 3-3-8 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

1 instruction or residence of persons on parole or mandatory
2 supervised release;

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

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

10 (7.5) if convicted of a sex offense as defined in the
11 Sex Offender Management Board Act, the individual shall
12 undergo and successfully complete sex offender treatment
13 conducted in conformance with the standards developed by
14 the Sex Offender Management Board Act by a treatment
15 provider approved by the Board;

16 (7.6) if convicted of a sex offense as defined in the
17 Sex Offender Management Board Act, refrain from residing at
18 the same address or in the same condominium unit or
19 apartment unit or in the same condominium complex or
20 apartment complex with another person he or she knows or
21 reasonably should know is a convicted sex offender or has
22 been placed on supervision for a sex offense; the
23 provisions of this paragraph do not apply to a person
24 convicted of a sex offense who is placed in a Department of
25 Corrections licensed transitional housing facility for sex
26 offenders, or is in any facility operated or licensed by

1 the Department of Children and Family Services or by the
2 Department of Human Services, or is in any licensed medical
3 facility;

4 (7.7) if convicted for an offense that would qualify
5 the accused as a sexual predator under the Sex Offender
6 Registration Act on or after January 1, 2007 (the effective
7 date of Public Act 94-988) ~~the effective date of this~~
8 ~~amendatory Act of the 94th General Assembly~~, wear an
9 approved electronic monitoring device as defined in
10 Section 5-8A-2 for the duration of the person's parole,
11 mandatory supervised release term, or extended mandatory
12 supervised release term and if convicted for an offense of
13 criminal sexual assault, aggravated criminal sexual
14 assault, predatory criminal sexual assault of a child,
15 criminal sexual abuse, aggravated criminal sexual abuse,
16 or ritualized abuse of a child committed on or after August
17 11, 2009 (the effective date of Public Act 96-236) when the
18 victim was under 18 years of age at the time of the
19 commission of the offense and the defendant used force or
20 the threat of force in the commission of the offense wear
21 an approved electronic monitoring device as defined in
22 Section 5-8A-2 that has Global Positioning System (GPS)
23 capability for the duration of the person's parole,
24 mandatory supervised release term, or extended mandatory
25 supervised release term;

26 (7.8) if convicted for an offense committed on or after

1 June 1, 2008 (the effective date of Public Act 95-464) ~~the~~
2 ~~effective date of this amendatory Act of the 95th General~~
3 ~~Assembly~~ that would qualify the accused as a child sex
4 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; and a person
11 is not related to the accused if the person is not: (i) the
12 spouse, brother, or sister of the accused; (ii) a
13 descendant of the accused; (iii) a first or second cousin
14 of the accused; or (iv) a step-child or adopted child of
15 the accused;

16 (7.9) 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) if convicted for an offense that would qualify
25 the accused as a sex offender or sexual predator under the
26 Sex Offender Registration Act on or after June 1, 2008 (the

1 effective date of Public Act 95-640) ~~the effective date of~~
2 ~~this amendatory Act of the 95th General Assembly,~~ not
3 possess prescription drugs for erectile dysfunction;

4 (7.11) if convicted for an offense under Section 11-6,
5 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
6 Code of 1961, or any attempt to commit any of these
7 offenses, committed on or after June 1, 2009 (the effective
8 date of Public Act 95-983):

9 (i) not access or use a computer or any other
10 device with Internet capability without the prior
11 written approval of the Department;

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

21 (iii) submit to the installation on the offender's
22 computer or device with Internet capability, at the
23 offender's expense, of one or more hardware or software
24 systems to monitor the Internet use; and

25 (iv) submit to any other appropriate restrictions
26 concerning the offender's use of or access to a

1 computer or any other device with Internet capability
2 imposed by the Board, the Department or the offender's
3 supervising agent;

4 (7.12) if convicted of a sex offense as defined in the
5 Sex Offender Registration Act committed on or after January
6 1, 2010 (the effective date of Public Act 96-262), refrain
7 from accessing or using a social networking website as
8 defined in Section 16D-2 of the Criminal Code of 1961;

9 (7.13) if convicted of a sex offense as defined in
10 Section 2 of the Sex Offender Registration Act committed on
11 or after January 1, 2010 (the effective date of Public Act
12 96-362) that requires the person to register as a sex
13 offender under that Act, may not knowingly use any computer
14 scrub software on any computer that the sex offender uses;

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

17 (9) obtain permission of an agent of the Department of
18 Corrections before changing his or her residence or
19 employment;

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

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

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

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

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

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

22 (16) if convicted of a sex offense as defined in
23 subsection (a-5) of Section 3-1-2 of this Code, unless the
24 offender is a parent or guardian of the person under 18
25 years of age present in the home and no non-familial minors
26 are present, not participate in a holiday event involving

1 children under 18 years of age, such as distributing candy
2 or other items to children on Halloween, wearing a Santa
3 Claus costume on or preceding Christmas, being employed as
4 a department store Santa Claus, or wearing an Easter Bunny
5 costume on or preceding Easter; and

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

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

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

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

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

18 (4) support his dependents;

19 (5) (blank);

20 (6) (blank);

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

26 (7.5) if convicted for an offense committed on or after

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

14 (7.6) if convicted for an offense committed on or after
15 June 1, 2009 (the effective date of Public Act 95-983) that
16 would qualify as a sex offense as defined in the Sex
17 Offender Registration Act:

18 (i) not access or use a computer or any other
19 device with Internet capability without the prior
20 written approval of the Department;

21 (ii) submit to periodic unannounced examinations
22 of the offender's computer or any other device with
23 Internet capability by the offender's supervising
24 agent, a law enforcement officer, or assigned computer
25 or information technology specialist, including the
26 retrieval and copying of all data from the computer or

1 device and any internal or external peripherals and
2 removal of such information, equipment, or device to
3 conduct a more thorough inspection;

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

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

13 (8) in addition, if a minor:

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

15 (ii) attend school;

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

17 or

18 (iv) contribute to his own support at home or in a
19 foster home.

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

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

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

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

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

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

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

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

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

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

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

14 (11) not patronize any business providing sexually
15 stimulating or sexually oriented entertainment nor utilize
16 "900" or adult telephone numbers;

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

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

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

4 (15) comply with all other special conditions that the
5 Department may impose that restrict the person from
6 high-risk situations and limit access to potential
7 victims;

8 (16) take an annual polygraph exam;

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

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

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

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

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

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

12 (Source: P.A. 95-464, eff. 6-1-08; 95-539, eff. 1-1-08; 95-579,
13 eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09; 95-876,
14 eff. 8-21-08; 95-983, eff. 6-1-09; 96-236, eff. 8-11-09;
15 96-262, eff. 1-1-10; 96-328, eff. 8-11-09; 96-362, eff. 1-1-10;
16 96-1000, eff. 7-2-10.)

17 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

18 Sec. 3-3-8. Length of parole and mandatory supervised
19 release; discharge.)

20 (a) The length of parole for a person sentenced under the
21 law in effect prior to the effective date of this amendatory
22 Act of 1977 and the length of mandatory supervised release for
23 those sentenced under the law in effect on and after such
24 effective date shall be as set out in Section 5-8-1 unless
25 sooner terminated under paragraph (b) of this Section. The

1 parole period of a juvenile committed to the Department under
2 the Juvenile Court Act or the Juvenile Court Act of 1987 shall
3 extend until he is 21 years of age unless sooner terminated
4 under paragraph (b) of this Section.

5 (b) The Prisoner Review Board may enter an order releasing
6 and discharging one from parole or mandatory supervised
7 release, and his commitment to the Department, when it
8 determines that he is likely to remain at liberty without
9 committing another offense.

10 (b-1) Provided that the subject is in compliance with the
11 terms and conditions of his or her parole or mandatory
12 supervised release, the Prisoner Review Board may reduce the
13 period of a parolee or releasee's parole or mandatory
14 supervised release by 90 days upon the parolee or releasee
15 receiving a high school diploma or upon passage of the high
16 school level Test of General Educational Development during the
17 period of his or her parole or mandatory supervised release.
18 This reduction in the period of a subject's term of parole or
19 mandatory supervised release shall be available only to
20 subjects who have not previously earned a high school diploma
21 or who have not previously passed the high school level Test of
22 General Educational Development.

23 (c) The order of discharge shall become effective upon
24 entry of the order of the Board. The Board shall notify the
25 clerk of the committing court of the order. Upon receipt of
26 such copy, the clerk shall make an entry on the record judgment

1 that the sentence or commitment has been satisfied pursuant to
2 the order.

3 (d) Rights of the person discharged under this Section
4 shall be restored under Section 5-5-5. This Section is subject
5 to Section 5-750 of the Juvenile Court Act of 1987.

6 (Source: P.A. 90-590, eff. 1-1-99.)