



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3198

Introduced 2/24/2011, by Rep. Esther Golar

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-7

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

Amends the Unified Code of Corrections. Provides that a condition of parole or mandatory supervised release is that a parolee or releasee convicted of a sex offense requiring registration under the Sex Offender Registration Act, when the victim at the time of the offense was under 15 years of age and the offender committed the sex offense without the consent of the victim, not reside in a home in which a child or children under 18 years of age are living.

LRB097 08476 RLC 48603 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 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
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 the effective date of this
7 amendatory Act of the 94th General Assembly, wear an
8 approved electronic monitoring device as defined in
9 Section 5-8A-2 for the duration of the person's parole,
10 mandatory supervised release term, or extended mandatory
11 supervised release term and if convicted for an offense of
12 criminal sexual assault, aggravated criminal sexual
13 assault, predatory criminal sexual assault of a child,
14 criminal sexual abuse, aggravated criminal sexual abuse,
15 or ritualized abuse of a child committed on or after August
16 11, 2009 (the effective date of Public Act 96-236) when the
17 victim was under 18 years of age at the time of the
18 commission of the offense and the defendant used force or
19 the threat of force in the commission of the offense wear
20 an approved electronic monitoring device as defined in
21 Section 5-8A-2 that has Global Positioning System (GPS)
22 capability for the duration of the person's parole,
23 mandatory supervised release term, or extended mandatory
24 supervised release term;

25 (7.8) if convicted for an offense committed on or after
26 the effective date of this amendatory Act of the 95th

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

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

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

1 (7.11) if convicted for an offense under Section 11-6,
2 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
3 Code of 1961, or any attempt to commit any of these
4 offenses, committed on or after June 1, 2009 (the effective
5 date of Public Act 95-983):

6 (i) not access or use a computer or any other
7 device with Internet capability without the prior
8 written approval of the Department;

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

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

22 (iv) submit to any other appropriate restrictions
23 concerning the offender's use of or access to a
24 computer or any other device with Internet capability
25 imposed by the Board, the Department or the offender's
26 supervising agent;

1 (7.12) if convicted of a sex offense as defined in the
2 Sex Offender Registration Act committed on or after January
3 1, 2010 (the effective date of Public Act 96-262), refrain
4 from accessing or using a social networking website as
5 defined in Section 16D-2 of the Criminal Code of 1961;

6 (7.13) if convicted of a sex offense as defined in
7 Section 2 of the Sex Offender Registration Act committed on
8 or after January 1, 2010 (the effective date of Public Act
9 96-362) that requires the person to register as a sex
10 offender under that Act, may not knowingly use any computer
11 scrub software on any computer that the sex offender uses;

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

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

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

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

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

26 (13) not knowingly associate with other persons on

1 parole or mandatory supervised release without prior
2 written permission of his or her parole agent and not
3 associate with persons who are members of an organized gang
4 as that term is defined in the Illinois Streetgang
5 Terrorism Omnibus Prevention Act;

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

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

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

1 a department store Santa Claus, or wearing an Easter Bunny
2 costume on or preceding Easter; ~~and~~

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

7 (18) if convicted of a sex offense requiring
8 registration under the Sex Offender Registration Act, when
9 the victim at the time of the offense was under 15 years of
10 age and the offender committed the sex offense without the
11 consent of the victim, not reside in a home in which a
12 child or children under 18 years of age are living.

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

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

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

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

21 (4) support his dependents;

22 (5) (blank);

23 (6) (blank);

24 (7) comply with the terms and conditions of an order of
25 protection issued pursuant to the Illinois Domestic
26 Violence Act of 1986, enacted by the 84th General Assembly,

1 or an order of protection issued by the court of another
2 state, tribe, or United States territory;

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

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

21 (i) not access or use a computer or any other
22 device with Internet capability without the prior
23 written approval of the Department;

24 (ii) submit to periodic unannounced examinations
25 of the offender's computer or any other device with
26 Internet capability by the offender's supervising

1 agent, a law enforcement officer, or assigned computer
2 or information technology specialist, including the
3 retrieval and copying of all data from the computer or
4 device and any internal or external peripherals and
5 removal of such information, equipment, or device to
6 conduct a more thorough inspection;

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

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

16 (8) in addition, if a minor:

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

18 (ii) attend school;

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

20 or

21 (iv) contribute to his own support at home or in a
22 foster home.

23 (b-1) In addition to the conditions set forth in
24 subsections (a) and (b), persons required to register as sex
25 offenders pursuant to the Sex Offender Registration Act, upon
26 release from the custody of the Illinois Department of

1 Corrections, may be required by the Board to comply with the
2 following specific conditions of release:

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

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

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

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

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

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

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

24 (8) refrain from having any contact, including written
25 or oral communications, directly or indirectly, personally
26 or by telephone, letter, or through a third party with

1 certain specified persons including, but not limited to,
2 the victim or the victim's family without the prior written
3 approval of an agent of the Department of Corrections;

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

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

17 (11) not patronize any business providing sexually
18 stimulating or sexually oriented entertainment nor utilize
19 "900" or adult telephone numbers;

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

26 (13) not possess or have under his or her control

1 certain specified items of contraband related to the
2 incidence of sexually offending as determined by an agent
3 of the Department of Corrections;

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

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

11 (16) take an annual polygraph exam;

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

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

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

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

26 (e) The Department shall inform all offenders committed to

1 the Department of the optional services available to them upon
2 release and shall assist inmates in availing themselves of such
3 optional services upon their release on a voluntary basis.

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

15 (Source: P.A. 95-464, eff. 6-1-08; 95-539, eff. 1-1-08; 95-579,
16 eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09; 95-876,
17 eff. 8-21-08; 95-983, eff. 6-1-09; 96-236, eff. 8-11-09;
18 96-262, eff. 1-1-10; 96-328, eff. 8-11-09; 96-362, eff. 1-1-10;
19 96-1000, eff. 7-2-10.)