



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3583

Introduced 2/24/2011, by Rep. Michelle Mussman

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-7

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

Amends the Unified Code of Corrections. Provides that as a condition of parole and mandatory supervised release the subject, if convicted for an offense that would qualify the accused as a sex offender under the Sex Offender Registration Act on or after the effective date of the amendatory Act, shall wear an approved electronic monitoring device that has Global Positioning System (GPS) capability for the duration of the person's natural life.

LRB097 07236 RLC 47344 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 and before the
8 effective date of this amendatory Act of the 97th General
9 Assembly, wear an approved electronic monitoring device as
10 defined in Section 5-8A-2 for the duration of the person's
11 parole, mandatory supervised release term, or extended
12 mandatory supervised release term and if convicted for an
13 offense of criminal sexual assault, aggravated criminal
14 sexual assault, predatory criminal sexual assault of a
15 child, criminal sexual abuse, aggravated criminal sexual
16 abuse, or ritualized abuse of a child committed on or after
17 August 11, 2009 (the effective date of Public Act 96-236)
18 and before the effective date of this amendatory Act of the
19 97th General Assembly when the victim was under 18 years of
20 age at the time of the commission of the offense and the
21 defendant used force or the threat of force in the
22 commission of the offense wear an approved electronic
23 monitoring device as defined in Section 5-8A-2 that has
24 Global Positioning System (GPS) capability for the
25 duration of the person's parole, mandatory supervised
26 release term, or extended mandatory supervised release

1 term and if convicted for an offense that would qualify the
2 accused as a sex offender under the Sex Offender
3 Registration Act on or after the effective date of this
4 amendatory Act of the 97th General Assembly, wear an
5 approved electronic monitoring device as defined in
6 Section 5-8A-2 that has Global Positioning System (GPS)
7 capability for the duration of the person's natural life;

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

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

1 accessing the Internet or storing electronic files, in
2 order to confirm Internet protocol addresses reported in
3 accordance with the Sex Offender Registration Act and
4 compliance with conditions in this Act;

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

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

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 (7.12) if convicted of a sex offense as defined in the
11 Sex Offender Registration Act committed on or after January
12 1, 2010 (the effective date of Public Act 96-262), refrain
13 from accessing or using a social networking website as
14 defined in Section 16D-2 of the Criminal Code of 1961;

15 (7.13) if convicted of a sex offense as defined in
16 Section 2 of the Sex Offender Registration Act committed on
17 or after January 1, 2010 (the effective date of Public Act
18 96-362) that requires the person to register as a sex
19 offender under that Act, may not knowingly use any computer
20 scrub software on any computer that the sex offender uses;

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

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

26 (10) consent to a search of his or her person,

1 property, or residence under his or her control;

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

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

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

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

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

1 any time, as the agent deems appropriate;

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

12 (17) if convicted of a violation of an order of
13 protection under Section 12-30 of the Criminal Code of
14 1961, be placed under electronic surveillance as provided
15 in Section 5-8A-7 of this Code.

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

18 (1) work or pursue a course of study or vocational
19 training;

20 (2) undergo medical or psychiatric treatment, or
21 treatment for drug addiction or alcoholism;

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

24 (4) support his dependents;

25 (5) (blank);

26 (6) (blank);

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

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

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

24 (i) not access or use a computer or any other
25 device with Internet capability without the prior
26 written approval of the Department;

1 (ii) submit to periodic unannounced examinations
2 of the offender's computer or any other device with
3 Internet capability by the offender's supervising
4 agent, a law enforcement officer, or assigned computer
5 or information technology specialist, including the
6 retrieval and copying of all data from the computer or
7 device and any internal or external peripherals and
8 removal of such information, equipment, or device to
9 conduct a more thorough inspection;

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

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

19 (8) in addition, if a minor:

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

21 (ii) attend school;

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

23 or

24 (iv) contribute to his own support at home or in a
25 foster home.

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

1 subsections (a) and (b), persons required to register as sex
2 offenders pursuant to the Sex Offender Registration Act, upon
3 release from the custody of the Illinois Department of
4 Corrections, may be required by the Board to comply with the
5 following specific conditions of release:

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

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

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

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

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

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

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

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

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

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

20 (11) not patronize any business providing sexually
21 stimulating or sexually oriented entertainment nor utilize
22 "900" or adult telephone numbers;

23 (12) not reside near, visit, or be in or about parks,
24 schools, day care centers, swimming pools, beaches,
25 theaters, or any other places where minor children
26 congregate without advance approval of an agent of the

1 Department of Corrections and immediately report any
2 incidental contact with minor children to the Department;

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

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

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

14 (16) take an annual polygraph exam;

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

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

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

26 (d) After a hearing under Section 3-3-9, the Prisoner

1 Review Board may modify or enlarge the conditions of parole or
2 mandatory supervised release.

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

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

18 (Source: P.A. 95-464, eff. 6-1-08; 95-539, eff. 1-1-08; 95-579,
19 eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09; 95-876,
20 eff. 8-21-08; 95-983, eff. 6-1-09; 96-236, eff. 8-11-09;
21 96-262, eff. 1-1-10; 96-328, eff. 8-11-09; 96-362, eff. 1-1-10;
22 96-1000, eff. 7-2-10.)