



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3196

by Rep. Martin J Moylan

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.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 and immediately report service or notification of
10 an order of protection, a civil no contact order, or a
11 stalking no contact order to an agent of the Department of
12 Corrections;

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

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

1 convicted of a sex offense who is placed in a Department of
2 Corrections licensed transitional housing facility for sex
3 offenders, or is in any facility operated or licensed by
4 the Department of Children and Family Services or by the
5 Department of Human Services, or is in any licensed medical
6 facility;

7 (7.7) if convicted for an offense that would qualify
8 the accused as a sexual predator under the Sex Offender
9 Registration Act on or after January 1, 2007 (the effective
10 date of Public Act 94-988) and before the effective date of
11 this amendatory Act of the 98th General Assembly, wear an
12 approved electronic monitoring device as defined in
13 Section 5-8A-2 for the duration of the person's parole,
14 mandatory supervised release term, or extended mandatory
15 supervised release term and if convicted for an offense of
16 criminal sexual assault, aggravated criminal sexual
17 assault, predatory criminal sexual assault of a child,
18 criminal sexual abuse, aggravated criminal sexual abuse,
19 or ritualized abuse of a child committed on or after August
20 11, 2009 (the effective date of Public Act 96-236) and
21 before the effective date of this amendatory Act of the
22 98th General Assembly when the victim was under 18 years of
23 age at the time of the commission of the offense and the
24 defendant used force or the threat of force in the
25 commission of the offense wear an approved electronic
26 monitoring device as defined in Section 5-8A-2 that has

1 Global Positioning System (GPS) capability for the
2 duration of the person's parole, mandatory supervised
3 release term, or extended mandatory supervised release
4 term and if convicted for an offense that would qualify the
5 accused as a sex offender under the Sex Offender
6 Registration Act on or after the effective date of this
7 amendatory Act of the 98th General Assembly, wear an
8 approved electronic monitoring device as defined in
9 Section 5-8A-2 that has Global Positioning System (GPS)
10 capability for the duration of the person's natural life;

11 (7.8) if convicted for an offense committed on or after
12 June 1, 2008 (the effective date of Public Act 95-464) that
13 would qualify the accused as a child sex offender as
14 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
15 1961 or the Criminal Code of 2012, refrain from
16 communicating with or contacting, by means of the Internet,
17 a person who is not related to the accused and whom the
18 accused reasonably believes to be under 18 years of age;
19 for purposes of this paragraph (7.8), "Internet" has the
20 meaning ascribed to it in Section 16-0.1 of the Criminal
21 Code of 2012 ~~1961~~; and a person is not related to the
22 accused if the person is not: (i) the spouse, brother, or
23 sister of the accused; (ii) a descendant of the accused;
24 (iii) a first or second cousin of the accused; or (iv) a
25 step-child or adopted child of the accused;

26 (7.9) if convicted under Section 11-6, 11-20.1,

1 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or
2 the Criminal Code of 2012, consent to search of computers,
3 PDAs, cellular phones, and other devices under his or her
4 control that are capable of accessing the Internet or
5 storing electronic files, in order to confirm Internet
6 protocol addresses reported in accordance with the Sex
7 Offender Registration Act and compliance with conditions
8 in this Act;

9 (7.10) if convicted for an offense that would qualify
10 the accused as a sex offender or sexual predator under the
11 Sex Offender Registration Act on or after June 1, 2008 (the
12 effective date of Public Act 95-640), not possess
13 prescription drugs for erectile dysfunction;

14 (7.11) if convicted for an offense under Section 11-6,
15 11-9.1, 11-14.4 that involves soliciting for a juvenile
16 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
17 of the Criminal Code of 1961 or the Criminal Code of 2012,
18 or any attempt to commit any of these offenses, committed
19 on or after June 1, 2009 (the effective date of Public Act
20 95-983):

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;

16 (7.12) if convicted of a sex offense as defined in the
17 Sex Offender Registration Act committed on or after January
18 1, 2010 (the effective date of Public Act 96-262), refrain
19 from accessing or using a social networking website as
20 defined in Section 17-0.5 of the Criminal Code of 2012
21 ~~1961~~;

22 (7.13) if convicted of a sex offense as defined in
23 Section 2 of the Sex Offender Registration Act committed on
24 or after January 1, 2010 (the effective date of Public Act
25 96-362) that requires the person to register as a sex
26 offender under that Act, may not knowingly use any computer

1 scrub software on any computer that the sex offender uses;

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

4 (9) obtain permission of an agent of the Department of
5 Corrections before changing his or her residence or
6 employment;

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

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

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

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

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

1 (15) follow any specific instructions provided by the
2 parole agent that are consistent with furthering
3 conditions set and approved by the Prisoner Review Board or
4 by law, exclusive of placement on electronic detention, to
5 achieve the goals and objectives of his or her parole or
6 mandatory supervised release or to protect the public.
7 These instructions by the parole agent may be modified at
8 any time, as the agent deems appropriate;

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

19 (17) if convicted of a violation of an order of
20 protection under Section 12-3.4 or Section 12-30 of the
21 Criminal Code of 1961 or the Criminal Code of 2012, be
22 placed under electronic surveillance as provided in
23 Section 5-8A-7 of this Code;

24 (18) comply with the terms and conditions of an order
25 of protection issued pursuant to the Illinois Domestic
26 Violence Act of 1986; an order of protection issued by the

1 court of another state, tribe, or United States territory;
2 a no contact order issued pursuant to the Civil No Contact
3 Order Act; or a no contact order issued pursuant to the
4 Stalking No Contact Order Act; and

5 (19) if convicted of a violation of the Methamphetamine
6 Control and Community Protection Act, the Methamphetamine
7 Precursor Control Act, or a methamphetamine related
8 offense, be:

9 (A) prohibited from purchasing, possessing, or
10 having under his or her control any product containing
11 pseudoephedrine unless prescribed by a physician; and

12 (B) prohibited from purchasing, possessing, or
13 having under his or her control any product containing
14 ammonium nitrate.

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

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

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

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

23 (4) support his dependents;

24 (5) (blank);

25 (6) (blank);

26 (7) (blank);

1 (7.5) if convicted for an offense committed on or after
2 the effective date of this amendatory Act of the 95th
3 General Assembly that would qualify the accused as a child
4 sex offender as defined in Section 11-9.3 or 11-9.4 of the
5 Criminal Code of 1961 or the Criminal Code of 2012, refrain
6 from communicating with or contacting, by means of the
7 Internet, a person who is related to the accused and whom
8 the accused reasonably believes to be under 18 years of
9 age; for purposes of this paragraph (7.5), "Internet" has
10 the meaning ascribed to it in Section 16-0.1 of the
11 Criminal Code of 2012 ~~1961~~; and a person is related to the
12 accused if the person is: (i) the spouse, brother, or
13 sister of the accused; (ii) a descendant of the accused;
14 (iii) a first or second cousin of the accused; or (iv) a
15 step-child or adopted child of the accused;

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

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

23 (ii) submit to periodic unannounced examinations
24 of the offender's computer or any other device with
25 Internet capability by the offender's supervising
26 agent, a law enforcement officer, or assigned computer

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

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

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

15 (8) in addition, if a minor:

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

17 (ii) attend school;

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

19 or

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

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

1 following specific conditions of release:

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

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

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

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

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

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

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

23 (8) refrain from having any contact, including written
24 or oral communications, directly or indirectly, personally
25 or by telephone, letter, or through a third party with
26 certain specified persons including, but not limited to,

1 the victim or the victim's family without the prior written
2 approval of an agent of the Department of Corrections;

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

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

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

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

25 (13) not possess or have under his or her control
26 certain specified items of contraband related to the

1 incidence of sexually offending as determined by an agent
2 of the Department of Corrections;

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

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

10 (16) take an annual polygraph exam;

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

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

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

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

25 (e) The Department shall inform all offenders committed to
26 the Department of the optional services available to them upon

1 release and shall assist inmates in availing themselves of such
2 optional services upon their release on a voluntary basis.

3 (f) (Blank).

4 (Source: P.A. 96-236, eff. 8-11-09; 96-262, eff. 1-1-10;
5 96-328, eff. 8-11-09; 96-362, eff. 1-1-10; 96-1000, eff.
6 7-2-10; 96-1539, eff. 3-4-11; 96-1551, Article 2, Section 1065,
7 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
8 97-50, eff. 6-28-11; 97-531, eff. 1-1-12; 97-560, eff. 1-1-12;
9 97-597, eff. 1-1-12; 97-1109, eff. 1-1-13.)