



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4448

by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-7
730 ILCS 5/3-14-1

from Ch. 38, par. 1003-3-7
from Ch. 38, par. 1003-14-1

Amends the Unified Code of Corrections. Provides that as a condition of parole or mandatory supervised release, a person placed on parole or mandatory supervised release must reside within the county where the subject resided immediately prior to his or her commitment to the Department of Corrections. Provides that upon release of a person on parole or mandatory supervised release, the Department of Corrections shall release the person only to an address located in the county where the subject resided immediately prior to his or her commitment to the Department.

LRB098 17123 RLC 52210 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 3-14-1 as follows:

6 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

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

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

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

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

19 (3) report to an agent of the Department of Corrections
20 or to the Department of Juvenile Justice;

21 (4) permit the agent or aftercare specialist to visit
22 him or her at his or her home, employment, or elsewhere to
23 the extent necessary for the agent or aftercare specialist

1 to discharge his or her duties;

2 (5) attend or reside in a facility established for the
3 instruction or residence of persons on parole, aftercare
4 release, or mandatory supervised release;

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

8 (7) report all arrests to an agent of the Department of
9 Corrections or to the Department of Juvenile Justice as
10 soon as permitted by the arresting authority but in no
11 event later than 24 hours after release from custody and
12 immediately report service or notification of an order of
13 protection, a civil no contact order, or a stalking no
14 contact order to an agent of the Department of Corrections;

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

21 (7.6) if convicted of a sex offense as defined in the
22 Sex Offender Management Board Act, refrain from residing at
23 the same address or in the same condominium unit or
24 apartment unit or in the same condominium complex or
25 apartment complex with another person he or she knows or
26 reasonably should know is a convicted sex offender or has

1 been placed on supervision for a sex offense; the
2 provisions of this paragraph do not apply to a person
3 convicted of a sex offense who is placed in a Department of
4 Corrections licensed transitional housing facility for sex
5 offenders, or is in any facility operated or licensed by
6 the Department of Children and Family Services or by the
7 Department of Human Services, or is in any licensed medical
8 facility;

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

1 capability for the duration of the person's parole,
2 aftercare release, mandatory supervised release term, or
3 extended mandatory supervised release term;

4 (7.8) if convicted for an offense committed on or after
5 June 1, 2008 (the effective date of Public Act 95-464) that
6 would qualify the accused as a child sex offender as
7 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
8 1961 or the Criminal Code of 2012, refrain from
9 communicating with or contacting, by means of the Internet,
10 a person who is not related to the accused and whom the
11 accused reasonably believes to be under 18 years of age;
12 for purposes of this paragraph (7.8), "Internet" has the
13 meaning ascribed to it in Section 16-0.1 of the Criminal
14 Code of 2012; and a person is not related to the accused if
15 the person is not: (i) the spouse, brother, or sister of
16 the accused; (ii) a descendant of the accused; (iii) a
17 first or second cousin of the accused; or (iv) a step-child
18 or adopted child of the accused;

19 (7.9) if convicted under Section 11-6, 11-20.1,
20 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or
21 the Criminal Code of 2012, consent to search of computers,
22 PDAs, cellular phones, and other devices under his or her
23 control that are capable of accessing the Internet or
24 storing electronic files, in order to confirm Internet
25 protocol addresses reported in accordance with the Sex
26 Offender Registration Act and compliance with conditions

1 in this Act;

2 (7.10) if convicted for an offense that would qualify
3 the accused as a sex offender or sexual predator under the
4 Sex Offender Registration Act on or after June 1, 2008 (the
5 effective date of Public Act 95-640), not possess
6 prescription drugs for erectile dysfunction;

7 (7.11) if convicted for an offense under Section 11-6,
8 11-9.1, 11-14.4 that involves soliciting for a juvenile
9 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
10 of the Criminal Code of 1961 or the Criminal Code of 2012,
11 or any attempt to commit any of these offenses, committed
12 on or after June 1, 2009 (the effective date of Public Act
13 95-983):

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, aftercare specialist, a law enforcement
21 officer, or assigned computer or information
22 technology specialist, including the retrieval and
23 copying of all data from the computer or device and any
24 internal or external peripherals and removal of such
25 information, equipment, or device to conduct a more
26 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 or aftercare specialist;

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 17-0.5 of the Criminal Code of 2012;

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 or the Department of Juvenile Justice before
23 leaving the State of Illinois;

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

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

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

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

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

17 (14) provide true and accurate information, as it
18 relates to his or her adjustment in the community while on
19 parole, aftercare release, or mandatory supervised release
20 or to his or her conduct while incarcerated, in response to
21 inquiries by his or her parole agent or of the Department
22 of Corrections or by his or her aftercare specialist or of
23 the Department of Juvenile Justice;

24 (15) follow any specific instructions provided by the
25 parole agent or aftercare specialist that are consistent
26 with furthering conditions set and approved by the Prisoner

1 Review Board or by law, exclusive of placement on
2 electronic detention, to achieve the goals and objectives
3 of his or her parole, aftercare release, or mandatory
4 supervised release or to protect the public. These
5 instructions by the parole agent or aftercare specialist
6 may be modified at any time, as the agent or aftercare
7 specialist deems appropriate;

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

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

23 (18) comply with the terms and conditions of an order
24 of protection issued pursuant to the Illinois Domestic
25 Violence Act of 1986; an order of protection issued by the
26 court of another state, tribe, or United States territory;

1 a no contact order issued pursuant to the Civil No Contact
2 Order Act; or a no contact order issued pursuant to the
3 Stalking No Contact Order Act; ~~and~~

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

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

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

14 (20) reside within the county where the subject resided
15 immediately prior to his or her commitment to the
16 Department of Corrections.

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

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

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

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

25 (4) support his or her dependents;

26 (5) (blank);

1 (6) (blank);

2 (7) (blank);

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 or the Criminal Code of 2012, refrain
8 from communicating with or contacting, by means of the
9 Internet, a person who is related to the accused and whom
10 the accused reasonably believes to be under 18 years of
11 age; for purposes of this paragraph (7.5), "Internet" has
12 the meaning ascribed to it in Section 16-0.1 of the
13 Criminal Code of 2012; and a person is related to the
14 accused if the person is: (i) the spouse, brother, or
15 sister of the accused; (ii) a descendant of the accused;
16 (iii) a first or second cousin of the accused; or (iv) a
17 step-child or adopted child of the accused;

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

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

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

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

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

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

18 (8) in addition, if a minor:

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

21 (ii) attend school;

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

23 or

24 (iv) contribute to his or her own support at home
25 or in a 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 or Department of Juvenile Justice, may be required
5 by the Board to comply with the following specific conditions
6 of release:

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

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

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

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

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

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

24 (7) refrain from entering into a designated geographic
25 area except upon terms approved in advance by an agent of
26 the Department of Corrections or the Department of Juvenile

1 Justice. The terms may include consideration of the purpose
2 of the entry, the time of day, and others accompanying the
3 person;

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

11 (9) refrain from all contact, directly or indirectly,
12 personally, by telephone, letter, or through a third party,
13 with minor children without prior identification and
14 approval of an agent of the Department of Corrections or
15 the Department of Juvenile Justice;

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

25 (11) not patronize any business providing sexually
26 stimulating or sexually oriented entertainment nor utilize

1 "900" or adult telephone numbers;

2 (12) not reside near, visit, or be in or about parks,
3 schools, day care centers, swimming pools, beaches,
4 theaters, or any other places where minor children
5 congregate without advance approval of an agent of the
6 Department of Corrections or the Department of Juvenile
7 Justice and immediately report any incidental contact with
8 minor children to the Department;

9 (13) not possess or have under his or her control
10 certain specified items of contraband related to the
11 incidence of sexually offending as determined by an agent
12 of the Department of Corrections or the Department of
13 Juvenile Justice;

14 (14) may be required to provide a written daily log of
15 activities if directed by an agent of the Department of
16 Corrections or the Department of Juvenile Justice;

17 (15) comply with all other special conditions that the
18 Department may impose that restrict the person from
19 high-risk situations and limit access to potential
20 victims;

21 (16) take an annual polygraph exam;

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

23 (18) obtain prior approval of his or her parole officer
24 or aftercare specialist before driving alone in a motor
25 vehicle.

26 (c) The conditions under which the parole, aftercare

1 release, or mandatory supervised release is to be served shall
2 be communicated to the person in writing prior to his or her
3 release, and he or she shall sign the same before release. A
4 signed copy of these conditions, including a copy of an order
5 of protection where one had been issued by the criminal court,
6 shall be retained by the person and another copy forwarded to
7 the officer or aftercare specialist in charge of his or her
8 supervision.

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

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

16 (f) (Blank).

17 (Source: P.A. 97-50, eff. 6-28-11; 97-531, eff. 1-1-12; 97-560,
18 eff. 1-1-12; 97-597, eff. 1-1-12; 97-1109, eff. 1-1-13;
19 97-1150, eff. 1-25-13; 98-558, eff. 1-1-14.)

20 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

21 Sec. 3-14-1. Release from the Institution.

22 (a) Upon release of a person on parole, mandatory release,
23 final discharge or pardon the Department shall return all
24 property held for him, provide him with suitable clothing and
25 procure necessary transportation for him to his designated

1 place of residence and employment. Upon release of a person on
2 parole or mandatory supervised release, the Department shall
3 release the person only to an address located in the county
4 where the subject resided immediately prior to his or her
5 commitment to the Department of Corrections. It may provide
6 such person with a grant of money for travel and expenses which
7 may be paid in installments. The amount of the money grant
8 shall be determined by the Department.

9 (a-1) The Department shall, before a wrongfully imprisoned
10 person, as defined in Section 3-1-2 of this Code, is discharged
11 from the Department, provide him or her with any documents
12 necessary after discharge, including an identification card
13 under subsection (e) of this Section.

14 (a-2) The Department of Corrections may establish and
15 maintain, in any institution it administers, revolving funds to
16 be known as "Travel and Allowances Revolving Funds". These
17 revolving funds shall be used for advancing travel and expense
18 allowances to committed, paroled, and discharged prisoners.
19 The moneys paid into such revolving funds shall be from
20 appropriations to the Department for Committed, Paroled, and
21 Discharged Prisoners.

22 (b) (Blank).

23 (c) Except as otherwise provided in this Code, the
24 Department shall establish procedures to provide written
25 notification of any release of any person who has been
26 convicted of a felony to the State's Attorney and sheriff of

1 the county from which the offender was committed, and the
2 State's Attorney and sheriff of the county into which the
3 offender is to be paroled or released. Except as otherwise
4 provided in this Code, the Department shall establish
5 procedures to provide written notification to the proper law
6 enforcement agency for any municipality of any release of any
7 person who has been convicted of a felony if the arrest of the
8 offender or the commission of the offense took place in the
9 municipality, if the offender is to be paroled or released into
10 the municipality, or if the offender resided in the
11 municipality at the time of the commission of the offense. If a
12 person convicted of a felony who is in the custody of the
13 Department of Corrections or on parole or mandatory supervised
14 release informs the Department that he or she has resided,
15 resides, or will reside at an address that is a housing
16 facility owned, managed, operated, or leased by a public
17 housing agency, the Department must send written notification
18 of that information to the public housing agency that owns,
19 manages, operates, or leases the housing facility. The written
20 notification shall, when possible, be given at least 14 days
21 before release of the person from custody, or as soon
22 thereafter as possible. The written notification shall be
23 provided electronically if the State's Attorney, sheriff,
24 proper law enforcement agency, or public housing agency has
25 provided the Department with an accurate and up to date email
26 address.

1 (c-1) (Blank).

2 (c-2) The Department shall establish procedures to provide
3 notice to the Department of State Police of the release or
4 discharge of persons convicted of violations of the
5 Methamphetamine Control and Community Protection Act or a
6 violation of the Methamphetamine Precursor Control Act. The
7 Department of State Police shall make this information
8 available to local, State, or federal law enforcement agencies
9 upon request.

10 (c-5) If a person on parole or mandatory supervised release
11 becomes a resident of a facility licensed or regulated by the
12 Department of Public Health, the Illinois Department of Public
13 Aid, or the Illinois Department of Human Services, the
14 Department of Corrections shall provide copies of the following
15 information to the appropriate licensing or regulating
16 Department and the licensed or regulated facility where the
17 person becomes a resident:

18 (1) The mittimus and any pre-sentence investigation
19 reports.

20 (2) The social evaluation prepared pursuant to Section
21 3-8-2.

22 (3) Any pre-release evaluation conducted pursuant to
23 subsection (j) of Section 3-6-2.

24 (4) Reports of disciplinary infractions and
25 dispositions.

26 (5) Any parole plan, including orders issued by the

1 Prisoner Review Board, and any violation reports and
2 dispositions.

3 (6) The name and contact information for the assigned
4 parole agent and parole supervisor.

5 This information shall be provided within 3 days of the
6 person becoming a resident of the facility.

7 (c-10) If a person on parole or mandatory supervised
8 release becomes a resident of a facility licensed or regulated
9 by the Department of Public Health, the Illinois Department of
10 Public Aid, or the Illinois Department of Human Services, the
11 Department of Corrections shall provide written notification
12 of such residence to the following:

13 (1) The Prisoner Review Board.

14 (2) The chief of police and sheriff in the municipality
15 and county in which the licensed facility is located.

16 The notification shall be provided within 3 days of the
17 person becoming a resident of the facility.

18 (d) Upon the release of a committed person on parole,
19 mandatory supervised release, final discharge or pardon, the
20 Department shall provide such person with information
21 concerning programs and services of the Illinois Department of
22 Public Health to ascertain whether such person has been exposed
23 to the human immunodeficiency virus (HIV) or any identified
24 causative agent of Acquired Immunodeficiency Syndrome (AIDS).

25 (e) Upon the release of a committed person on parole,
26 mandatory supervised release, final discharge, pardon, or who

1 has been wrongfully imprisoned, the Department shall provide
2 the person who has met the criteria established by the
3 Department with an identification card identifying the person
4 as being on parole, mandatory supervised release, final
5 discharge, pardon, or wrongfully imprisoned, as the case may
6 be. The Department, in consultation with the Office of the
7 Secretary of State, shall prescribe the form of the
8 identification card, which may be similar to the form of the
9 standard Illinois Identification Card. The Department shall
10 inform the committed person that he or she may present the
11 identification card to the Office of the Secretary of State
12 upon application for a standard Illinois Identification Card in
13 accordance with the Illinois Identification Card Act. The
14 Department shall require the committed person to pay a \$1 fee
15 for the identification card.

16 For purposes of a committed person receiving an
17 identification card issued by the Department under this
18 subsection, the Department shall establish criteria that the
19 committed person must meet before the card is issued. It is the
20 sole responsibility of the committed person requesting the
21 identification card issued by the Department to meet the
22 established criteria. The person's failure to meet the criteria
23 is sufficient reason to deny the committed person the
24 identification card. An identification card issued by the
25 Department under this subsection shall be valid for a period of
26 time not to exceed 30 calendar days from the date the card is

1 issued. The Department shall not be held civilly or criminally
2 liable to anyone because of any act of any person utilizing a
3 card issued by the Department under this subsection.

4 The Department shall adopt rules governing the issuance of
5 identification cards to committed persons being released on
6 parole, mandatory supervised release, final discharge, or
7 pardon.

8 (Source: P.A. 97-560, eff. 1-1-12; 97-813, eff. 7-13-12;
9 98-267, eff. 1-1-14.)