



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1192

Introduced 1/30/2013, by Sen. William Delgado

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-7 from Ch. 38, par. 1003-3-7
730 ILCS 5/Ch. III Art. 16 heading
730 ILCS 5/3-16-5

Amends the Unified Code of Corrections. Provides that a person committed to the Department of Juvenile Justice after adjudication as a delinquent minor shall as a condition of parole either: (1) report to an agent of the Department of Corrections; or (2) report to an aftercare specialist of the Department of Juvenile Justice. Makes permanent the 6-year pilot program that was established in Cook County, DuPage County, Lake County, Will County, and Kane County for select paroled juvenile offenders. Makes the program applicable throughout the State. Provides that a paroled delinquent minor may, in the discretion of the Department of Juvenile Justice, either be required to report to a parole agent of the Department of Corrections or be assigned an aftercare specialist. Provides that the Department of Juvenile Justice shall provide training for and promulgate rules for the aftercare specialists providing supervision and services under the program to establish their authority with regard to participants who violate rules or conditions of parole, including service of warrants for alleged violations and the authority to arrest, detain, and transport participants to return them to Department custody for alleged violations of parole. Effective immediately.

LRB098 02592 RLC 32597 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 the heading of Article 16 of Chapter III and Sections
6 3-3-7 and 3-16-5 as follows:

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

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

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

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

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

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

21 (3.5) if committed to the Department of Juvenile
22 Justice after adjudication in juvenile court under Section
23 5-750 of the Juvenile Court Act of 1987 either: (A) report

1 to an agent of the Department of Corrections; or (B) report
2 to an aftercare specialist of the Department of Juvenile
3 Justice;

4 (4) permit the agent to visit him or her at his or her
5 home, employment, or elsewhere to the extent necessary for
6 the agent to discharge his or her duties;

7 (5) attend or reside in a facility established for the
8 instruction or residence of persons on parole or mandatory
9 supervised release;

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

13 (7) report all arrests to an agent of the Department of
14 Corrections as soon as permitted by the arresting authority
15 but in no event later than 24 hours after release from
16 custody and immediately report service or notification of
17 an order of protection, a civil no contact order, or a
18 stalking no contact order to an agent of the Department of
19 Corrections;

20 (7.5) if convicted of a sex offense as defined in the
21 Sex Offender Management Board Act, the individual shall
22 undergo and successfully complete sex offender treatment
23 conducted in conformance with the standards developed by
24 the Sex Offender Management Board Act by a treatment
25 provider approved by the Board;

26 (7.6) if convicted of a sex offense as defined in the

1 Sex Offender Management Board Act, refrain from residing at
2 the same address or in the same condominium unit or
3 apartment unit or in the same condominium complex or
4 apartment complex with another person he or she knows or
5 reasonably should know is a convicted sex offender or has
6 been placed on supervision for a sex offense; the
7 provisions of this paragraph do not apply to a person
8 convicted of a sex offense who is placed in a Department of
9 Corrections licensed transitional housing facility for sex
10 offenders, or is in any facility operated or licensed by
11 the Department of Children and Family Services or by the
12 Department of Human Services, or is in any licensed medical
13 facility;

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

1 years of age at the time of the commission of the offense
2 and the defendant used force or the threat of force in the
3 commission of the offense wear an approved electronic
4 monitoring device as defined in Section 5-8A-2 that has
5 Global Positioning System (GPS) capability for the
6 duration of the person's parole, mandatory supervised
7 release term, or extended mandatory supervised release
8 term;

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

24 (7.9) if convicted under Section 11-6, 11-20.1,
25 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961,
26 consent to search of computers, PDAs, cellular phones, and

1 other devices under his or her control that are capable of
2 accessing the Internet or storing electronic files, in
3 order to confirm Internet protocol addresses reported in
4 accordance with the Sex Offender Registration Act and
5 compliance with conditions in this Act;

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

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

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

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

1 removal of such information, equipment, or device to
2 conduct a more thorough inspection;

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

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

12 (7.12) if convicted of a sex offense as defined in the
13 Sex Offender Registration Act committed on or after January
14 1, 2010 (the effective date of Public Act 96-262), refrain
15 from accessing or using a social networking website as
16 defined in Section 17-0.5 of the Criminal Code of 1961;

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

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

25 (9) obtain permission of an agent of the Department of
26 Corrections before changing his or her residence or

1 employment;

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

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

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 or mandatory supervised release without prior
13 written permission of his or her parole agent and not
14 associate with persons who are members of an organized gang
15 as that term is defined in the Illinois Streetgang
16 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 or mandatory supervised release or to his or her
20 conduct while incarcerated, in response to inquiries by his
21 or her parole agent or of the Department of Corrections;

22 (15) follow any specific instructions provided by the
23 parole agent that are consistent with furthering
24 conditions set and approved by the Prisoner Review Board or
25 by law, exclusive of placement on electronic detention, to
26 achieve the goals and objectives of his or her parole or

1 mandatory supervised release or to protect the public.
2 These instructions by the parole agent may be modified at
3 any time, as the agent deems appropriate;

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

14 (17) if convicted of a violation of an order of
15 protection under Section 12-30 of the Criminal Code of
16 1961, be placed under electronic surveillance as provided
17 in Section 5-8A-7 of this Code;

18 (18) comply with the terms and conditions of an order
19 of protection issued pursuant to the Illinois Domestic
20 Violence Act of 1986; an order of protection issued by the
21 court of another state, tribe, or United States territory;
22 a no contact order issued pursuant to the Civil No Contact
23 Order Act; or a no contact order issued pursuant to the
24 Stalking No Contact Order Act; and

25 (19) if convicted of a violation of the Methamphetamine
26 Control and Community Protection Act, the Methamphetamine

1 Precursor Control Act, or a methamphetamine related
2 offense, be:

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

6 (B) prohibited from purchasing, possessing, or
7 having under his or her control any product containing
8 ammonium nitrate.

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

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

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

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

17 (4) support his dependents;

18 (5) (blank);

19 (6) (blank);

20 (7) (blank);

21 (7.5) if convicted for an offense committed on or after
22 the effective date of this amendatory Act of the 95th
23 General Assembly that would qualify the accused as a child
24 sex offender as defined in Section 11-9.3 or 11-9.4 of the
25 Criminal Code of 1961, refrain from communicating with or
26 contacting, by means of the Internet, a person who is

1 related to the accused and whom the accused reasonably
2 believes to be under 18 years of age; for purposes of this
3 paragraph (7.5), "Internet" has the meaning ascribed to it
4 in Section 16-0.1 of the Criminal Code of 1961; and a
5 person is related to the accused if the person is: (i) the
6 spouse, brother, or sister of the accused; (ii) a
7 descendant of the accused; (iii) a first or second cousin
8 of the accused; or (iv) a step-child or adopted child of
9 the accused;

10 (7.6) if convicted for an offense committed on or after
11 June 1, 2009 (the effective date of Public Act 95-983) that
12 would qualify as a sex offense as defined in the Sex
13 Offender Registration Act:

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

26 (iii) submit to the installation on the offender's

1 computer or device with Internet capability, at the
2 offender's expense, of one or more hardware or software
3 systems to monitor the Internet use; and

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

9 (8) in addition, if a minor:

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

11 (ii) attend school;

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

13 or

14 (iv) contribute to his own support at home or in a
15 foster home.

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

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

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

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

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

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

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

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

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

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

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

10 (11) not patronize any business providing sexually
11 stimulating or sexually oriented entertainment nor utilize
12 "900" or adult telephone numbers;

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

19 (13) not possess or have under his or her control
20 certain specified items of contraband related to the
21 incidence of sexually offending as determined by an agent
22 of the Department of Corrections;

23 (14) may be required to provide a written daily log of
24 activities if directed by an agent of the Department of
25 Corrections;

26 (15) comply with all other special conditions that the

1 Department may impose that restrict the person from
2 high-risk situations and limit access to potential
3 victims;

4 (16) take an annual polygraph exam;

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

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

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

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

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

23 (f) (Blank).

24 (Source: P.A. 96-236, eff. 8-11-09; 96-262, eff. 1-1-10;
25 96-328, eff. 8-11-09; 96-362, eff. 1-1-10; 96-1000, eff.
26 7-2-10; 96-1539, eff. 3-4-11; 96-1551, Article 2, Section 1065,

1 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
2 97-50, eff. 6-28-11; 97-531, eff. 1-1-12; 97-560, eff. 1-1-12;
3 97-597, eff. 1-1-12; 97-1109, eff. 1-1-13.)

4 (730 ILCS 5/Ch. III Art. 16 heading)

5 ARTICLE 16. AFTERCARE ~~PILOT~~ PROGRAM FOR ~~SELECTED~~
6 PAROLED JUVENILE OFFENDERS

7 (730 ILCS 5/3-16-5)

8 Sec. 3-16-5. Program ~~Multi-year pilot program~~ for ~~selected~~
9 paroled youth released from institutions of the Department of
10 Juvenile Justice.

11 (a) The Department of Juvenile Justice may establish a ~~in~~
12 ~~Cook County, DuPage County, Lake County, Will County, and Kane~~
13 ~~County a 6-year pilot~~ program for ~~selected~~ youthful offenders
14 released to parole by the Department of Juvenile Justice.

15 (b) A person who is being released to parole from the
16 Department of Juvenile Justice under subsection (e) of Section
17 3-3-3 may, in the discretion of the Department of Juvenile
18 Justice, either be required to report to a parole agent of the
19 Department of Corrections or be assigned an aftercare
20 specialist ~~whom the Department of Juvenile Justice deems a~~
21 ~~serious or at risk delinquent youth who is likely to have~~
22 ~~difficulty re-adjusting to the community, who has had either~~
23 ~~significant clinical problems or a history of criminal activity~~
24 ~~related to sex offenses, drugs, weapons, or gangs, and who is~~

1 ~~returning to Cook County, Will County, Lake County, DuPage~~
2 ~~County, or Kane County may be screened for eligibility to~~
3 ~~participate in the pilot program.~~

4 (c) ~~The If the Department of Juvenile Justice establishes a~~
5 ~~pilot program under this Section, the~~ Department of Juvenile
6 Justice Aftercare Specialists shall provide supervision and
7 structured services to persons selected to participate in the
8 program to: (i) ensure that they receive high levels of
9 supervision and case managed, structured services; (ii)
10 prepare them for re-integration into the community; (iii)
11 effectively monitor their compliance with parole requirements
12 and programming; and (iv) minimize the likelihood that they
13 will commit additional offenses.

14 (d) Based upon the needs of a participant, the Department
15 of Juvenile Justice may provide or facilitate any or all of the
16 following to a participant:

- 17 (1) Risk and needs assessment;
- 18 (2) Comprehensive case management;
- 19 (3) Placement in licensed secured community facilities
20 as a transitional measure;
- 21 (4) Transition to residential programming;
- 22 (5) Targeted intensive outpatient treatment services;
- 23 (6) Structured day and evening reporting programs and
24 behavioral day treatment;
- 25 (7) Family counseling;
- 26 (8) Transitional programs to independent living;

1 (9) Alternative placements;

2 (10) Substance abuse treatment.

3 (e) A needs assessment case plan and parole supervision
4 profile may be completed by the Department of Juvenile Justice
5 before the selected eligible person's release from
6 institutional custody to parole supervision. The needs
7 assessment case plan and parole supervision profile shall
8 include identification of placement requirements, intensity of
9 parole supervision, and assessments of educational,
10 psychological, vocational, medical, ~~and~~ substance abuse and
11 other treatment needs. Following the completion by the
12 Department of Juvenile Justice of the parole supervision
13 profile and needs assessment case plan, a comprehensive parole
14 case management plan shall be developed for each committed
15 youth eligible and selected for ~~admission to the pilot~~ program.
16 The comprehensive parole case management plan shall be
17 submitted for approval by the Department of Juvenile Justice
18 and for presentation to the Prisoner Review Board.

19 (f) The Department of Juvenile Justice may identify in a
20 comprehensive parole case management plan any special
21 conditions for parole supervision and establish sanctions for a
22 participant who fails to comply with the program requirements
23 or who violates parole rules. These sanctions may include the
24 return of a participant to a secure community placement or
25 recommendations for parole revocation to the Prisoner Review
26 Board. Paroled youth may be held for investigation in secure

1 community facilities or on warrant pending revocation in local
2 detention or jail facilities based on age.

3 (g) The Department of Juvenile Justice may select and
4 contract with a community-based network and work in partnership
5 with private providers to provide the services specified in
6 subsection (d).

7 (h) (Blank). ~~If the Department of Juvenile Justice~~
8 ~~establishes a pilot program under this Section, the Department~~
9 ~~of Juvenile Justice shall, in the 3 years following the~~
10 ~~effective date of this amendatory Act of 1997, first implement~~
11 ~~the pilot program in Cook County and then implement the pilot~~
12 ~~program in DuPage County, Lake County, Will County, and Kane~~
13 ~~County in accordance with a schedule to be developed by the~~
14 ~~Department of Juvenile Justice.~~

15 (i) (Blank). ~~If the Department of Juvenile Justice~~
16 ~~establishes a pilot program under this Section, the Department~~
17 ~~of Juvenile Justice shall establish a 3 year follow up~~
18 ~~evaluation and outcome assessment for all participants in the~~
19 ~~pilot program.~~

20 (j) (Blank). ~~If the Department of Juvenile Justice~~
21 ~~establishes a pilot program under this Section, the Department~~
22 ~~of Juvenile Justice shall publish an outcome study covering a 3~~
23 ~~year follow up period for participants in the pilot program.~~

24 (k) The Department of Juvenile Justice shall provide
25 training for and promulgate rules for the aftercare specialists
26 providing supervision and services under this program to

1 establish their authority with regard to participants who
2 violate rules or conditions of parole, including service of
3 warrants for alleged violations and the authority to arrest,
4 detain, and transport participants to return them to Department
5 custody for alleged violations of parole.

6 (Source: P.A. 94-696, eff. 6-1-06.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.