

HB0401



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0401

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, 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) and before the effective date of
13 this amendatory Act of the 99th General Assembly, wear an
14 approved electronic monitoring device as defined in
15 Section 5-8A-2 for the duration of the person's parole,
16 aftercare release, mandatory supervised release term, or
17 extended mandatory supervised release term and if
18 convicted for an offense of criminal sexual assault,
19 aggravated criminal sexual assault, predatory criminal
20 sexual assault of a child, criminal sexual abuse,
21 aggravated criminal sexual abuse, or ritualized abuse of a
22 child committed on or after August 11, 2009 (the effective
23 date of Public Act 96-236) and before the effective date of
24 this amendatory Act of the 99th General Assembly when the
25 victim was under 18 years of age at the time of the
26 commission of the offense and the defendant used force or

1 the threat of force in the commission of the offense wear
2 an approved electronic monitoring device as defined in
3 Section 5-8A-2 that has Global Positioning System (GPS)
4 capability for the duration of the person's parole,
5 aftercare release, mandatory supervised release term, or
6 extended mandatory supervised release term and if
7 convicted for an offense that would qualify the accused as
8 a sex offender under the Sex Offender Registration Act on
9 or after the effective date of this amendatory Act of the
10 99th General Assembly, wear an approved electronic
11 monitoring device as defined in Section 5-8A-2 that has
12 Global Positioning System (GPS) capability for the
13 duration of the person's natural life;

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

1 first or second cousin of the accused; or (iv) a step-child
2 or adopted child of the accused;

3 (7.9) if convicted under Section 11-6, 11-20.1,
4 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or
5 the Criminal Code of 2012, consent to search of computers,
6 PDAs, cellular phones, and other devices under his or her
7 control that are capable of accessing the Internet or
8 storing electronic files, in order to confirm Internet
9 protocol addresses reported in accordance with the Sex
10 Offender Registration Act and compliance with conditions
11 in this Act;

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

17 (7.11) if convicted for an offense under Section 11-6,
18 11-9.1, 11-14.4 that involves soliciting for a juvenile
19 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
20 of the Criminal Code of 1961 or the Criminal Code of 2012,
21 or any attempt to commit any of these offenses, committed
22 on or after June 1, 2009 (the effective date of Public Act
23 95-983):

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, aftercare specialist, a law enforcement
5 officer, or assigned computer or information
6 technology specialist, including the retrieval and
7 copying of all data from the computer or device and any
8 internal or external peripherals and removal of such
9 information, equipment, or device to conduct a more
10 thorough inspection;

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

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

20 (7.12) if convicted of a sex offense as defined in the
21 Sex Offender Registration Act committed on or after January
22 1, 2010 (the effective date of Public Act 96-262), refrain
23 from accessing or using a social networking website as
24 defined in Section 17-0.5 of the Criminal Code of 2012;

25 (7.13) if convicted of a sex offense as defined in
26 Section 2 of the Sex Offender Registration Act committed on

1 or after January 1, 2010 (the effective date of Public Act
2 96-362) that requires the person to register as a sex
3 offender under that Act, may not knowingly use any computer
4 scrub software on any computer that the sex offender uses;

5 (8) obtain permission of an agent of the Department of
6 Corrections or the Department of Juvenile Justice before
7 leaving the State of Illinois;

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

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

13 (11) refrain from the use or possession of narcotics or
14 other controlled substances in any form, or both, or any
15 paraphernalia related to those substances and submit to a
16 urinalysis test as instructed by a parole agent of the
17 Department of Corrections or an aftercare specialist of the
18 Department of Juvenile Justice;

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

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

1 (14) provide true and accurate information, as it
2 relates to his or her adjustment in the community while on
3 parole, aftercare release, or mandatory supervised release
4 or to his or her conduct while incarcerated, in response to
5 inquiries by his or her parole agent or of the Department
6 of Corrections or by his or her aftercare specialist or of
7 the Department of Juvenile Justice;

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

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

1 costume on or preceding Easter;

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

7 (18) comply with the terms and conditions of an order
8 of protection issued pursuant to the Illinois Domestic
9 Violence Act of 1986; an order of protection issued by the
10 court of another state, tribe, or United States territory;
11 a no contact order issued pursuant to the Civil No Contact
12 Order Act; or a no contact order issued pursuant to the
13 Stalking No Contact Order Act; and

14 (19) if convicted of a violation of the Methamphetamine
15 Control and Community Protection Act, the Methamphetamine
16 Precursor Control Act, or a methamphetamine related
17 offense, be:

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

21 (B) prohibited from purchasing, possessing, or
22 having under his or her control any product containing
23 ammonium nitrate.

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

26 (1) work or pursue a course of study or vocational

1 training;

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

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

6 (4) support his or her dependents;

7 (5) (blank);

8 (6) (blank);

9 (7) (blank);

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

25 (7.6) if convicted for an offense committed on or after
26 June 1, 2009 (the effective date of Public Act 95-983) that

1 would qualify as a sex offense as defined in the Sex
2 Offender Registration Act:

3 (i) not access or use a computer or any other
4 device with Internet capability without the prior
5 written approval of the Department;

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

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

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

25 (8) in addition, if a minor:

26 (i) reside with his or her parents or in a foster

- 1 home;
- 2 (ii) attend school;
- 3 (iii) attend a non-residential program for youth;
- 4 or
- 5 (iv) contribute to his or her own support at home
- 6 or in a foster home.

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

8 subsections (a) and (b), persons required to register as sex

9 offenders pursuant to the Sex Offender Registration Act, upon

10 release from the custody of the Illinois Department of

11 Corrections or Department of Juvenile Justice, may be required

12 by the Board to comply with the following specific conditions

13 of release:

- 14 (1) reside only at a Department approved location;
- 15 (2) comply with all requirements of the Sex Offender
- 16 Registration Act;
- 17 (3) notify third parties of the risks that may be
- 18 occasioned by his or her criminal record;
- 19 (4) obtain the approval of an agent of the Department
- 20 of Corrections or the Department of Juvenile Justice prior
- 21 to accepting employment or pursuing a course of study or
- 22 vocational training and notify the Department prior to any
- 23 change in employment, study, or training;
- 24 (5) not be employed or participate in any volunteer
- 25 activity that involves contact with children, except under
- 26 circumstances approved in advance and in writing by an

1 agent of the Department of Corrections or the Department of
2 Juvenile Justice;

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

5 (7) refrain from entering into a designated geographic
6 area except upon terms approved in advance by an agent of
7 the Department of Corrections or the Department of Juvenile
8 Justice. The terms may include consideration of the purpose
9 of the entry, the time of day, and others accompanying the
10 person;

11 (8) refrain from having any contact, including written
12 or oral communications, directly or indirectly, personally
13 or by telephone, letter, or through a third party with
14 certain specified persons including, but not limited to,
15 the victim or the victim's family without the prior written
16 approval of an agent of the Department of Corrections or
17 the Department of Juvenile Justice;

18 (9) refrain from all contact, directly or indirectly,
19 personally, by telephone, letter, or through a third party,
20 with minor children without prior identification and
21 approval of an agent of the Department of Corrections or
22 the Department of Juvenile Justice;

23 (10) neither possess or have under his or her control
24 any material that is sexually oriented, sexually
25 stimulating, or that shows male or female sex organs or any
26 pictures depicting children under 18 years of age nude or

1 any written or audio material describing sexual
2 intercourse or that depicts or alludes to sexual activity,
3 including but not limited to visual, auditory, telephonic,
4 or electronic media, or any matter obtained through access
5 to any computer or material linked to computer access use;

6 (11) not patronize any business providing sexually
7 stimulating or sexually oriented entertainment nor utilize
8 "900" or adult telephone numbers;

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

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

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

24 (15) comply with all other special conditions that the
25 Department may impose that restrict the person from
26 high-risk situations and limit access to potential

1 victims;

2 (16) take an annual polygraph exam;

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

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

7 (c) The conditions under which the parole, aftercare
8 release, or mandatory supervised release is to be served shall
9 be communicated to the person in writing prior to his or her
10 release, and he or she shall sign the same before release. A
11 signed copy of these conditions, including a copy of an order
12 of protection where one had been issued by the criminal court,
13 shall be retained by the person and another copy forwarded to
14 the officer or aftercare specialist in charge of his or her
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,
18 aftercare release, or 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. 97-50, eff. 6-28-11; 97-531, eff. 1-1-12; 97-560,
25 eff. 1-1-12; 97-597, eff. 1-1-12; 97-1109, eff. 1-1-13;
26 97-1150, eff. 1-25-13; 98-558, eff. 1-1-14.)