



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3442

by Rep. Linda Chapa LaVia

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-501

725 ILCS 5/110-10

730 ILCS 5/3-3-7

from Ch. 38, par. 110-10

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

Amends the Juvenile Court Act of 1987, the Code of Criminal Procedure of 1963, and the Unified Code of Corrections. Provides that as a condition of pretrial release, bail, parole, aftercare release, mandatory supervised release, or extended mandatory supervised release for a robbery or burglary offense the court in cases of pretrial release and bail and the Prisoner Review Board in cases of parole, aftercare release, mandatory supervised release, or extended mandatory supervised release may require the defendant to wear an approved monitoring device that has a Global Positioning System (GPS) for the duration of the defendant's pretrial release, parole, aftercare release, mandatory supervised release, or extended mandatory supervised release. Provides that the data obtained from the GPS device shall not be monitored in real time, but shall be available to law enforcement agencies in automated 24 hour reports.

LRB099 09636 RLC 29845 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 Juvenile Court Act of 1987 is amended by
5 changing Section 5-501 as follows:

6 (705 ILCS 405/5-501)

7 Sec. 5-501. Detention or shelter care hearing. At the
8 appearance of the minor before the court at the detention or
9 shelter care hearing, the court shall receive all relevant
10 information and evidence, including affidavits concerning the
11 allegations made in the petition. Evidence used by the court in
12 its findings or stated in or offered in connection with this
13 Section may be by way of proffer based on reliable information
14 offered by the State or minor. All evidence shall be admissible
15 if it is relevant and reliable regardless of whether it would
16 be admissible under the rules of evidence applicable at a
17 trial. No hearing may be held unless the minor is represented
18 by counsel and no hearing shall be held until the minor has had
19 adequate opportunity to consult with counsel.

20 (1) If the court finds that there is not probable cause to
21 believe that the minor is a delinquent minor it shall release
22 the minor and dismiss the petition.

23 (2) If the court finds that there is probable cause to

1 believe that the minor is a delinquent minor, the minor, his or
2 her parent, guardian, custodian and other persons able to give
3 relevant testimony may be examined before the court. The court
4 may also consider any evidence by way of proffer based upon
5 reliable information offered by the State or the minor. All
6 evidence, including affidavits, shall be admissible if it is
7 relevant and reliable regardless of whether it would be
8 admissible under the rules of evidence applicable at trial.
9 After such evidence is presented, the court may enter an order
10 that the minor shall be released upon the request of a parent,
11 guardian or legal custodian if the parent, guardian or
12 custodian appears to take custody.

13 If the court finds that it is a matter of immediate and
14 urgent necessity for the protection of the minor or of the
15 person or property of another that the minor be detained or
16 placed in a shelter care facility or that he or she is likely
17 to flee the jurisdiction of the court, the court may prescribe
18 detention or shelter care and order that the minor be kept in a
19 suitable place designated by the court or in a shelter care
20 facility designated by the Department of Children and Family
21 Services or a licensed child welfare agency; otherwise it shall
22 release the minor from custody. If the court prescribes shelter
23 care, then in placing the minor, the Department or other agency
24 shall, to the extent compatible with the court's order, comply
25 with Section 7 of the Children and Family Services Act. In
26 making the determination of the existence of immediate and

1 urgent necessity, the court shall consider among other matters:

2 (a) the nature and seriousness of the alleged offense; (b) the
3 minor's record of delinquency offenses, including whether the
4 minor has delinquency cases pending; (c) the minor's record of
5 willful failure to appear following the issuance of a summons
6 or warrant; (d) the availability of non-custodial
7 alternatives, including the presence of a parent, guardian or
8 other responsible relative able and willing to provide
9 supervision and care for the minor and to assure his or her
10 compliance with a summons. If the minor is ordered placed in a
11 shelter care facility of a licensed child welfare agency, the
12 court shall, upon request of the agency, appoint the
13 appropriate agency executive temporary custodian of the minor
14 and the court may enter such other orders related to the
15 temporary custody of the minor as it deems fit and proper.

16 The order together with the court's findings of fact in
17 support of the order shall be entered of record in the court.

18 Once the court finds that it is a matter of immediate and
19 urgent necessity for the protection of the minor that the minor
20 be placed in a shelter care facility, the minor shall not be
21 returned to the parent, custodian or guardian until the court
22 finds that the placement is no longer necessary for the
23 protection of the minor.

24 (3) Only when there is reasonable cause to believe that the
25 minor taken into custody is a delinquent minor may the minor be
26 kept or detained in a facility authorized for juvenile

1 detention. This Section shall in no way be construed to limit
2 subsection (4).

3 (4) Minors 12 years of age or older must be kept separate
4 from confined adults and may not at any time be kept in the
5 same cell, room or yard with confined adults. This paragraph
6 (4):

7 (a) shall only apply to confinement pending an
8 adjudicatory hearing and shall not exceed 40 hours,
9 excluding Saturdays, Sundays, and court designated
10 holidays. To accept or hold minors during this time period,
11 county jails shall comply with all monitoring standards
12 adopted by the Department of Corrections and training
13 standards approved by the Illinois Law Enforcement
14 Training Standards Board.

15 (b) To accept or hold minors, 12 years of age or older,
16 after the time period prescribed in clause (a) of
17 subsection (4) of this Section but not exceeding 7 days
18 including Saturdays, Sundays, and holidays, pending an
19 adjudicatory hearing, county jails shall comply with all
20 temporary detention standards adopted by the Department of
21 Corrections and training standards approved by the
22 Illinois Law Enforcement Training Standards Board.

23 (c) To accept or hold minors 12 years of age or older,
24 after the time period prescribed in clause (a) and (b), of
25 this subsection county jails shall comply with all county
26 juvenile detention standards adopted by the Department of

1 Juvenile Justice.

2 (5) If the minor is not brought before a judicial officer
3 within the time period as specified in Section 5-415 the minor
4 must immediately be released from custody.

5 (6) If neither the parent, guardian or legal custodian
6 appears within 24 hours to take custody of a minor released
7 from detention or shelter care, then the clerk of the court
8 shall set the matter for rehearing not later than 7 days after
9 the original order and shall issue a summons directed to the
10 parent, guardian or legal custodian to appear. At the same time
11 the probation department shall prepare a report on the minor.
12 If a parent, guardian or legal custodian does not appear at
13 such rehearing, the judge may enter an order prescribing that
14 the minor be kept in a suitable place designated by the
15 Department of Human Services or a licensed child welfare
16 agency. The time during which a minor is in custody after being
17 released upon the request of a parent, guardian or legal
18 custodian shall be considered as time spent in detention for
19 purposes of scheduling the trial.

20 (7) Any party, including the State, the temporary
21 custodian, an agency providing services to the minor or family
22 under a service plan pursuant to Section 8.2 of the Abused and
23 Neglected Child Reporting Act, foster parent, or any of their
24 representatives, may file a motion to modify or vacate a
25 temporary custody order or vacate a detention or shelter care
26 order on any of the following grounds:

1 (a) It is no longer a matter of immediate and urgent
2 necessity that the minor remain in detention or shelter
3 care; or

4 (b) There is a material change in the circumstances of
5 the natural family from which the minor was removed; or

6 (c) A person, including a parent, relative or legal
7 guardian, is capable of assuming temporary custody of the
8 minor; or

9 (d) Services provided by the Department of Children and
10 Family Services or a child welfare agency or other service
11 provider have been successful in eliminating the need for
12 temporary custody.

13 The clerk shall set the matter for hearing not later than
14 14 days after such motion is filed. In the event that the court
15 modifies or vacates a temporary order but does not vacate its
16 finding of probable cause, the court may order that appropriate
17 services be continued or initiated in behalf of the minor and
18 his or her family.

19 (8) Whenever a petition has been filed under Section 5-520
20 the court can, at any time prior to trial or sentencing, order
21 that the minor be placed in detention or a shelter care
22 facility after the court conducts a hearing and finds that the
23 conduct and behavior of the minor may endanger the health,
24 person, welfare, or property of himself or others or that the
25 circumstances of his or her home environment may endanger his
26 or her health, person, welfare or property.

1 (9) If a petition is filed under Section 5-520 of this Act
2 for an act that if committed by an adult would be a violation
3 of any offense in Article 18 or 19 of the Criminal Code of
4 2012, the court may impose, as a condition of release from
5 detention or shelter care, that the minor be required to wear
6 an approved electronic monitoring device as defined in Section
7 5-8A-2 of the Unified Code of Corrections that has a Global
8 Positioning System (GPS) for the duration of the minor's
9 release from detention or shelter care. The data obtained from
10 the GPS device shall not be monitored in real time, but shall
11 be available to law enforcement agencies in automated 24 hour
12 reports.

13 (Source: P.A. 98-685, eff. 1-1-15.)

14 Section 10. The Code of Criminal Procedure of 1963 is
15 amended by changing Section 110-10 as follows:

16 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

17 Sec. 110-10. Conditions of bail bond.

18 (a) If a person is released prior to conviction, either
19 upon payment of bail security or on his or her own
20 recognizance, the conditions of the bail bond shall be that he
21 or she will:

22 (1) Appear to answer the charge in the court having
23 jurisdiction on a day certain and thereafter as ordered by
24 the court until discharged or final order of the court;

1 (2) Submit himself or herself to the orders and process
2 of the court;

3 (3) Not depart this State without leave of the court;

4 (4) Not violate any criminal statute of any
5 jurisdiction;

6 (5) At a time and place designated by the court,
7 surrender all firearms in his or her possession to a law
8 enforcement officer designated by the court to take custody
9 of and impound the firearms and physically surrender his or
10 her Firearm Owner's Identification Card to the clerk of the
11 circuit court when the offense the person has been charged
12 with is a forcible felony, stalking, aggravated stalking,
13 domestic battery, any violation of the Illinois Controlled
14 Substances Act, the Methamphetamine Control and Community
15 Protection Act, or the Cannabis Control Act that is
16 classified as a Class 2 or greater felony, or any felony
17 violation of Article 24 of the Criminal Code of 1961 or the
18 Criminal Code of 2012; the court may, however, forgo the
19 imposition of this condition when the circumstances of the
20 case clearly do not warrant it or when its imposition would
21 be impractical; if the Firearm Owner's Identification Card
22 is confiscated, the clerk of the circuit court shall mail
23 the confiscated card to the Illinois State Police; all
24 legally possessed firearms shall be returned to the person
25 upon the charges being dismissed, or if the person is found
26 not guilty, unless the finding of not guilty is by reason

1 of insanity; and

2 (6) At a time and place designated by the court, submit
3 to a psychological evaluation when the person has been
4 charged with a violation of item (4) of subsection (a) of
5 Section 24-1 of the Criminal Code of 1961 or the Criminal
6 Code of 2012 and that violation occurred in a school or in
7 any conveyance owned, leased, or contracted by a school to
8 transport students to or from school or a school-related
9 activity, or on any public way within 1,000 feet of real
10 property comprising any school.

11 Psychological evaluations ordered pursuant to this Section
12 shall be completed promptly and made available to the State,
13 the defendant, and the court. As a further condition of bail
14 under these circumstances, the court shall order the defendant
15 to refrain from entering upon the property of the school,
16 including any conveyance owned, leased, or contracted by a
17 school to transport students to or from school or a
18 school-related activity, or on any public way within 1,000 feet
19 of real property comprising any school. Upon receipt of the
20 psychological evaluation, either the State or the defendant may
21 request a change in the conditions of bail, pursuant to Section
22 110-6 of this Code. The court may change the conditions of bail
23 to include a requirement that the defendant follow the
24 recommendations of the psychological evaluation, including
25 undergoing psychiatric treatment. The conclusions of the
26 psychological evaluation and any statements elicited from the

1 defendant during its administration are not admissible as
2 evidence of guilt during the course of any trial on the charged
3 offense, unless the defendant places his or her mental
4 competency in issue.

5 (b) The court may impose other conditions, such as the
6 following, if the court finds that such conditions are
7 reasonably necessary to assure the defendant's appearance in
8 court, protect the public from the defendant, or prevent the
9 defendant's unlawful interference with the orderly
10 administration of justice:

11 (1) Report to or appear in person before such person or
12 agency as the court may direct;

13 (2) Refrain from possessing a firearm or other
14 dangerous weapon;

15 (3) Refrain from approaching or communicating with
16 particular persons or classes of persons;

17 (4) Refrain from going to certain described
18 geographical areas or premises;

19 (5) Refrain from engaging in certain activities or
20 indulging in intoxicating liquors or in certain drugs;

21 (6) Undergo treatment for drug addiction or
22 alcoholism;

23 (7) Undergo medical or psychiatric treatment;

24 (8) Work or pursue a course of study or vocational
25 training;

26 (9) Attend or reside in a facility designated by the

1 court;

2 (10) Support his or her dependents;

3 (11) If a minor resides with his or her parents or in a
4 foster home, attend school, attend a non-residential
5 program for youths, and contribute to his or her own
6 support at home or in a foster home;

7 (12) Observe any curfew ordered by the court;

8 (13) Remain in the custody of such designated person or
9 organization agreeing to supervise his release. Such third
10 party custodian shall be responsible for notifying the
11 court if the defendant fails to observe the conditions of
12 release which the custodian has agreed to monitor, and
13 shall be subject to contempt of court for failure so to
14 notify the court;

15 (14) Be placed under direct supervision of the Pretrial
16 Services Agency, Probation Department or Court Services
17 Department in a pretrial bond home supervision capacity
18 with or without the use of an approved electronic
19 monitoring device subject to Article 8A of Chapter V of the
20 Unified Code of Corrections;

21 (14.1) The court shall impose upon a defendant who is
22 charged with any alcohol, cannabis, methamphetamine, or
23 controlled substance violation or a violation of any
24 offense in Article 18 or 19 of the Criminal Code of 2012
25 and is placed under direct supervision of the Pretrial
26 Services Agency, Probation Department or Court Services

1 Department in a pretrial bond home supervision capacity
2 with the use of an approved electronic monitoring device as
3 defined in Section 5-8A-2 of the Unified Code of
4 Corrections that has a Global Positioning System (GPS), as
5 a condition of such bail bond, a fee that represents costs
6 incidental to the electronic monitoring for each day of
7 such bail supervision ordered by the court, unless after
8 determining the inability of the defendant to pay the fee,
9 the court assesses a lesser fee or no fee as the case may
10 be. The fee shall be collected by the clerk of the circuit
11 court. The clerk of the circuit court shall pay all monies
12 collected from this fee to the county treasurer for deposit
13 in the substance abuse services fund under Section 5-1086.1
14 of the Counties Code. The data obtained from the GPS device
15 shall not be monitored in real time, but shall be available
16 to law enforcement agencies in automated 24 hour reports;

17 (14.2) The court shall impose upon all defendants,
18 including those defendants subject to paragraph (14.1)
19 above, placed under direct supervision of the Pretrial
20 Services Agency, Probation Department or Court Services
21 Department in a pretrial bond home supervision capacity
22 with the use of an approved electronic monitoring device as
23 defined in Section 5-8A-2 of the Unified Code of
24 Corrections that has a Global Positioning System (GPS), as
25 a condition of such bail bond, a fee which shall represent
26 costs incidental to such electronic monitoring for each day

1 of such bail supervision ordered by the court, unless after
2 determining the inability of the defendant to pay the fee,
3 the court assesses a lesser fee or no fee as the case may
4 be. The fee shall be collected by the clerk of the circuit
5 court. The clerk of the circuit court shall pay all monies
6 collected from this fee to the county treasurer who shall
7 use the monies collected to defray the costs of
8 corrections. The county treasurer shall deposit the fee
9 collected in the county working cash fund under Section
10 6-27001 or Section 6-29002 of the Counties Code, as the
11 case may be. The data obtained from the GPS device shall
12 not be monitored in real time, but shall be available to
13 law enforcement agencies in automated 24 hour reports;

14 (14.3) The Chief Judge of the Judicial Circuit may
15 establish reasonable fees to be paid by a person receiving
16 pretrial services while under supervision of a pretrial
17 services agency, probation department, or court services
18 department. Reasonable fees may be charged for pretrial
19 services including, but not limited to, pretrial
20 supervision, diversion programs, electronic monitoring,
21 victim impact services, drug and alcohol testing, DNA
22 testing, GPS electronic monitoring, assessments and
23 evaluations related to domestic violence and other
24 victims, and victim mediation services. The person
25 receiving pretrial services may be ordered to pay all costs
26 incidental to pretrial services in accordance with his or

1 her ability to pay those costs;

2 (14.4) For persons charged with violating Section
3 11-501 of the Illinois Vehicle Code, refrain from operating
4 a motor vehicle not equipped with an ignition interlock
5 device, as defined in Section 1-129.1 of the Illinois
6 Vehicle Code, pursuant to the rules promulgated by the
7 Secretary of State for the installation of ignition
8 interlock devices. Under this condition the court may allow
9 a defendant who is not self-employed to operate a vehicle
10 owned by the defendant's employer that is not equipped with
11 an ignition interlock device in the course and scope of the
12 defendant's employment;

13 (15) Comply with the terms and conditions of an order
14 of protection issued by the court under the Illinois
15 Domestic Violence Act of 1986 or an order of protection
16 issued by the court of another state, tribe, or United
17 States territory;

18 (16) Under Section 110-6.5 comply with the conditions
19 of the drug testing program; and

20 (17) Such other reasonable conditions as the court may
21 impose.

22 (c) When a person is charged with an offense under Section
23 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
24 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
25 Criminal Code of 2012, involving a victim who is a minor under
26 18 years of age living in the same household with the defendant

1 at the time of the offense, in granting bail or releasing the
2 defendant on his own recognizance, the judge shall impose
3 conditions to restrict the defendant's access to the victim
4 which may include, but are not limited to conditions that he
5 will:

6 1. Vacate the Household.

7 2. Make payment of temporary support to his dependents.

8 3. Refrain from contact or communication with the child
9 victim, except as ordered by the court.

10 (d) When a person is charged with a criminal offense and
11 the victim is a family or household member as defined in
12 Article 112A, conditions shall be imposed at the time of the
13 defendant's release on bond that restrict the defendant's
14 access to the victim. Unless provided otherwise by the court,
15 the restrictions shall include requirements that the defendant
16 do the following:

17 (1) refrain from contact or communication with the
18 victim for a minimum period of 72 hours following the
19 defendant's release; and

20 (2) refrain from entering or remaining at the victim's
21 residence for a minimum period of 72 hours following the
22 defendant's release.

23 (e) Local law enforcement agencies shall develop
24 standardized bond forms for use in cases involving family or
25 household members as defined in Article 112A, including
26 specific conditions of bond as provided in subsection (d).

1 Failure of any law enforcement department to develop or use
2 those forms shall in no way limit the applicability and
3 enforcement of subsections (d) and (f).

4 (f) If the defendant is admitted to bail after conviction
5 the conditions of the bail bond shall be that he will, in
6 addition to the conditions set forth in subsections (a) and (b)
7 hereof:

8 (1) Duly prosecute his appeal;

9 (2) Appear at such time and place as the court may
10 direct;

11 (3) Not depart this State without leave of the court;

12 (4) Comply with such other reasonable conditions as the
13 court may impose; and

14 (5) If the judgment is affirmed or the cause reversed
15 and remanded for a new trial, forthwith surrender to the
16 officer from whose custody he was bailed.

17 (g) Upon a finding of guilty for any felony offense, the
18 defendant shall physically surrender, at a time and place
19 designated by the court, any and all firearms in his or her
20 possession and his or her Firearm Owner's Identification Card
21 as a condition of remaining on bond pending sentencing.

22 (Source: P.A. 96-340, eff. 8-11-09; 96-1551, eff. 7-1-11;
23 97-401, eff. 1-1-12; 97-1109, eff. 1-1-13; 97-1150, eff.
24 1-25-13.)

25 Section 15. The Unified Code of Corrections is amended by

1 changing Section 3-3-7 as follows:

2 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

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

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

10 (1) not violate any criminal statute of any
11 jurisdiction during the parole, aftercare release, or
12 release term;

13 (2) refrain from possessing a firearm or other
14 dangerous weapon;

15 (3) report to an agent of the Department of Corrections
16 or to the Department of Juvenile Justice;

17 (4) permit the agent or aftercare specialist to visit
18 him or her at his or her home, employment, or elsewhere to
19 the extent necessary for the agent or aftercare specialist
20 to discharge his or her duties;

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

24 (6) secure permission before visiting or writing a
25 committed person in an Illinois Department of Corrections

1 facility;

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

9 (7.5) if convicted of a sex offense as defined in the
10 Sex Offender Management Board Act, the individual shall
11 undergo and successfully complete sex offender treatment
12 conducted in conformance with the standards developed by
13 the Sex Offender Management Board Act by a treatment
14 provider approved by the Board;

15 (7.6) if convicted of a sex offense as defined in the
16 Sex Offender Management Board Act, refrain from residing at
17 the same address or in the same condominium unit or
18 apartment unit or in the same condominium complex or
19 apartment complex with another person he or she knows or
20 reasonably should know is a convicted sex offender or has
21 been placed on supervision for a sex offense; the
22 provisions of this paragraph do not apply to a person
23 convicted of a sex offense who is placed in a Department of
24 Corrections licensed transitional housing facility for sex
25 offenders, or is in any facility operated or licensed by
26 the Department of Children and Family Services or by the

1 Department of Human Services, or is in any licensed medical
2 facility;

3 (7.7) if convicted for an offense that would qualify
4 the accused as a sexual predator under the Sex Offender
5 Registration Act on or after January 1, 2007 (the effective
6 date of Public Act 94-988), wear an approved electronic
7 monitoring device as defined in Section 5-8A-2 for the
8 duration of the person's parole, aftercare release,
9 mandatory supervised release term, or extended mandatory
10 supervised release term and if convicted for an offense of
11 criminal sexual assault, aggravated criminal sexual
12 assault, predatory criminal sexual assault of a child,
13 criminal sexual abuse, aggravated criminal sexual abuse,
14 or ritualized abuse of a child committed on or after August
15 11, 2009 (the effective date of Public Act 96-236) when the
16 victim was under 18 years of age at the time of the
17 commission of the offense and the defendant used force or
18 the threat of force in the commission of the offense wear
19 an approved electronic monitoring device as defined in
20 Section 5-8A-2 that has Global Positioning System (GPS)
21 capability for the duration of the person's parole,
22 aftercare release, mandatory supervised release term, or
23 extended mandatory supervised release term;

24 (7.8) if convicted for an offense committed on or after
25 June 1, 2008 (the effective date of Public Act 95-464) that
26 would qualify the accused as a child sex offender as

1 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
2 1961 or the Criminal Code of 2012, refrain from
3 communicating with or contacting, by means of the Internet,
4 a person who is not related to the accused and whom the
5 accused reasonably believes to be under 18 years of age;
6 for purposes of this paragraph (7.8), "Internet" has the
7 meaning ascribed to it in Section 16-0.1 of the Criminal
8 Code of 2012; and a person is not related to the accused if
9 the person is not: (i) the spouse, brother, or sister of
10 the accused; (ii) a descendant of the accused; (iii) a
11 first or second cousin of the accused; or (iv) a step-child
12 or adopted child of the accused;

13 (7.9) if convicted under Section 11-6, 11-20.1,
14 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or
15 the Criminal Code of 2012, consent to search of computers,
16 PDAs, cellular phones, and other devices under his or her
17 control that are capable of accessing the Internet or
18 storing electronic files, in order to confirm Internet
19 protocol addresses reported in accordance with the Sex
20 Offender Registration Act and compliance with conditions
21 in this Act;

22 (7.10) if convicted for an offense that would qualify
23 the accused as a sex offender or sexual predator under the
24 Sex Offender Registration Act on or after June 1, 2008 (the
25 effective date of Public Act 95-640), not possess
26 prescription drugs for erectile dysfunction;

1 (7.11) if convicted for an offense under Section 11-6,
2 11-9.1, 11-14.4 that involves soliciting for a juvenile
3 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
4 of the Criminal Code of 1961 or the Criminal Code of 2012,
5 or any attempt to commit any of these offenses, committed
6 on or after June 1, 2009 (the effective date of Public Act
7 95-983):

8 (i) not access or use a computer or any other
9 device with Internet capability without the prior
10 written approval of the Department;

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

21 (iii) submit to the installation on the offender's
22 computer or device with Internet capability, at the
23 offender's expense, of one or more hardware or software
24 systems to monitor the Internet use; and

25 (iv) submit to any other appropriate restrictions
26 concerning the offender's use of or access to a

1 computer or any other device with Internet capability
2 imposed by the Board, the Department or the offender's
3 supervising agent or aftercare specialist;

4 (7.12) if convicted of a sex offense as defined in the
5 Sex Offender Registration Act committed on or after January
6 1, 2010 (the effective date of Public Act 96-262), refrain
7 from accessing or using a social networking website as
8 defined in Section 17-0.5 of the Criminal Code of 2012;

9 (7.13) if convicted of a sex offense as defined in
10 Section 2 of the Sex Offender Registration Act committed on
11 or after January 1, 2010 (the effective date of Public Act
12 96-362) that requires the person to register as a sex
13 offender under that Act, may not knowingly use any computer
14 scrub software on any computer that the sex offender uses;

15 (8) obtain permission of an agent of the Department of
16 Corrections or the Department of Juvenile Justice before
17 leaving the State of Illinois;

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

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

23 (11) refrain from the use or possession of narcotics or
24 other controlled substances in any form, or both, or any
25 paraphernalia related to those substances and submit to a
26 urinalysis test as instructed by a parole agent of the

1 Department of Corrections or an aftercare specialist of the
2 Department of Juvenile Justice;

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

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

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

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

1 specialist deems appropriate;

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

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

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

24 (19) if convicted of a violation of the Methamphetamine
25 Control and Community Protection Act, the Methamphetamine
26 Precursor Control Act, or a methamphetamine related

1 offense, be:

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

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

8 (20) if convicted of any offense in Article 18 or 19 of
9 the Criminal Code of 2012, the court may impose, as a
10 condition of parole, aftercare release, mandatory
11 supervised release, or extended mandatory supervised
12 release, that the defendant be required to wear an approved
13 monitoring device as defined in Section 5-8A-2 of this Code
14 that has a Global Positioning System (GPS) for the duration
15 of the defendant's parole, aftercare release, mandatory
16 supervised release, or extended mandatory supervised
17 release. The data obtained from the GPS device shall not be
18 monitored in real time, but shall be available to law
19 enforcement agencies in automated 24 hour reports.

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

22 (1) work or pursue a course of study or vocational
23 training;

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

26 (3) attend or reside in a facility established for the

1 instruction or residence of persons on probation or parole;

2 (4) support his or her dependents;

3 (5) (blank);

4 (6) (blank);

5 (7) (blank);

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

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

25 (i) not access or use a computer or any other
26 device with Internet capability without the prior

1 written approval of the Department;

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

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

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

21 (8) in addition, if a minor:

22 (i) reside with his or her parents or in a foster
23 home;

24 (ii) attend school;

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

26 or

1 (iv) contribute to his or her own support at home
2 or in a foster home.

3 (b-1) In addition to the conditions set forth in
4 subsections (a) and (b), persons required to register as sex
5 offenders pursuant to the Sex Offender Registration Act, upon
6 release from the custody of the Illinois Department of
7 Corrections or Department of Juvenile Justice, may be required
8 by the Board to comply with the following specific conditions
9 of release:

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

11 (2) comply with all requirements of the Sex Offender
12 Registration Act;

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

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

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

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

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

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

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

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

1 to any computer or material linked to computer access use;

2 (11) not patronize any business providing sexually
3 stimulating or sexually oriented entertainment nor utilize
4 "900" or adult telephone numbers;

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

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

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

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

24 (16) take an annual polygraph exam;

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

26 (18) obtain prior approval of his or her parole officer

1 or aftercare specialist before driving alone in a motor
2 vehicle.

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

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

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

19 (f) (Blank).

20 (Source: P.A. 97-50, eff. 6-28-11; 97-531, eff. 1-1-12; 97-560,
21 eff. 1-1-12; 97-597, eff. 1-1-12; 97-1109, eff. 1-1-13;
22 97-1150, eff. 1-25-13; 98-558, eff. 1-1-14.)