



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3786

by Rep. Ann Williams

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-14-2

from Ch. 38, par. 1003-14-2

Amends the Unified Code of Corrections. Provides that when a parolee or releasee is charged with the commission of a felony offense, the supervising officer shall request the Department of Corrections to issue a parole violation warrant, and the Department shall issue a parole violation warrant. Eliminates the various circumstances that must occur before the Department issues the warrant. Provides that these requirements do not apply if the parolee or releasee will be discharged from his or her term of parole or mandatory supervised release within 7 days of the arrest or at the request of a law enforcement agency if the issuance of the warrant would interfere with an ongoing criminal investigation.

LRB099 09549 RLC 29758 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 Section 3-14-2 as follows:

6 (730 ILCS 5/3-14-2) (from Ch. 38, par. 1003-14-2)

7 Sec. 3-14-2. Supervision on Parole, Mandatory Supervised
8 Release and Release by Statute.

9 (a) The Department shall retain custody of all persons
10 placed on parole or mandatory supervised release or released
11 pursuant to Section 3-3-10 of this Code and shall supervise
12 such persons during their parole or release period in accord
13 with the conditions set by the Prisoner Review Board. Such
14 conditions shall include referral to an alcohol or drug abuse
15 treatment program, as appropriate, if such person has
16 previously been identified as having an alcohol or drug abuse
17 problem. Such conditions may include that the person use an
18 approved electronic monitoring device subject to Article 8A of
19 Chapter V.

20 (b) The Department shall assign personnel to assist persons
21 eligible for parole in preparing a parole plan. Such Department
22 personnel shall make a report of their efforts and findings to
23 the Prisoner Review Board prior to its consideration of the

1 case of such eligible person.

2 (c) A copy of the conditions of his parole or release shall
3 be signed by the parolee or releasee and given to him and to
4 his supervising officer who shall report on his progress under
5 the rules and regulations of the Prisoner Review Board. The
6 supervising officer shall report violations to the Prisoner
7 Review Board and shall have the full power of peace officers in
8 the arrest and retaking of any parolees or releasees or the
9 officer may request the Department to issue a warrant for the
10 arrest of any parolee or releasee who has allegedly violated
11 his parole or release conditions.

12 (c-1) Except as provided in subsection (c-2), if a parolee
13 or releasee is charged with the commission of a felony offense,
14 the ~~The~~ supervising officer shall request the Department to
15 issue a parole violation warrant, and the Department shall
16 issue a parole violation warrant, ~~under the following~~
17 ~~circumstances:~~

18 ~~(1) if the parolee or releasee commits an act that~~
19 ~~constitutes a felony using a firearm or knife,~~

20 ~~(2) if applicable, fails to comply with the~~
21 ~~requirements of the Sex Offender Registration Act,~~

22 ~~(3) if the parolee or releasee is charged with:~~

23 ~~(A) a felony offense of domestic battery under~~
24 ~~Section 12-3.2 of the Criminal Code of 1961 or the~~
25 ~~Criminal Code of 2012,~~

26 ~~(B) aggravated domestic battery under Section~~

1 ~~12-3.3 of the Criminal Code of 1961 or the Criminal~~
2 ~~Code of 2012,~~

3 ~~(C) stalking under Section 12-7.3 of the Criminal~~
4 ~~Code of 1961 or the Criminal Code of 2012,~~

5 ~~(D) aggravated stalking under Section 12-7.4 of~~
6 ~~the Criminal Code of 1961 or the Criminal Code of 2012,~~

7 ~~(E) violation of an order of protection under~~
8 ~~Section 12-3.4 or 12-30 of the Criminal Code of 1961 or~~
9 ~~the Criminal Code of 2012, or~~

10 ~~(F) any offense that would require registration as~~
11 ~~a sex offender under the Sex Offender Registration Act,~~
12 ~~or~~

13 ~~(4) if the parolee or releasee is on parole or~~
14 ~~mandatory supervised release for a murder, a Class X felony~~
15 ~~or a Class 1 felony violation of the Criminal Code of 1961~~
16 ~~or the Criminal Code of 2012, or any felony that requires~~
17 ~~registration as a sex offender under the Sex Offender~~
18 ~~Registration Act and commits an act that constitutes first~~
19 ~~degree murder, a Class X felony, a Class 1 felony, a Class~~
20 ~~2 felony, or a Class 3 felony.~~

21 A sheriff or other peace officer may detain an alleged
22 parole or release violator until a warrant for his return to
23 the Department can be issued. The parolee or releasee may be
24 delivered to any secure place until he can be transported to
25 the Department. The officer or the Department shall file a
26 violation report with notice of charges with the Prisoner

1 Review Board.

2 (c-2) The requirements of subsection (c-1) of this Section
3 do not apply if the parolee or releasee will be discharged from
4 his or her term of parole or mandatory supervised release
5 within 7 days of the arrest or at the request of a law
6 enforcement agency if the issuance of the warrant would
7 interfere with an ongoing criminal investigation.

8 (d) The supervising officer shall regularly advise and
9 consult with the parolee or releasee, assist him in adjusting
10 to community life, inform him of the restoration of his rights
11 on successful completion of sentence under Section 5-5-5. If
12 the parolee or releasee has been convicted of a sex offense as
13 defined in the Sex Offender Management Board Act, the
14 supervising officer shall periodically, but not less than once
15 a month, verify that the parolee or releasee is in compliance
16 with paragraph (7.6) of subsection (a) of Section 3-3-7.

17 (e) Supervising officers shall receive specialized
18 training in the special needs of female releasees or parolees
19 including the family reunification process.

20 (f) The supervising officer shall keep such records as the
21 Prisoner Review Board or Department may require. All records
22 shall be entered in the master file of the individual.

23 (Source: P.A. 96-282, eff. 1-1-10; 96-1447, eff. 8-20-10;
24 97-389, eff. 8-15-11; 97-1150, eff. 1-25-13.)