



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3960

by Rep. Joe Sosnowski

#### 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 or mandatory supervised release the subject, if convicted for an offense that would qualify the accused as a sex offender or sexual predator under the Sex Offender Registration Act shall wear an approved electronic monitoring device that has Global Positioning System (GPS) capability for 10 years after the person's release, parole, aftercare release, mandatory supervised release term, or extended mandatory supervised release term. Provides that as a condition of parole or mandatory supervised release the subject, if a member or former member of a streetgang as defined in the Illinois Streetgang Terrorism Omnibus Prevention Act, shall wear an approved electronic monitoring device that has Global Positioning System (GPS) capability for the duration of the person's parole, aftercare release, mandatory supervised release term, or extended mandatory supervised release term.

LRB099 08850 RLC 29022 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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

1 capability for 10 years after ~~the duration of~~ the person's  
2 release, parole, aftercare release, mandatory supervised  
3 release term, or extended mandatory supervised release  
4 term;

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

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

1 Offender Registration Act and compliance with conditions  
2 in this Act;

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

8 (7.11) if convicted for an offense under Section 11-6,  
9 11-9.1, 11-14.4 that involves soliciting for a juvenile  
10 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
11 of the Criminal Code of 1961 or the Criminal Code of 2012,  
12 or any attempt to commit any of these offenses, committed  
13 on or after June 1, 2009 (the effective date of Public Act  
14 95-983):

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

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

1 thorough inspection;

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

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

11 (7.12) if convicted of a sex offense as defined in the  
12 Sex Offender Registration Act committed on or after January  
13 1, 2010 (the effective date of Public Act 96-262), refrain  
14 from accessing or using a social networking website as  
15 defined in Section 17-0.5 of the Criminal Code of 2012;

16 (7.13) if convicted of a sex offense as defined in  
17 Section 2 of the Sex Offender Registration Act committed on  
18 or after January 1, 2010 (the effective date of Public Act  
19 96-362) that requires the person to register as a sex  
20 offender under that Act, may not knowingly use any computer  
21 scrub software on any computer that the sex offender uses;

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

25 (9) obtain permission of an agent of the Department of  
26 Corrections or the Department of Juvenile Justice before

1 changing his or her residence or 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 or an aftercare specialist of the  
9 Department of Juvenile Justice;

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

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

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

25 (15) follow any specific instructions provided by the  
26 parole agent or aftercare specialist that are consistent



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

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

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

24 (18) comply with the terms and conditions of an order  
25 of protection issued pursuant to the Illinois Domestic  
26 Violence Act of 1986; an order of protection issued by the

1 court of another state, tribe, or United States territory;  
2 a no contact order issued pursuant to the Civil No Contact  
3 Order Act; or a no contact order issued pursuant to the  
4 Stalking No Contact Order Act; ~~and~~

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

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

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

15 (20) if a member or former member of a streetgang as  
16 defined in Section 10 of the Illinois Streetgang Terrorism  
17 Omnibus Prevention Act wear an approved electronic  
18 monitoring device as defined in Section 5-8A-2 that has  
19 Global Positioning System (GPS) capability for the  
20 duration of the person's parole, aftercare release,  
21 mandatory supervised release term, or extended mandatory  
22 supervised release term.

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

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

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

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

5           (4) support his or her dependents;

6           (5) (blank);

7           (6) (blank);

8           (7) (blank);

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

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

1 Offender Registration Act:

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

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

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

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

24 (8) in addition, if a minor:

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

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

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

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

8           offenders pursuant to the Sex Offender Registration Act, upon

9           release from the custody of the Illinois Department of

10          Corrections or Department of Juvenile Justice, may be required

11          by the Board to comply with the following specific conditions

12          of release:

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

1 Juvenile Justice;

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

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

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

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

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

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

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

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

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

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

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

- 1           (16) take an annual polygraph exam;
- 2           (17) maintain a log of his or her travel; or
- 3           (18) obtain prior approval of his or her parole officer
- 4           or aftercare specialist before driving alone in a motor
- 5           vehicle.

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

7           release, or mandatory supervised release is to be served shall

8           be communicated to the person in writing prior to his or her

9           release, and he or she shall sign the same before release. A

10          signed copy of these conditions, including a copy of an order

11          of protection where one had been issued by the criminal court,

12          shall be retained by the person and another copy forwarded to

13          the officer or aftercare specialist in charge of his or her

14          supervision.

15          (d) After a hearing under Section 3-3-9, the Prisoner

16          Review Board may modify or enlarge the conditions of parole,

17          aftercare release, or mandatory supervised release.

18          (e) The Department shall inform all offenders committed to

19          the Department of the optional services available to them upon

20          release and shall assist inmates in availing themselves of such

21          optional services upon their release on a voluntary basis.

22          (f) (Blank).

23          (Source: P.A. 97-50, eff. 6-28-11; 97-531, eff. 1-1-12; 97-560,

24          eff. 1-1-12; 97-597, eff. 1-1-12; 97-1109, eff. 1-1-13;

25          97-1150, eff. 1-25-13; 98-558, eff. 1-1-14.)