

HB3014



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3014

Introduced 2/19/2021, 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, if the Prisoner Review Board requires that a person undergo medical, psychiatric, drug addiction, or alcoholism treatment as a condition of parole or mandatory supervised release, evaluation for that treatment must be completed within 30 days after release and the person must complete treatment as recommended in the evaluation.

LRB102 04216 RLC 14233 b

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 or mandatory supervised
8 release.

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

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

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

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

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

23 (5) attend or reside in a facility established for the

1 instruction or residence of persons on parole or mandatory
2 supervised release;

3 (6) secure permission before visiting or writing a
4 committed person in an Illinois Department of Corrections
5 facility;

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

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

19 (7.6) if convicted of a sex offense as defined in the
20 Sex Offender Management Board Act, refrain from residing
21 at the same address or in the same condominium unit or
22 apartment unit or in the same condominium complex or
23 apartment complex with another person he or she knows or
24 reasonably should know is a convicted sex offender or has
25 been placed on supervision for a sex offense; the
26 provisions of this paragraph do not apply to a person

1 convicted of a sex offense who is placed in a Department of
2 Corrections licensed transitional housing facility for sex
3 offenders, or is in any facility operated or licensed by
4 the Department of Children and Family Services or by the
5 Department of Human Services, or is in any licensed
6 medical facility;

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

1 supervised release term;

2 (7.8) if convicted for an offense committed on or
3 after June 1, 2008 (the effective date of Public Act
4 95-464) that would qualify the accused as a child sex
5 offender as defined in Section 11-9.3 or 11-9.4 of the
6 Criminal Code of 1961 or the Criminal Code of 2012,
7 refrain from communicating with or contacting, by means of
8 the Internet, a person who is not related to the accused
9 and whom the accused reasonably believes to be under 18
10 years of age; for purposes of this paragraph (7.8),
11 "Internet" has the meaning ascribed to it in Section
12 16-0.1 of the Criminal Code of 2012; and a person is not
13 related to the accused if the person is not: (i) the
14 spouse, brother, or sister of the accused; (ii) a
15 descendant of the accused; (iii) a first or second cousin
16 of the accused; or (iv) a step-child or adopted child of
17 the accused;

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

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

6 (7.11) if convicted for an offense under Section 11-6,
7 11-9.1, 11-14.4 that involves soliciting for a juvenile
8 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
9 of the Criminal Code of 1961 or the Criminal Code of 2012,
10 or any attempt to commit any of these offenses, committed
11 on or after June 1, 2009 (the effective date of Public Act
12 95-983):

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

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

25 (iii) submit to the installation on the offender's
26 computer or device with Internet capability, at the

1 offender's expense, of one or more hardware or
2 software systems to monitor the Internet use; and

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

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

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

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

23 (9) obtain permission of an agent of the Department of
24 Corrections before changing his or her residence or
25 employment;

26 (10) consent to a search of his or her person,

1 property, or residence under his or her control;

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

7 (12) not knowingly frequent places where controlled
8 substances are illegally sold, used, distributed, or
9 administered;

10 (13) except when the association described in either
11 subparagraph (A) or (B) of this paragraph (13) involves
12 activities related to community programs, worship
13 services, volunteering, engaging families, or some other
14 pro-social activity in which there is no evidence of
15 criminal intent:

16 (A) not knowingly associate with other persons on
17 parole or mandatory supervised release without prior
18 written permission of his or her parole agent; or

19 (B) not knowingly associate with persons who are
20 members of an organized gang as that term is defined in
21 the Illinois Streetgang Terrorism Omnibus Prevention
22 Act;

23 (14) provide true and accurate information, as it
24 relates to his or her adjustment in the community while on
25 parole or mandatory supervised release or to his or her
26 conduct while incarcerated, in response to inquiries by

1 his or her parole agent or of the Department of
2 Corrections;

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

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

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

1 (18) comply with the terms and conditions of an order
2 of protection issued pursuant to the Illinois Domestic
3 Violence Act of 1986; an order of protection issued by the
4 court of another state, tribe, or United States territory;
5 a no contact order issued pursuant to the Civil No Contact
6 Order Act; or a no contact order issued pursuant to the
7 Stalking No Contact Order Act;

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

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

15 (B) prohibited from purchasing, possessing, or
16 having under his or her control any product containing
17 ammonium nitrate;

18 (20) if convicted of a hate crime under Section 12-7.1
19 of the Criminal Code of 2012, perform public or community
20 service of no less than 200 hours and enroll in an
21 educational program discouraging hate crimes involving the
22 protected class identified in subsection (a) of Section
23 12-7.1 of the Criminal Code of 2012 that gave rise to the
24 offense the offender committed ordered by the court; and

25 (21) be evaluated by the Department of Corrections
26 prior to release using a validated risk assessment and be

1 subject to a corresponding level of supervision. In
2 accordance with the findings of that evaluation:

3 (A) All subjects found to be at a moderate or high
4 risk to recidivate, or on parole or mandatory
5 supervised release for first degree murder, a forcible
6 felony as defined in Section 2-8 of the Criminal Code
7 of 2012, any felony that requires registration as a
8 sex offender under the Sex Offender Registration Act,
9 or a Class X felony or Class 1 felony that is not a
10 violation of the Cannabis Control Act, the Illinois
11 Controlled Substances Act, or the Methamphetamine
12 Control and Community Protection Act, shall be subject
13 to high level supervision. The Department shall define
14 high level supervision based upon evidence-based and
15 research-based practices. Notwithstanding this
16 placement on high level supervision, placement of the
17 subject on electronic monitoring or detention shall
18 not occur unless it is required by law or expressly
19 ordered or approved by the Prisoner Review Board.

20 (B) All subjects found to be at a low risk to
21 recidivate shall be subject to low-level supervision,
22 except for those subjects on parole or mandatory
23 supervised release for first degree murder, a forcible
24 felony as defined in Section 2-8 of the Criminal Code
25 of 2012, any felony that requires registration as a
26 sex offender under the Sex Offender Registration Act,

1 or a Class X felony or Class 1 felony that is not a
2 violation of the Cannabis Control Act, the Illinois
3 Controlled Substances Act, or the Methamphetamine
4 Control and Community Protection Act. Low level
5 supervision shall require the subject to check in with
6 the supervising officer via phone or other electronic
7 means. Notwithstanding this placement on low level
8 supervision, placement of the subject on electronic
9 monitoring or detention shall not occur unless it is
10 required by law or expressly ordered or approved by
11 the Prisoner Review Board.

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

14 (1) work or pursue a course of study or vocational
15 training;

16 (2) undergo medical or psychiatric treatment, or
17 treatment for drug addiction or alcoholism. Evaluation for
18 that treatment must be completed within 30 days after
19 release and the subject must complete treatment as
20 recommended in the evaluation;

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

24 (4) support his or her dependents;

25 (5) (blank);

26 (6) (blank);

1 (7) (blank);

2 (7.5) if convicted for an offense committed on or
3 after the effective date of this amendatory Act of the
4 95th General Assembly that would qualify the accused as a
5 child sex offender as defined in Section 11-9.3 or 11-9.4
6 of the Criminal Code of 1961 or the Criminal Code of 2012,
7 refrain from communicating with or contacting, by means of
8 the Internet, a person who is related to the accused and
9 whom the accused reasonably believes to be under 18 years
10 of age; for purposes of this paragraph (7.5), "Internet"
11 has the meaning ascribed to it in Section 16-0.1 of the
12 Criminal Code of 2012; and a person is related to the
13 accused if the person is: (i) the spouse, brother, or
14 sister of the accused; (ii) a descendant of the accused;
15 (iii) a first or second cousin of the accused; or (iv) a
16 step-child or adopted child of the accused;

17 (7.6) if convicted for an offense committed on or
18 after June 1, 2009 (the effective date of Public Act
19 95-983) that would qualify as a sex offense as defined in
20 the Sex Offender Registration Act:

21 (i) not access or use a computer or any other
22 device with Internet capability without the prior
23 written approval of the Department;

24 (ii) submit to periodic unannounced examinations
25 of the offender's computer or any other device with
26 Internet capability by the offender's supervising

1 agent, a law enforcement officer, or assigned computer
2 or information technology specialist, including the
3 retrieval and copying of all data from the computer or
4 device and any internal or external peripherals and
5 removal of such information, equipment, or device to
6 conduct a more thorough inspection;

7 (iii) submit to the installation on the offender's
8 computer or device with Internet capability, at the
9 offender's expense, of one or more hardware or
10 software systems to monitor the Internet use; and

11 (iv) submit to any other appropriate restrictions
12 concerning the offender's use of or access to a
13 computer or any other device with Internet capability
14 imposed by the Board, the Department or the offender's
15 supervising agent; and

16 (8) in addition, if a minor:

17 (i) reside with his or her parents or in a foster
18 home;

19 (ii) attend school;

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

21 or

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

24 (b-1) In addition to the conditions set forth in
25 subsections (a) and (b), persons required to register as sex
26 offenders pursuant to the Sex Offender Registration Act, upon

1 release from the custody of the Illinois Department of
2 Corrections, may be required by the Board to comply with the
3 following specific conditions of release:

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

5 (2) comply with all requirements of the Sex Offender
6 Registration Act;

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

9 (4) obtain the approval of an agent of the Department
10 of Corrections prior to accepting employment or pursuing a
11 course of study or vocational training and notify the
12 Department prior to any change in employment, study, or
13 training;

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

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

21 (7) refrain from entering into a designated geographic
22 area except upon terms approved in advance by an agent of
23 the Department of Corrections. The terms may include
24 consideration of the purpose of the entry, the time of
25 day, and others accompanying the person;

26 (8) refrain from having any contact, including written

1 or oral communications, directly or indirectly, personally
2 or by telephone, letter, or through a third party with
3 certain specified persons including, but not limited to,
4 the victim or the victim's family without the prior
5 written approval of an agent of the Department of
6 Corrections;

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

11 (10) neither possess or have under his or her control
12 any material that is sexually oriented, sexually
13 stimulating, or that shows male or female sex organs or
14 any pictures depicting children under 18 years of age nude
15 or any written or audio material describing sexual
16 intercourse or that depicts or alludes to sexual activity,
17 including but not limited to visual, auditory, telephonic,
18 or electronic media, or any matter obtained through access
19 to any computer or material linked to computer access use;

20 (11) not patronize any business providing sexually
21 stimulating or sexually oriented entertainment nor utilize
22 "900" or adult telephone numbers;

23 (12) not reside near, visit, or be in or about parks,
24 schools, day care centers, swimming pools, beaches,
25 theaters, or any other places where minor children
26 congregate without advance approval of an agent of the

1 Department of Corrections and immediately report any
2 incidental contact with minor children to the Department;

3 (13) not possess or have under his or her control
4 certain specified items of contraband related to the
5 incidence of sexually offending as determined by an agent
6 of the Department of Corrections;

7 (14) may be required to provide a written daily log of
8 activities if directed by an agent of the Department of
9 Corrections;

10 (15) comply with all other special conditions that the
11 Department may impose that restrict the person from
12 high-risk situations and limit access to potential
13 victims;

14 (16) take an annual polygraph exam;

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

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

18 (c) The conditions under which the parole or mandatory
19 supervised release is to be served shall be communicated to
20 the person in writing prior to his or her release, and he or
21 she shall sign the same before release. A signed copy of these
22 conditions, including a copy of an order of protection where
23 one had been issued by the criminal court, shall be retained by
24 the person and another copy forwarded to the officer in charge
25 of his or her supervision.

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

1 Review Board may modify or enlarge the conditions of parole or
2 mandatory supervised release.

3 (e) The Department shall inform all offenders committed to
4 the Department of the optional services available to them upon
5 release and shall assist inmates in availing themselves of
6 such optional services upon their release on a voluntary
7 basis.

8 (f) (Blank).

9 (Source: P.A. 100-201, eff. 8-18-17; 100-260, eff. 1-1-18;
10 100-575, eff. 1-8-18; 101-382, eff. 8-16-19.)