



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### HB5203

Introduced 1/31/2022, by Rep. Kelly M. Cassidy

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-7	from Ch. 38, par. 1003-3-7
730 ILCS 5/3-3-9	from Ch. 38, par. 1003-3-9
730 ILCS 5/3-14-2	from Ch. 38, par. 1003-14-2

Amends the Unified Code of Corrections. Restructures the provisions concerning the conditions of parole and mandatory supervised release. Provides that any and all conditions of parole or mandatory supervised release shall be imposed by the Prisoner Review Board, unless the conditions of release are being imposed or modified by a parole agent. Provides that any condition imposed by the Prisoner Review Board shall not be more restrictive than necessary to: (1) comply with the parolee or releasee's gender responsive risks, assets, and needs assessment; (2) achieve public safety; and 3) facilitate successful reintegration back into the community. Provides that parole agents shall not modify an existing condition of release or add additional conditions of release without approval from the Prisoner Review Board unless doing so under a rule adopted by the Department of Corrections. Provides that notwithstanding any other provision of law, a parolee or releasee must comply with specific instructions of a parole agent related to complying with conditions already set and approved by the Prisoner Review Board or otherwise imposed by law, exclusive of placement on electronic monitoring or home detention. Provides that all subjects found to be at a low risk to recidivate shall be subject to low-level or no supervision, except for specified offenses. Provides that parole or mandatory supervised release shall not be revoked solely for failure to comply with a condition of release that requires the parolee or releasee to affirmatively do something, unless there is sufficient evidence the failure was willful. Provides that when considering whether the failure was willful, the parole agent and the Prisoner Review Board must consider the person's ability to pay and the availability of programs or other resources necessary to compliance. Provides that conditions of parole or mandatory supervised release may (rather than shall) include referral to an alcohol or drug abuse treatment program, as appropriate, only when necessary to comply with trauma and gender informed risk, assets, and needs assessment.

LRB102 25491 RLC 34779 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 Sections 3-3-7, 3-3-9, and 3-14-2 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) Any and all conditions of parole or mandatory  
10 supervised release shall be imposed by the Prisoner Review  
11 Board, unless the conditions of release are being imposed or  
12 modified by a parole agent in accordance with subsection (i).

13 (b) Any condition imposed by the Prisoner Review Board in  
14 accordance with subsection (a) shall not be more restrictive  
15 than necessary to:

16 (1) comply with the parolee or releasee's gender  
17 responsive risks, assets, and needs assessment;

18 (2) achieve public safety; and

19 (3) facilitate successful reintegration back into the  
20 community.

21 (c) The Prisoner Review Board shall only impose conditions  
22 of parole or mandatory supervised release that derive from and  
23 respond to the person in custody's risks, assets, and needs,

1 as identified through a gender responsive assessment tool, in  
2 accordance with Section 10 of the Illinois Crime Reduction Act  
3 of 2009 and Section 3-2.5-85 of this Code, except that:

4 (1) the Prisoner Review Board may depart from the  
5 assessment tool's recommendations if it reasonably  
6 concludes that a condition:

7 (A) is not necessary to achieve public safety; or

8 (B) impedes the person in custody's ability to  
9 successfully reintegrate into the person's community.

10 (2) the Board shall impose any mandatory conditions  
11 identified in subsection (n).

12 (d) Prior to the Prisoner Review Board imposing any  
13 discretionary conditions of release under this Section, the  
14 person in custody must be provided with a reasonable  
15 opportunity to contest the discretionary conditions before  
16 they are imposed; and:

17 (1) the Department or the Board, or both, must provide  
18 the person in custody or the person's designated  
19 representative with the proposed conditions and any  
20 relevant underlying materials or information the Board  
21 relies on, including the risk, needs, and asset  
22 assessment. These materials must be provided 5 days in  
23 advance of the first conditions hearing;

24 (2) the Board must consider any information,  
25 materials, or evidence provided by the person in custody;

26 (3) the Board must consider any relevant and

1 particularized information, materials, or evidence  
2 provided by the Department of Corrections.

3 (e) Discretionary conditions must be based on  
4 particularized information and evidence before the Prisoner  
5 Review Board. The Board cannot impose conditions that are  
6 based on abstract or generalized safety issues, biases or  
7 stereotypes, or that impose additional punishment.

8 (f) When imposing conditions in accordance with subsection  
9 (a), the Board shall state in a written order:

10 (1) the imposed conditions of release;

11 (2) the reasonable relation the conditions have to the  
12 person in custody's assessment tool recommendations and  
13 information provided to the Board; and

14 (3) certification that no less restrictive conditions  
15 would assure compliance with subsection (b).

16 (g) A copy of the written order prepared in accordance  
17 with subsection (f) shall be retained by the Board. A copy  
18 shall be provided to the person subject to supervision prior  
19 to their release, and the person shall sign the same before  
20 release. The signed copy of these conditions, including a copy  
21 of an order of protection for which one had been issued by a  
22 circuit court, shall be retained by the person and another  
23 copy forwarded to the officer in charge of his or her  
24 supervision.

25 (h) The Department of Corrections shall adopt rules  
26 establishing that parole agents must make every practicable

1 effort to facilitate successful reentry and only take  
2 necessary steps to ensure public safety before deciding to  
3 revoke parole or mandatory supervised release, and provide a  
4 framework to guide how agents exercise their discretion to  
5 effectuate this goal, such as a graduated sanction or  
6 structured decision-making system that takes positive behavior  
7 account. Any adopted policies shall be based on evidence or  
8 research, or both. Nothing in this subsection prevents the  
9 Department from consulting parole agents, persons on  
10 supervision, advocates, experts, and others while developing  
11 these policies.

12 (i) Parole agents shall not modify an existing condition  
13 of release or add additional conditions of release without  
14 approval from the Prisoner Review Board in accordance with  
15 subsection (a) unless doing so under a rule adopted in  
16 accordance with subsection (h). Notwithstanding any other  
17 provision of this Section, a parolee or releasee must comply  
18 with specific instructions of a parole agent related to  
19 complying with conditions already set and approved by the  
20 Prisoner Review Board or otherwise imposed by law, exclusive  
21 of placement on electronic monitoring or home detention.

22 (j) If the Board requires as a condition of parole or  
23 mandatory supervised release that the person enroll in any  
24 program, even if mandated by law, both the Board and the  
25 Department shall ensure that the program is available in the  
26 county or nearby county in which the person will reside. The

1 parolee or releasee shall not be penalized if no program is  
2 available in the county or nearby county in which the parolee  
3 or releasee resides.

4 (k) The Department shall inform each person in custody of  
5 optional services and reentry supports available to the person  
6 before release, and upon request by the parolee or releasee  
7 after release, shall assist the parolee or releasee in  
8 locating volunteer reentry supports. After a hearing under  
9 Section 3-3-9, the Prisoner Review Board may modify or enlarge  
10 the conditions of parole or mandatory supervised release. To  
11 comply with paragraphs (1) through (3) of subsection (b):

12 (1) the Board may rely on an existing assessment  
13 unless:

14 (A) the completed assessment is more than 6 months  
15 old;

16 (B) an updated assessment is available; or

17 (C) the parolee or releasee requests a new  
18 assessment; and

19 (2) detention shall not be prolonged to complete an  
20 assessment if the Board has already determined that  
21 resuming community supervision is appropriate.

22 Nothing in this subsection (k) prevents the person in  
23 custody from knowingly and intelligently continuing a hearing  
24 under Section 3-3-9 so that such an assessment can be  
25 completed.

26 (1) The Prisoner Review Board may impose discretionary

1 conditions of release in accordance with subsections (a)  
2 through (c) on the following subjects:

3 (1) compliance with criminal statutes of any  
4 jurisdiction while under parole or mandatory supervised  
5 release and any related reporting requirements if accused  
6 of violating a criminal statute and reporting requirements  
7 if ever subject to an order of protection, no contact  
8 order, or a stalking no contact order;

9 (2) restrictions on the possession of firearms or  
10 other dangerous weapons;

11 (3) mandates regarding the frequency and manner of  
12 when the parolee or releasee must report or contact an  
13 agent of the Department of Corrections;

14 (4) as provided in subsections (a) through (c) and (h)  
15 the parolee or releasee must be evaluated by the  
16 Department of Corrections prior to release using a gender  
17 responsive, risks, assets, and needs assessment and be  
18 subject to a corresponding level of supervision. When  
19 appropriate, the Department may reduce the level of  
20 supervision. In accordance with the findings of that  
21 evaluation:

22 (A) all subjects found to be at a moderate or high  
23 risk to recidivate, or on parole or mandatory  
24 supervised release for first degree murder, a forcible  
25 felony as defined in Section 2-8 of the Criminal Code  
26 of 2012, any felony that requires registration as a

1 sex offender under the Sex Offender Registration Act,  
2 or a Class X felony or Class 1 felony that is not a  
3 violation of the Cannabis Control Act, the Illinois  
4 Controlled Substances Act, or the Methamphetamine  
5 Control and Community Protection Act, shall be subject  
6 to high level supervision. The Department shall define  
7 high level supervision based upon evidence-based and  
8 research-based practices. Notwithstanding this  
9 placement on high level supervision, placement of the  
10 subject on electronic monitoring or home detention  
11 shall not occur unless it is required by law or  
12 expressly ordered or approved by the Prisoner Review  
13 Board; and

14 (B) all subjects found to be at a low risk to  
15 recidivate shall be subject to low-level or no  
16 supervision, except for those subjects on parole or  
17 mandatory supervised release for first degree murder,  
18 a forcible felony as defined in Section 2-8 of the  
19 Criminal Code of 2012, any felony that requires  
20 registration as a sex offender under the Sex Offender  
21 Registration Act, or a Class X felony or Class 1 felony  
22 that is not a violation of the Cannabis Control Act,  
23 the Illinois Controlled Substances Act, or the  
24 Methamphetamine Control and Community Protection Act.  
25 Low level supervision shall require the subject to  
26 check in with the supervising officer via phone or



1           other electronic means. Notwithstanding this placement  
2           on low level supervision, placement of the subject on  
3           electronic monitoring or home detention shall not  
4           occur unless it is required by law or expressly  
5           ordered or approved by the Prisoner Review Board;

6           (5) whether the person must permit the agent to visit  
7           him or her at his or her home, employment, or elsewhere to  
8           the extent necessary for the parole agent to discharge the  
9           agent's duties;

10          (6) restrictions or mandates related to curfews or  
11          travel, including, but not limited to, whether and when  
12          prior approval is ever required;

13          (7) notify the person's parole agent before changing  
14          the person's residence or employment, or within 3 days  
15          after changing residence or employment;

16          (8) restrictions or mandates on associating or  
17          contacting certain persons or classes of persons;

18          (9) consent-to-search mandates or restrictions;

19          (10) good faith efforts to maintain contact with and  
20          cooperate with a parole agent;

21          (11) mandatory participation in the labor market,  
22          programs, services, or treatment, unless a disability  
23          prevents the parolee or releasee from participating. For  
24          purposes of this paragraph (11), disability shall be  
25          construed consistent with the federal Americans with  
26          Disabilities Act of 1990. Such conditions may include:

- 1                   (A) work requirements;  
2                   (B) educational or vocational training; or  
3                   (C) medical, psychiatric, behavioral, addiction,  
4                   or other clinical services.

5           (m) The following conditions of parole or mandatory  
6           supervised release shall be imposed by the Prisoner Review  
7           Board or operation of law, as specified:

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

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

1       medical facility;

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

23           (4) if convicted for an offense committed on or after  
24       June 1, 2008 (the effective date of Public Act 95-464)  
25       that would qualify the accused as a child sex offender as  
26       defined in Section 11-9.3 or 11-9.4 of the Criminal Code

1 of 1961 or the Criminal Code of 2012, refrain from  
2 communicating with or contacting, by means of the  
3 Internet, a person who is not related to the accused and  
4 whom the accused reasonably believes to be under 18 years  
5 of age; for purposes of this paragraph (4), "Internet" has  
6 the meaning ascribed to it in Section 16-0.1 of the  
7 Criminal Code of 2012; and a person is not related to the  
8 accused if the person is not:

9 (A) the spouse, brother, or sister of the accused;

10 (B) a descendant of the accused;

11 (C) a first or second cousin of the accused; or

12 (D) a step-child or adopted child of the accused;

13 (5) if convicted under Section 11-6, 11-20.1, 11-20.1B,  
14 11-20.3, or 11-21 of the Criminal Code of 1961 or the  
15 Criminal Code of 2012, consent to search of computers,  
16 PDA's, 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 (6) if convicted for an offense that would qualify the  
23 accused as a sex offender or sexual predator under the Sex  
24 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) 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           (8) not access or use a computer or any other device  
9           with Internet capability without the prior written  
10           approval of the Department;

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

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

24           (11) submit to any other appropriate restrictions  
25           concerning the offender's use of or access to a computer  
26           or any other device with Internet capability imposed by

1 the Board, the Department or the offender's supervising  
2 agent;

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

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

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

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

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

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

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

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

24           (18) if convicted of a hate crime under Section 12-7.1  
25           of the Criminal Code of 2012, perform public or community  
26           service of no less than 200 hours and enroll in an

1 educational program discouraging hate crimes involving the  
2 protected class identified in subsection (a) of Section  
3 12-7.1 of the Criminal Code of 2012 that gave rise to the  
4 offense the offender committed ordered by the court; and

5 (19) if convicted for an offense committed on or after  
6 June 1, 2008 (the effective date of Public Act 95-464)  
7 that 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  
9 of 1961 or the Criminal Code of 2012, refrain from  
10 communicating with or contacting, by means of the  
11 Internet, a person who is related to the accused and whom  
12 the accused reasonably believes to be under 18 years of  
13 age; for purposes of this paragraph (19) "Internet" has  
14 the meaning ascribed to it in Section 16-0.1 of the  
15 Criminal Code of 2012; and a person is related to the  
16 accused if the person is:

17 (A) the spouse, brother, or sister of the accused;

18 (B) a descendant of the accused;

19 (C) a first or second cousin of the accused;

20 (D) a step-child or adopted child of the accused;

21 or

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

26 (i) not access or use a computer or any other



1 device with Internet capability without the prior  
2 written approval of the Department;

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

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

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

23 (20) in addition, if a minor:

24 (A) reside with his or her parents or in a foster  
25 home;

26 (B) attend school;

1                   (C) attend a non-residential program for youth; or  
2                   (D) contribute to his or her own support at home or  
3                   in a foster home; and

4                   (21) in addition to the conditions set forth in  
5                   paragraphs (1) through (9) of this subsections (m) persons  
6                   required to register as sex offenders in accordance with  
7                   the Sex Offender Registration Act, upon release from the  
8                   custody of the Illinois Department of Corrections, may be  
9                   required by the Board to comply with the following  
10                   specific conditions of release:

11                   (A) reside only at a Department approved location;

12                   (B) comply with all requirements of the Sex  
13                   Offender Registration Act;

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

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

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

26                   (F) be electronically monitored for a minimum of

1           12 months from the date of release as determined by the  
2           Board;

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

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

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

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

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

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

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

15 (M) 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  
18 agent of the Department of Corrections;

19 (N) may be required to provide a written daily log  
20 of activities if directed by an agent of the  
21 Department of Corrections;

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

26 (P) take an annual polygraph exam;

- 1                   (Q) maintain a log of his or her travel; or  
2                   (R) obtain prior approval of his or her parole  
3                   officer before driving alone in a motor vehicle.

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

9                   ~~(1) not violate any criminal statute of any~~  
10 ~~jurisdiction during the parole or release term;~~

11                   ~~(2) refrain from possessing a firearm or other~~  
12 ~~dangerous weapon;~~

13                   ~~(3) report to an agent of the Department of~~  
14 ~~Corrections;~~

15                   ~~(4) permit the agent to visit him or her at his or her~~  
16 ~~home, employment, or elsewhere to the extent necessary for~~  
17 ~~the agent to discharge his or her duties;~~

18                   ~~(5) attend or reside in a facility established for the~~  
19 ~~instruction or residence of persons on parole or mandatory~~  
20 ~~supervised release;~~

21                   ~~(6) secure permission before visiting or writing a~~  
22 ~~committed person in an Illinois Department of Corrections~~  
23 ~~facility;~~

24                   ~~(7) report all arrests to an agent of the Department~~  
25 ~~of Corrections as soon as permitted by the arresting~~  
26 ~~authority but in no event later than 24 hours after~~

1 ~~release from custody and immediately report service or~~  
2 ~~notification of an order of protection, a civil no contact~~  
3 ~~order, or a stalking no contact order to an agent of the~~  
4 ~~Department of Corrections;~~

5 ~~(7.5) if convicted of a sex offense as defined in the~~  
6 ~~Sex Offender Management Board Act, the individual shall~~  
7 ~~undergo and successfully complete sex offender treatment~~  
8 ~~conducted in conformance with the standards developed by~~  
9 ~~the Sex Offender Management Board Act by a treatment~~  
10 ~~provider approved by the Board;~~

11 ~~(7.6) if convicted of a sex offense as defined in the~~  
12 ~~Sex Offender Management Board Act, refrain from residing~~  
13 ~~at the same address or in the same condominium unit or~~  
14 ~~apartment unit or in the same condominium complex or~~  
15 ~~apartment complex with another person he or she knows or~~  
16 ~~reasonably should know is a convicted sex offender or has~~  
17 ~~been placed on supervision for a sex offense; the~~  
18 ~~provisions of this paragraph do not apply to a person~~  
19 ~~convicted of a sex offense who is placed in a Department of~~  
20 ~~Corrections licensed transitional housing facility for sex~~  
21 ~~offenders, or is in any facility operated or licensed by~~  
22 ~~the Department of Children and Family Services or by the~~  
23 ~~Department of Human Services, or is in any licensed~~  
24 ~~medical facility;~~

25 ~~(7.7) if convicted for an offense that would qualify~~  
26 ~~the accused as a sexual predator under the Sex Offender~~

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

20       ~~(7.8) if convicted for an offense committed on or~~  
21       ~~after June 1, 2008 (the effective date of Public Act~~  
22       ~~95-464) that would qualify the accused as a child sex~~  
23       ~~offender as defined in Section 11-9.3 or 11-9.4 of the~~  
24       ~~Criminal Code of 1961 or the Criminal Code of 2012,~~  
25       ~~refrain from communicating with or contacting, by means of~~  
26       ~~the Internet, a person who is not related to the accused~~

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

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

19 ~~(7.10) if convicted for an offense that would qualify~~  
20 ~~the accused as a sex offender or sexual predator under the~~  
21 ~~Sex Offender Registration Act on or after June 1, 2008~~  
22 ~~(the effective date of Public Act 95-640), not possess~~  
23 ~~prescription drugs for erectile dysfunction;~~

24 ~~(7.11) if convicted for an offense under Section 11-6,~~  
25 ~~11-9.1, 11-14.4 that involves soliciting for a juvenile~~  
26 ~~prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21~~



1 ~~of the Criminal Code of 1961 or the Criminal Code of 2012,~~  
2 ~~or any attempt to commit any of these offenses, committed~~  
3 ~~on or after June 1, 2009 (the effective date of Public Act~~  
4 ~~95-983):~~

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

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

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

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

26 ~~(7.12) if convicted of a sex offense as defined in the~~

1 ~~Sex Offender Registration Act committed on or after~~  
2 ~~January 1, 2010 (the effective date of Public Act 96-262),~~  
3 ~~refrain from accessing or using a social networking~~  
4 ~~website as defined in Section 17-0.5 of the Criminal Code~~  
5 ~~of 2012;~~

6 ~~(7.13) if convicted of a sex offense as defined in~~  
7 ~~Section 2 of the Sex Offender Registration Act committed~~  
8 ~~on or after January 1, 2010 (the effective date of Public~~  
9 ~~Act 96-362) that requires the person to register as a sex~~  
10 ~~offender under that Act, may not knowingly use any~~  
11 ~~computer scrub software on any computer that the sex~~  
12 ~~offender uses;~~

13 ~~(8) obtain permission of an agent of the Department of~~  
14 ~~Corrections before leaving the State of Illinois;~~

15 ~~(9) obtain permission of an agent of the Department of~~  
16 ~~Corrections before changing his or her residence or~~  
17 ~~employment;~~

18 ~~(10) consent to a search of his or her person,~~  
19 ~~property, or residence under his or her control;~~

20 ~~(11) refrain from the use or possession of narcotics~~  
21 ~~or other controlled substances in any form, or both, or~~  
22 ~~any paraphernalia related to those substances and submit~~  
23 ~~to a urinalysis test as instructed by a parole agent of the~~  
24 ~~Department of Corrections;~~

25 ~~(12) not knowingly frequent places where controlled~~  
26 ~~substances are illegally sold, used, distributed, or~~

1       ~~administered;~~

2           ~~(13) except when the association described in either~~  
3       ~~subparagraph (A) or (B) of this paragraph (13) involves~~  
4       ~~activities related to community programs, worship~~  
5       ~~services, volunteering, engaging families, or some other~~  
6       ~~pro social activity in which there is no evidence of~~  
7       ~~criminal intent.~~

8           ~~(A) not knowingly associate with other persons on~~  
9       ~~parole or mandatory supervised release without prior~~  
10       ~~written permission of his or her parole agent; or~~

11          ~~(B) not knowingly associate with persons who are~~  
12       ~~members of an organized gang as that term is defined in~~  
13       ~~the Illinois Streetgang Terrorism Omnibus Prevention~~  
14       ~~Act;~~

15          ~~(14) provide true and accurate information, as it~~  
16       ~~relates to his or her adjustment in the community while on~~  
17       ~~parole or mandatory supervised release or to his or her~~  
18       ~~conduct while incarcerated, in response to inquiries by~~  
19       ~~his or her parole agent or of the Department of~~  
20       ~~Corrections;~~

21          ~~(15) follow any specific instructions provided by the~~  
22       ~~parole agent that are consistent with furthering~~  
23       ~~conditions set and approved by the Prisoner Review Board~~  
24       ~~or by law, exclusive of placement on electronic detention,~~  
25       ~~to achieve the goals and objectives of his or her parole or~~  
26       ~~mandatory supervised release or to protect the public.~~

1 ~~These instructions by the parole agent may be modified at~~  
2 ~~any time, as the agent deems appropriate;~~

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

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

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

26 ~~(19) if convicted of a violation of the~~

1 ~~Methamphetamine Control and Community Protection Act, the~~  
2 ~~Methamphetamine Precursor Control Act, or a~~  
3 ~~methamphetamine related offense, be:~~

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

7 ~~(B) prohibited from purchasing, possessing, or~~  
8 ~~having under his or her control any product containing~~  
9 ~~ammonium nitrate;~~

10 ~~(20) if convicted of a hate crime under Section 12-7.1~~  
11 ~~of the Criminal Code of 2012, perform public or community~~  
12 ~~service of no less than 200 hours and enroll in an~~  
13 ~~educational program discouraging hate crimes involving the~~  
14 ~~protected class identified in subsection (a) of Section~~  
15 ~~12-7.1 of the Criminal Code of 2012 that gave rise to the~~  
16 ~~offense the offender committed ordered by the court; and~~

17 ~~(21) be evaluated by the Department of Corrections~~  
18 ~~prior to release using a validated risk assessment and be~~  
19 ~~subject to a corresponding level of supervision. In~~  
20 ~~accordance with the findings of that evaluation:~~

21 ~~(A) All subjects found to be at a moderate or high~~  
22 ~~risk to recidivate, or 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, shall be subject~~  
5 ~~to high level supervision. The Department shall define~~  
6 ~~high level supervision based upon evidence based and~~  
7 ~~research based practices. Notwithstanding this~~  
8 ~~placement on high level supervision, placement of the~~  
9 ~~subject on electronic monitoring or detention shall~~  
10 ~~not occur unless it is required by law or expressly~~  
11 ~~ordered or approved by the Prisoner Review Board.~~

12 ~~(B) All subjects found to be at a low risk to~~  
13 ~~reconvict shall be subject to low level supervision,~~  
14 ~~except for those subjects on parole or mandatory~~  
15 ~~supervised release for first degree murder, a forcible~~  
16 ~~felony as defined in Section 2-8 of the Criminal Code~~  
17 ~~of 2012, any felony that requires registration as a~~  
18 ~~sex offender under the Sex Offender Registration Act,~~  
19 ~~or a Class X felony or Class 1 felony that is not a~~  
20 ~~violation of the Cannabis Control Act, the Illinois~~  
21 ~~Controlled Substances Act, or the Methamphetamine~~  
22 ~~Control and Community Protection Act. Low level~~  
23 ~~supervision shall require the subject to check in with~~  
24 ~~the supervising officer via phone or other electronic~~  
25 ~~means. Notwithstanding this placement on low level~~  
26 ~~supervision, placement of the subject on electronic~~

1 ~~monitoring or detention shall not occur unless it is~~  
2 ~~required by law or expressly ordered or approved by~~  
3 ~~the Prisoner Review Board.~~

4 ~~(b) The Board may in addition to other conditions require~~  
5 ~~that the subject:~~

6 ~~(1) work or pursue a course of study or vocational~~  
7 ~~training;~~

8 ~~(2) undergo medical or psychiatric treatment, or~~  
9 ~~treatment for drug addiction or alcoholism;~~

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

13 ~~(4) support his or her dependents;~~

14 ~~(5) (blank);~~

15 ~~(6) (blank);~~

16 ~~(7) (blank);~~

17 ~~(7.5) if convicted for an offense committed on or~~  
18 ~~after the effective date of this amendatory Act of the~~  
19 ~~95th General Assembly that would qualify the accused as a~~  
20 ~~child sex offender as defined in Section 11-9.3 or 11-9.4~~  
21 ~~of the Criminal Code of 1961 or the Criminal Code of 2012,~~  
22 ~~refrain from communicating with or contacting, by means of~~  
23 ~~the Internet, a person who is related to the accused and~~  
24 ~~whom the accused reasonably believes to be under 18 years~~  
25 ~~of age; for purposes of this paragraph (7.5), "Internet"~~  
26 ~~has the meaning ascribed to it in Section 16 0.1 of the~~

1 ~~Criminal Code of 2012; and a person is related to the~~  
2 ~~accused if the person is: (i) the spouse, brother, or~~  
3 ~~sister of the accused; (ii) a descendant of the accused;~~  
4 ~~(iii) a first or second cousin of the accused; or (iv) a~~  
5 ~~step child or adopted child of the accused;~~

6 ~~(7.6) if convicted for an offense committed on or~~  
7 ~~after June 1, 2009 (the effective date of Public Act~~  
8 ~~95-983) that would qualify as a sex offense as defined in~~  
9 ~~the Sex Offender Registration Act.~~

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

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

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

26 ~~(iv) submit to any other appropriate restrictions~~



1 ~~concerning the offender's use of or access to a~~  
2 ~~computer or any other device with Internet capability~~  
3 ~~imposed by the Board, the Department or the offender's~~  
4 ~~supervising agent; and~~

5 ~~(8) in addition, if a minor:~~

6 ~~(i) reside with his or her parents or in a foster~~  
7 ~~home;~~

8 ~~(ii) attend school;~~

9 ~~(iii) attend a non residential program for youth;~~

10 ~~or~~

11 ~~(iv) contribute to his or her own support at home~~  
12 ~~or in a foster home.~~

13 ~~(b-1) In addition to the conditions set forth in~~  
14 ~~subsections (a) and (b), persons required to register as sex~~  
15 ~~offenders pursuant to the Sex Offender Registration Act, upon~~  
16 ~~release from the custody of the Illinois Department of~~  
17 ~~Corrections, may be required by the Board to comply with the~~  
18 ~~following specific conditions of release:~~

19 ~~(1) reside only at a Department approved location;~~

20 ~~(2) comply with all requirements of the Sex Offender~~  
21 ~~Registration Act;~~

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

24 ~~(4) obtain the approval of an agent of the Department~~  
25 ~~of Corrections prior to accepting employment or pursuing a~~  
26 ~~course of study or vocational training and notify the~~

1 ~~Department prior to any change in employment, study, or~~  
2 ~~training;~~

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

7 ~~(6) be electronically monitored for a minimum of 12~~  
8 ~~months from the date of release as determined by the~~  
9 ~~Board;~~

10 ~~(7) refrain from entering into a designated geographic~~  
11 ~~area except upon terms approved in advance by an agent of~~  
12 ~~the Department of Corrections. The terms may include~~  
13 ~~consideration of the purpose of the entry, the time of~~  
14 ~~day, and others accompanying the person;~~

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

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

26 ~~(10) neither possess or have under his or her control~~

1 ~~any material that is sexually oriented, sexually~~  
2 ~~stimulating, or that shows male or female sex organs or~~  
3 ~~any pictures depicting children under 18 years of age nude~~  
4 ~~or any written or audio material describing sexual~~  
5 ~~intercourse or that depicts or alludes to sexual activity,~~  
6 ~~including but not limited to visual, auditory, telephonic,~~  
7 ~~or electronic media, or any matter obtained through access~~  
8 ~~to any computer or material linked to computer access use;~~

9 ~~(11) not patronize any business providing sexually~~  
10 ~~stimulating or sexually oriented entertainment nor utilize~~  
11 ~~"900" or adult telephone numbers;~~

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

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

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

25 ~~(15) comply with all other special conditions that the~~  
26 ~~Department may impose that restrict the person from~~

1 ~~high risk situations and limit access to potential~~  
2 ~~victims;~~

3 ~~(16) take an annual polygraph exam;~~

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

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

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

15 ~~(d) After a hearing under Section 3-3-9, the Prisoner~~  
16 ~~Review Board may modify or enlarge the conditions of parole or~~  
17 ~~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  
21 such optional services upon their release on a voluntary  
22 basis.

23 ~~(f) (Blank).~~

24 (Source: P.A. 100-201, eff. 8-18-17; 100-260, eff. 1-1-18;  
25 100-575, eff. 1-8-18; 101-382, eff. 8-16-19.)

1 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

2 Sec. 3-3-9. Violations; changes of conditions; preliminary  
3 hearing; revocation of parole or mandatory supervised release;  
4 revocation hearing.

5 (a) If prior to expiration or termination of the term of  
6 parole or mandatory supervised release, a person violates a  
7 condition set by the Prisoner Review Board or a condition of  
8 parole or mandatory supervised release under Section 3-3-7 of  
9 this Code to govern that term, the Board may:

10 (1) continue the existing term, with or without  
11 modifying or enlarging the conditions; or

12 (1.5) for those released as a result of youthful  
13 offender parole as set forth in Section 5-4.5-115 of this  
14 Code, order that the inmate be subsequently rereleased to  
15 serve a specified mandatory supervised release term not to  
16 exceed the full term permitted under the provisions of  
17 Section 5-4.5-115 and subsection (d) of Section 5-8-1 of  
18 this Code and may modify or enlarge the conditions of the  
19 release as the Board deems proper; or

20 (2) parole or release the person to a half-way house;  
21 or

22 (3) revoke the parole or mandatory supervised release  
23 and reconfine the person for a term computed in the  
24 following manner:

25 (i) (A) For those sentenced under the law in  
26 effect prior to this amendatory Act of 1977, the

1           recommitment shall be for any portion of the imposed  
2           maximum term of imprisonment or confinement which had  
3           not been served at the time of parole and the parole  
4           term, less the time elapsed between the parole of the  
5           person and the commission of the violation for which  
6           parole was revoked;

7           (B) Except as set forth in paragraphs (C) and (D),  
8           for those subject to mandatory supervised release  
9           under paragraph (d) of Section 5-8-1 of this Code, the  
10          recommitment shall be for the total mandatory  
11          supervised release term, less the time elapsed between  
12          the release of the person and the commission of the  
13          violation for which mandatory supervised release is  
14          revoked. The Board may also order that a prisoner  
15          serve up to one year of the sentence imposed by the  
16          court which was not served due to the accumulation of  
17          sentence credit;

18          (C) For those subject to sex offender supervision  
19          under clause (d) (4) of Section 5-8-1 of this Code, the  
20          reconfinement period for violations of clauses (a) (3)  
21          through (b-1) (15) of Section 3-3-7 shall not exceed 2  
22          years from the date of reconfinement;

23          (D) For those released as a result of youthful  
24          offender parole as set forth in Section 5-4.5-115 of  
25          this Code, the reconfinement period shall be for the  
26          total mandatory supervised release term, less the time

1            elapsed between the release of the person and the  
2            commission of the violation for which mandatory  
3            supervised release is revoked. The Board may also  
4            order that a prisoner serve up to one year of the  
5            mandatory supervised release term previously earned.  
6            The Board may also order that the inmate be  
7            subsequently rereleased to serve a specified mandatory  
8            supervised release term not to exceed the full term  
9            permitted under the provisions of Section 5-4.5-115  
10           and subsection (d) of Section 5-8-1 of this Code and  
11           may modify or enlarge the conditions of the release as  
12           the Board deems proper;

13                 (ii) the person shall be given credit against the  
14                 term of reimprisonment or reconfinement for time spent  
15                 in custody since he or she was paroled or released  
16                 which has not been credited against another sentence  
17                 or period of confinement;

18                 (iii) (blank);

19                 (iv) this Section is subject to the release under  
20                 supervision and the reparole and rerelease provisions  
21                 of Section 3-3-10.

22            (b) The Board may revoke parole or mandatory supervised  
23            release for violation of a condition for the duration of the  
24            term and for any further period which is reasonably necessary  
25            for the adjudication of matters arising before its expiration.  
26            The issuance of a warrant of arrest for an alleged violation of

1 the conditions of parole or mandatory supervised release shall  
2 toll the running of the term until the final determination of  
3 the charge. When parole or mandatory supervised release is not  
4 revoked that period shall be credited to the term, unless a  
5 community-based sanction is imposed as an alternative to  
6 revocation and reincarceration, including a diversion  
7 established by the Illinois Department of Corrections Parole  
8 Services Unit prior to the holding of a preliminary parole  
9 revocation hearing. Parolees who are diverted to a  
10 community-based sanction shall serve the entire term of parole  
11 or mandatory supervised release, if otherwise appropriate.

12 (b-5) The Board shall revoke parole or mandatory  
13 supervised release for violation of the conditions prescribed  
14 in paragraph (7.6) of subsection (a) of Section 3-3-7.

15 (c) A person charged with violating a condition of parole  
16 or mandatory supervised release shall have a preliminary  
17 hearing before a hearing officer designated by the Board to  
18 determine if there is cause to hold the person for a revocation  
19 hearing. However, no preliminary hearing need be held when  
20 revocation is based upon new criminal charges and a court  
21 finds probable cause on the new criminal charges or when the  
22 revocation is based upon a new criminal conviction and a  
23 certified copy of that conviction is available.

24 (d) Parole or mandatory supervised release shall not be  
25 revoked without written notice to the offender setting forth  
26 the violation of parole or mandatory supervised release



1 charged against him or her.

2 (e) A hearing on revocation shall be conducted before at  
3 least one member of the Prisoner Review Board. The Board may  
4 meet and order its actions in panels of 3 or more members. The  
5 action of a majority of the panel shall be the action of the  
6 Board. A record of the hearing shall be made. At the hearing  
7 the offender shall be permitted to:

8 (1) appear and answer the charge; and

9 (2) bring witnesses on his or her behalf.

10 (f) The Board shall either revoke parole or mandatory  
11 supervised release or order the person's term continued with  
12 or without modification or enlargement of the conditions.

13

14 (g) Parole or mandatory supervised release shall not be  
15 revoked solely for failure to comply with a condition of  
16 release that requires the parolee or releasee to affirmatively  
17 do something, unless there is sufficient evidence the failure  
18 was willful. When considering whether the failure was willful,  
19 the parole agent and the Prisoner Review Board must consider  
20 the person's ability to pay and the availability of programs  
21 or other resources necessary to compliance, consistent with  
22 subsection (j) of Section 3-3-7. A good-faith effort to  
23 participate in mandated programs, services, or treatment by  
24 the Board or the Department shall be a defense to revocation.  
25 Parole agents shall not initiate revocation proceedings  
26 against a parolee or releasee for failure to participate in

1 programming absent compliance with subsections (d) and (e).  
2 This paragraph does not impact the authority of the Board or a  
3 parole agent to initiate revocation proceedings for felonious  
4 misbehavior for failure to make payments under the conditions  
5 of parole or release unless the Board determines that such  
6 failure is due to the offender's willful refusal to pay.

7 (Source: P.A. 100-1182, eff. 6-1-19; 101-288, eff. 1-1-20.)

8 (730 ILCS 5/3-14-2) (from Ch. 38, par. 1003-14-2)

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

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

23 (b) The Department shall assign personnel to assist  
24 persons eligible for parole in preparing a parole plan. Such  
25 Department personnel shall make a report of their efforts and

1 findings to the Prisoner Review Board prior to its  
2 consideration of the case of such eligible person.

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

13 (c-1) The supervising officer shall request the Department  
14 to issue a parole violation warrant, and the Department shall  
15 issue a parole violation warrant, under the following  
16 circumstances:

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

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

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

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

25 (B) aggravated domestic battery under Section  
26 12-3.3 of the Criminal Code of 1961 or the Criminal

1 Code of 2012,

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

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

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

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

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

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

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

10           (e) Supervising officers shall receive specialized  
11 training in the special needs of female releasees or parolees  
12 including the family reunification process.

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

16           (Source: P.A. 96-282, eff. 1-1-10; 96-1447, eff. 8-20-10;  
17 97-389, eff. 8-15-11; 97-1150, eff. 1-25-13.)