



Rep. LaShawn K. Ford

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LRB095 01003 RLC 53498 a

1 AMENDMENT TO HOUSE BILL 2746

2 AMENDMENT NO. _____. Amend House Bill 2746 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Commerce and Economic
5 Opportunity Law of the Civil Administrative Code of Illinois is
6 amended by adding Section 605-416 as follows:

7 (20 ILCS 605/605-416 new)

8 Sec. 605-416. Loans to qualified ex-offenders.

9 (a) The Department of Commerce and Economic Opportunity
10 shall be responsible for the distribution of funds for the
11 ex-offender loan program. Funding for this program shall come
12 solely from the Ex-Offender Fund. The Department, if it so
13 chooses, may contract out or provide sub-grants for the
14 administrative services of the program to any organization who
15 works with ex-offenders and their reentry into society.
16 Organizations wishing to participate in the program must

1 present an application to the Department in order to receive
2 funding.

3 (b) Funding distributed from the Ex-Offender Fund may only
4 be used for 3 purposes:

5 (1) For the awarding of low-interest loans, not to
6 exceed an interest rate of 3%, to ex-offenders so that
7 these individuals may start and operate their own
8 businesses that have a positive impact on society. The
9 maximum amount of a loan that an ex-offender may receive
10 shall not exceed \$5,000.

11 (2) For the awarding of grants to qualified
12 ex-offenders so that the individuals may have a business
13 plan developed in order to receive loans to start up their
14 own businesses. These grants are to be used for the sole
15 purpose of acquiring a business plan developed by a
16 credible source. In order to receive these grants,
17 qualified ex-offenders must submit an application and
18 provide 50% of the cost to develop the business plan.

19 (3) For the administration costs of the program.

20 (c) For purposes of this Section, "qualified ex-offender"
21 means any person who:

22 (1) is an eligible offender, as defined under Section
23 5-5.5-5 of the Unified Code of Corrections;

24 (2) was sentenced to a period of incarceration in an
25 Illinois adult correctional center; and

26 (3) presents to the Department an application and a

1 professional business plan.

2 (d) Notwithstanding any other rulemaking authority that
3 may exist, neither the Governor nor any agency or agency head
4 under the jurisdiction of the Governor has any authority to
5 make or promulgate rules to implement or enforce the provisions
6 of this amendatory Act of the 95th General Assembly. If,
7 however, the Governor believes that rules are necessary to
8 implement or enforce the provisions of this amendatory Act of
9 the 95th General Assembly, the Governor may suggest rules to
10 the General Assembly by filing them with the Clerk of the House
11 and the Secretary of the Senate and by requesting that the
12 General Assembly authorize such rulemaking by law, enact those
13 suggested rules into law, or take any other appropriate action
14 in the General Assembly's discretion. Nothing contained in this
15 amendatory Act of the 95th General Assembly shall be
16 interpreted to grant rulemaking authority under any other
17 Illinois statute where such authority is not otherwise
18 explicitly given. For the purposes of this Section, "rules" is
19 given the meaning contained in Section 1-70 of the Illinois
20 Administrative Procedure Act, and "agency" and "agency head"
21 are given the meanings contained in Sections 1-20 and 1-25 of
22 the Illinois Administrative Procedure Act to the extent that
23 such definitions apply to agencies or agency heads under the
24 jurisdiction of the Governor.

25 Section 10. The State Finance Act is amended by adding

1 Section 5.719 as follows:

2 (30 ILCS 105/5.719 new)

3 Sec. 5.719. The Ex-Offender Fund.

4 Section 15. 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 (Text of Section before amendment by P.A. 95-983)

8 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
9 Release.

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

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

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

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

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

1 (5) attend or reside in a facility established for the
2 instruction or residence of persons on parole or mandatory
3 supervised release;

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

7 (7) report all arrests to an agent of the Department of
8 Corrections as soon as permitted by the arresting authority
9 but in no event later than 24 hours after release from
10 custody;

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

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

1 offenders, or is in any facility operated or licensed by
2 the Department of Children and Family Services or by the
3 Department of Human Services, or is in any licensed medical
4 facility;

5 (7.7) if convicted for an offense that would qualify
6 the accused as a sexual predator under the Sex Offender
7 Registration Act on or after the effective date of this
8 amendatory Act of the 94th General Assembly, wear an
9 approved electronic monitoring device as defined in
10 Section 5-8A-2 for the duration of the person's parole,
11 mandatory supervised release term, or extended mandatory
12 supervised release term;

13 (7.8) if convicted for an offense committed on or after
14 the effective date of this amendatory Act of the 95th
15 General Assembly that would qualify the accused as a child
16 sex offender as defined in Section 11-9.3 or 11-9.4 of the
17 Criminal Code of 1961, refrain from communicating with or
18 contacting, by means of the Internet, a person who is not
19 related to the accused and whom the accused reasonably
20 believes to be under 18 years of age; for purposes of this
21 paragraph (7.8), "Internet" has the meaning ascribed to it
22 in Section 16J-5 of the Criminal Code of 1961; and a person
23 is not related to the accused if the person is not: (i) the
24 spouse, brother, or sister of the accused; (ii) a
25 descendant of the accused; (iii) a first or second cousin
26 of the accused; or (iv) a step-child or adopted child of

1 the accused;

2 (7.9) if convicted under Section 11-6, 11-20.1,
3 11-20.3, or 11-21 of the Criminal Code of 1961, consent to
4 search of computers, PDAs, cellular phones, and other
5 devices under his or her control that are capable of
6 accessing the Internet or storing electronic files, in
7 order to confirm Internet protocol addresses reported in
8 accordance with the Sex Offender Registration Act and
9 compliance with conditions in this Act;

10 (7.10) if convicted for an offense that would qualify
11 the accused as a sex offender or sexual predator under the
12 Sex Offender Registration Act on or after the effective
13 date of this amendatory Act of the 95th General Assembly,
14 not possess prescription drugs for erectile dysfunction;

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

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

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

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

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

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

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

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

22 (16) if convicted of a sex offense as defined in
23 subsection (a-5) of Section 3-1-2 of this Code, unless the
24 offender is a parent or guardian of the person under 18
25 years of age present in the home and no non-familial minors
26 are present, not participate in a holiday event involving

1 children under 18 years of age, such as distributing candy
2 or other items to children on Halloween, wearing a Santa
3 Claus costume on or preceding Christmas, being employed as
4 a department store Santa Claus, or wearing an Easter Bunny
5 costume on or preceding Easter; and

6 (17) if convicted of a violation of an order of
7 protection under Section 12-30 of the Criminal Code of
8 1961, be placed under electronic surveillance as provided
9 in Section 5-8A-7 of this Code.

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

12 (1) work or pursue a course of study or vocational
13 training;

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

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

18 (4) support his dependents;

19 (5) (blank);

20 (6) (blank);

21 (7) comply with the terms and conditions of an order of
22 protection issued pursuant to the Illinois Domestic
23 Violence Act of 1986, enacted by the 84th General Assembly,
24 or an order of protection issued by the court of another
25 state, tribe, or United States territory;

26 (7.5) if convicted for an offense committed on or after

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

14 (8) in addition, if a minor:

15 (i) reside with his parents or in a foster home;

16 (ii) attend school;

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

18 or

19 (iv) contribute to his own support at home or in a

20 foster home.

21 (b-1) In addition to the conditions set forth in
22 subsections (a) and (b), persons required to register as sex
23 offenders pursuant to the Sex Offender Registration Act, upon
24 release from the custody of the Illinois Department of
25 Corrections, may be required by the Board to comply with the
26 following specific conditions of release:

- 1 (1) reside only at a Department approved location;
- 2 (2) comply with all requirements of the Sex Offender
3 Registration Act;
- 4 (3) notify third parties of the risks that may be
5 occasioned by his or her criminal record;
- 6 (4) obtain the approval of an agent of the Department
7 of Corrections prior to accepting employment or pursuing a
8 course of study or vocational training and notify the
9 Department prior to any change in employment, study, or
10 training;
- 11 (5) not be employed or participate in any volunteer
12 activity that involves contact with children, except under
13 circumstances approved in advance and in writing by an
14 agent of the Department of Corrections;
- 15 (6) be electronically monitored for a minimum of 12
16 months from the date of release as determined by the Board;
- 17 (7) refrain from entering into a designated geographic
18 area except upon terms approved in advance by an agent of
19 the Department of Corrections. The terms may include
20 consideration of the purpose of the entry, the time of day,
21 and others accompanying the person;
- 22 (8) refrain from having any contact, including written
23 or oral communications, directly or indirectly, personally
24 or by telephone, letter, or through a third party with
25 certain specified persons including, but not limited to,
26 the victim or the victim's family without the prior written

1 approval of an agent of the Department of Corrections;

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

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

15 (11) not patronize any business providing sexually
16 stimulating or sexually oriented entertainment nor utilize
17 "900" or adult telephone numbers;

18 (12) not reside near, visit, or be in or about parks,
19 schools, day care centers, swimming pools, beaches,
20 theaters, or any other places where minor children
21 congregate without advance approval of an agent of the
22 Department of Corrections and immediately report any
23 incidental contact with minor children to the Department;

24 (13) not possess or have under his or her control
25 certain specified items of contraband related to the
26 incidence of sexually offending as determined by an agent

1 of the Department of Corrections;

2 (14) may be required to provide a written daily log of
3 activities if directed by an agent of the Department of
4 Corrections;

5 (15) comply with all other special conditions that the
6 Department may impose that restrict the person from
7 high-risk situations and limit access to potential
8 victims;

9 (16) take an annual polygraph exam;

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

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

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

21 (d) After a hearing under Section 3-3-9, the Prisoner
22 Review Board may modify or enlarge the conditions of parole or
23 mandatory supervised release.

24 (e) The Department shall inform all offenders committed to
25 the Department of the optional services available to them upon
26 release and shall assist inmates in availing themselves of such

1 optional services upon their release on a voluntary basis.

2 (f) When the subject is in compliance with all conditions
3 of his or her parole or mandatory supervised release, the
4 subject shall receive a reduction of the period of his or her
5 parole or mandatory supervised release of 90 days upon passage
6 of the high school level Test of General Educational
7 Development during the period of his or her parole or mandatory
8 supervised release. This reduction in the period of a subject's
9 term of parole or mandatory supervised release shall be
10 available only to subjects who have not previously earned a
11 high school diploma or who have not previously passed the high
12 school level Test of General Educational Development.

13 (g) The Board, as a condition of parole or mandatory
14 supervised release of a person paroled or released on mandatory
15 supervised release on or after January 1, 2009, shall impose a
16 fee not to exceed \$15 per month of parole or mandatory
17 supervised release, unless, after determining the inability of
18 the parolee or releasee to pay the fee, the Board assesses a
19 lesser amount. The fee shall be imposed only upon an offender
20 who is actively supervised by the Department of Corrections.
21 The fee shall be collected by the parolee's or releasee's
22 supervising agent within one month after receipt and shall be
23 remitted to the State Treasurer for deposit into the
24 Ex-Offender Fund which is created in the State Treasury. Moneys
25 in the fund shall be used to provide low-interest loans for
26 ex-offenders to start-up their own businesses and to fund the

1 administrative costs of this program.

2 (A) Except as provided in clause (D), all offenders
3 placed under parole or mandatory supervised release
4 supervision of the Prisoner Review Board are required to
5 pay a parole maintenance fee not to exceed \$15 per month.

6 (B) Offenders shall be notified of the parole
7 maintenance fee in the following ways:

8 (1) offenders assigned to supervision on or after
9 January 1, 2009, shall sign the revised order of Parole
10 which includes the condition requiring payment of the
11 parole maintenance fee; or

12 (2) offenders under supervision before January 1,
13 2009, shall be issued a directive included herein,
14 requiring payment of the parole maintenance fee.

15 (C) Fees shall be collected as follows:

16 (1) offenders shall be provided instructions on
17 payment methods and procedures;

18 (2) the parole maintenance fee shall be due on the
19 first day of the first full month following placement
20 under Board supervision on parole or mandatory
21 supervised release. The fee shall be due thereafter on
22 the first working day of each month until parole is
23 terminated;

24 (3) payments shall be deemed delinquent after the
25 15th day of the month, including the final month of
26 supervision;

1 (4) payment instructions and payment vouchers
2 shall be provided to the offender that indicate the
3 following:

4 (i) how to submit payment;

5 (ii) the completed payment voucher shall
6 accompany the payment.

7 If an offender is declared an absconder, parole
8 maintenance fees shall continue to accrue until such
9 time as the case is closed. If the case is active on or
10 after the first day of the month in which the case is
11 suspended and closed, the fee shall be assessed for
12 that month.

13 (D) An offender shall be exempted from paying parole
14 maintenance fees and may apply for a waiver under the
15 following circumstances:

16 (1) if the offender is paying child support;

17 (2) if the offender is actively seeking
18 employment, but remains unemployed. Unemployed
19 offenders capable of being gainfully employed are not
20 eligible for a waiver;

21 (3) if the offender, whose total verified income is
22 at or below the insufficient criteria, may be
23 considered for a waiver. An offender's income is
24 considered insufficient if it is at or below the amount
25 shown in the Insufficient Income Criteria chart
26 included in the Request for Waiver of Parole

1 Maintenance Fees. Income from all family members in the
2 household shall be used to calculate whether the waiver
3 is appropriate. If a person lives with his or her
4 family, the combined income of all family members shall
5 be used (non-relatives, such as housemates, shall be
6 excluded). For a waiver to be considered, the offender
7 must provide appropriate records to document household
8 income. Once the officer verifies the offender meets
9 one of the waiver criteria above, the officer shall
10 complete the Request for Waiver of Intervention Fees
11 form and submit it to the district administrator for
12 approval. If approved, waivers are valid for a maximum
13 of 90 days. The district administrator shall make the
14 waiver entry into the computer system. If the officer
15 determines the waiver should be renewed beyond that
16 point, a new request for Waiver of Parole Maintenance
17 fees form must be submitted for approval. However, at
18 any point the officer determines that the offender is
19 again capable of paying monthly intervention fees,
20 supervisory approval is not necessary to rescind the
21 waiver.

22 (E) The following process for sanctions regarding
23 nonpayment shall be applied:

24 (1) within 10 working day of becoming aware that an
25 offender has failed to submit the parole maintenance
26 fee, the supervising officer shall contact the

1 offender in writing, by phone, or in person to remind
2 them of the payment obligation;

3 (2) the supervising officer should direct the
4 offender to specific programs or services that will
5 assist him or her in addressing his or her inability to
6 pay (i.e. financial management program, employment
7 counseling or job seeking classes, substance abuse
8 counseling, mental health counseling, etc., or a
9 combination of these);

10 (3) the supervising officer shall establish a
11 payment plan, via a written directive, with the
12 offender, to address any arrearage within a reasonable
13 time, given the offender's individual circumstances;

14 (4) should the offender become 3 months late in
15 parole maintenance fee payments, the Illinois Attorney
16 General or the State's Attorney of the county in which
17 the offender is paroled, may bring a civil action to
18 recover unpaid fees that the offender was required to
19 pay. Any amount recovered in the civil action shall be
20 paid into the Ex-Offender Fund.

21 Notwithstanding any other rulemaking authority that may
22 exist, neither the Governor nor any agency or agency head under
23 the jurisdiction of the Governor has any authority to make or
24 promulgate rules to implement or enforce the provisions of this
25 amendatory Act of the 95th General Assembly. If, however, the
26 Governor believes that rules are necessary to implement or

1 enforce the provisions of this amendatory Act of the 95th
2 General Assembly, the Governor may suggest rules to the General
3 Assembly by filing them with the Clerk of the House and the
4 Secretary of the Senate and by requesting that the General
5 Assembly authorize such rulemaking by law, enact those
6 suggested rules into law, or take any other appropriate action
7 in the General Assembly's discretion. Nothing contained in this
8 amendatory Act of the 95th General Assembly shall be
9 interpreted to grant rulemaking authority under any other
10 Illinois statute where such authority is not otherwise
11 explicitly given. For the purposes of this subsection (g),
12 "rules" is given the meaning contained in Section 1-70 of the
13 Illinois Administrative Procedure Act, and "agency" and
14 "agency head" are given the meanings contained in Sections 1-20
15 and 1-25 of the Illinois Administrative Procedure Act to the
16 extent that such definitions apply to agencies or agency heads
17 under the jurisdiction of the Governor.

18 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
19 94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;
20 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
21 95-876, eff. 8-21-08.)

22 (Text of Section after amendment by P.A. 95-983)

23 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
24 Release.

25 (a) The conditions of parole or mandatory supervised

1 release shall be such as the Prisoner Review Board deems
2 necessary to assist the subject in leading a law-abiding life.
3 The conditions of every parole and mandatory supervised release
4 are that the subject:

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

7 (2) refrain from possessing a firearm or other
8 dangerous weapon;

9 (3) report to an agent of the Department of
10 Corrections;

11 (4) permit the agent to visit him or her at his or her
12 home, employment, or elsewhere to the extent necessary for
13 the agent to discharge his or her duties;

14 (5) attend or reside in a facility established for the
15 instruction or residence of persons on parole or mandatory
16 supervised release;

17 (6) secure permission before visiting or writing a
18 committed person in an Illinois Department of Corrections
19 facility;

20 (7) report all arrests to an agent of the Department of
21 Corrections as soon as permitted by the arresting authority
22 but in no event later than 24 hours after release from
23 custody;

24 (7.5) if convicted of a sex offense as defined in the
25 Sex Offender Management Board Act, the individual shall
26 undergo and successfully complete sex offender treatment

1 conducted in conformance with the standards developed by
2 the Sex Offender Management Board Act by a treatment
3 provider approved by the Board;

4 (7.6) if convicted of a sex offense as defined in the
5 Sex Offender Management Board Act, refrain from residing at
6 the same address or in the same condominium unit or
7 apartment unit or in the same condominium complex or
8 apartment complex with another person he or she knows or
9 reasonably should know is a convicted sex offender or has
10 been placed on supervision for a sex offense; the
11 provisions of this paragraph do not apply to a person
12 convicted of a sex offense who is placed in a Department of
13 Corrections licensed transitional housing facility for sex
14 offenders, or is in any facility operated or licensed by
15 the Department of Children and Family Services or by the
16 Department of Human Services, or is in any licensed medical
17 facility;

18 (7.7) if convicted for an offense that would qualify
19 the accused as a sexual predator under the Sex Offender
20 Registration Act on or after the effective date of this
21 amendatory Act of the 94th General Assembly, wear an
22 approved electronic monitoring device as defined in
23 Section 5-8A-2 for the duration of the person's parole,
24 mandatory supervised release term, or extended mandatory
25 supervised release term;

26 (7.8) if convicted for an offense committed on or after

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

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

23 (7.10) if convicted for an offense that would qualify
24 the accused as a sex offender or sexual predator under the
25 Sex Offender Registration Act on or after the effective
26 date of this amendatory Act of the 95th General Assembly,

1 not possess prescription drugs for erectile dysfunction;

2 (7.11) if convicted for an offense under Section 11-6,
3 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
4 Code of 1961, or any attempt to commit any of these
5 offenses, committed on or after June 1, 2009 (the effective
6 date of Public Act 95-983) ~~this amendatory Act of the 95th~~
7 ~~General Assembly:~~

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

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

20 (iii) 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 (iv) submit to any other appropriate restrictions
25 concerning the offender's use of or access to a
26 computer or any other device with Internet capability

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

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

5 (9) obtain permission of an agent of the Department of
6 Corrections before changing his or her residence or
7 employment;

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

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

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

17 (13) not knowingly associate with other persons on
18 parole or mandatory supervised release without prior
19 written permission of his or her parole agent and not
20 associate with persons who are members of an organized gang
21 as that term is defined in the Illinois Streetgang
22 Terrorism Omnibus Prevention 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 his

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

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

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

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

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

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

1 training;

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

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

6 (4) support his dependents;

7 (5) (blank);

8 (6) (blank);

9 (7) comply with the terms and conditions of an order of
10 protection issued pursuant to the Illinois Domestic
11 Violence Act of 1986, enacted by the 84th General Assembly,
12 or an order of protection issued by the court of another
13 state, tribe, or United States territory;

14 (7.5) if convicted for an offense committed on or after
15 the effective date of this amendatory Act of the 95th
16 General Assembly that would qualify the accused as a child
17 sex offender as defined in Section 11-9.3 or 11-9.4 of the
18 Criminal Code of 1961, refrain from communicating with or
19 contacting, by means of the Internet, a person who is
20 related to the accused and whom the accused reasonably
21 believes to be under 18 years of age; for purposes of this
22 paragraph (7.5), "Internet" has the meaning ascribed to it
23 in Section 16J-5 of the Criminal Code of 1961; and a person
24 is related to the accused if the person is: (i) the spouse,
25 brother, or sister of the accused; (ii) a descendant of the
26 accused; (iii) a first or second cousin of the accused; or

1 (iv) a step-child or adopted child of the accused;

2 (7.6) if convicted for an offense committed on or after
3 June 1, 2009 (the effective date of Public Act 95-983) ~~this~~
4 ~~amendatory Act of the 95th General Assembly~~ that would
5 qualify as a sex offense as defined in the Sex Offender
6 Registration Act:

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

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

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

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

1 supervising agent; and

2 (8) in addition, if a minor:

3 (i) reside with his parents or in a foster home;

4 (ii) attend school;

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

6 or

7 (iv) contribute to his own support at home or in a

8 foster home.

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

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

16 (2) comply with all requirements of the Sex Offender
17 Registration Act;

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

20 (4) obtain the approval of an agent of the Department
21 of Corrections prior to accepting employment or pursuing a
22 course of study or vocational training and notify the
23 Department prior to any change in employment, study, or
24 training;

25 (5) not be employed or participate in any volunteer
26 activity that involves contact with children, except under

1 circumstances approved in advance and in writing by an
2 agent of the Department of Corrections;

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

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

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

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

1 or electronic media, or any matter obtained through access
2 to any computer or material linked to computer access use;

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

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

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

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

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

23 (16) take an annual polygraph exam;

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

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

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

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

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

16 (f) When the subject is in compliance with all conditions
17 of his or her parole or mandatory supervised release, the
18 subject shall receive a reduction of the period of his or her
19 parole or mandatory supervised release of 90 days upon passage
20 of the high school level Test of General Educational
21 Development during the period of his or her parole or mandatory
22 supervised release. This reduction in the period of a subject's
23 term of parole or mandatory supervised release shall be
24 available only to subjects who have not previously earned a
25 high school diploma or who have not previously passed the high
26 school level Test of General Educational Development.

1 (g) The Board, as a condition of parole or mandatory
2 supervised release of a person paroled or released on mandatory
3 supervised release on or after January 1, 2009, shall impose a
4 fee not to exceed \$15 per month of parole or mandatory
5 supervised release, unless, after determining the inability of
6 the parolee or releasee to pay the fee, the Board assesses a
7 lesser amount. The fee shall be imposed only upon an offender
8 who is actively supervised by the Department of Corrections.
9 The fee shall be collected by the parolee's or releasee's
10 supervising agent within one month after receipt and shall be
11 remitted to the State Treasurer for deposit into the
12 Ex-Offender Fund which is created in the State Treasury. Moneys
13 in the fund shall be used to provide low-interest loans for
14 ex-offenders to start-up their own businesses and to fund the
15 administrative costs of this program.

16 (A) Except as provided in clause (D), all offenders
17 placed under parole or mandatory supervised release
18 supervision of the Prisoner Review Board are required to
19 pay a parole maintenance fee not to exceed \$15 per month.

20 (B) Offenders shall be notified of the parole
21 maintenance fee in the following ways:

22 (1) offenders assigned to supervision on or after
23 January 1, 2009, shall sign the revised order of Parole
24 which includes the condition requiring payment of the
25 parole maintenance fee; or

26 (2) offenders under supervision before January 1,

1 2009, shall be issued a directive included herein,
2 requiring payment of the parole maintenance fee.

3 (C) Fees shall be collected as follows:

4 (1) offenders shall be provided instructions on
5 payment methods and procedures;

6 (2) the parole maintenance fee shall be due on the
7 first day of the first full month following placement
8 under Board supervision on parole or mandatory
9 supervised release. The fee shall be due thereafter on
10 the first working day of each month until parole is
11 terminated;

12 (3) payments shall be deemed delinquent after the
13 15th day of the month, including the final month of
14 supervision;

15 (4) payment instructions and payment vouchers
16 shall be provided to the offender that indicate the
17 following:

18 (i) how to submit payment;

19 (ii) the completed payment voucher shall
20 accompany the payment.

21 If an offender is declared an absconder, parole
22 maintenance fees shall continue to accrue until such
23 time as the case is closed. If the case is active on or
24 after the first day of the month in which the case is
25 suspended and closed, the fee shall be assessed for
26 that month.

1 (D) An offender shall be exempted from paying parole
2 maintenance fees and may apply for a waiver under the
3 following circumstances:

4 (1) if the offender is paying child support;

5 (2) if the offender is actively seeking
6 employment, but remains unemployed. Unemployed
7 offenders capable of being gainfully employed are not
8 eligible for a waiver;

9 (3) if the offender, whose total verified income is
10 at or below the insufficient criteria, may be
11 considered for a waiver. An offender's income is
12 considered insufficient if it is at or below the amount
13 shown in the Insufficient Income Criteria chart
14 included in the Request for Waiver of Parole
15 Maintenance Fees. Income from all family members in the
16 household shall be used to calculate whether the waiver
17 is appropriate. If a person lives with his or her
18 family, the combined income of all family members shall
19 be used (non-relatives, such as housemates, shall be
20 excluded). For a waiver to be considered, the offender
21 must provide appropriate records to document household
22 income. Once the officer verifies the offender meets
23 one of the waiver criteria above, the officer shall
24 complete the Request for Waiver of Intervention Fees
25 form and submit it to the district administrator for
26 approval. If approved, waivers are valid for a maximum

1 of 90 days. The district administrator shall make the
2 waiver entry into the computer system. If the officer
3 determines the waiver should be renewed beyond that
4 point, a new request for Waiver of Parole Maintenance
5 fees form must be submitted for approval. However, at
6 any point the officer determines that the offender is
7 again capable of paying monthly intervention fees,
8 supervisory approval is not necessary to rescind the
9 waiver.

10 (E) The following process for sanctions regarding
11 nonpayment shall be applied:

12 (1) within 10 working day of becoming aware that an
13 offender has failed to submit the parole maintenance
14 fee, the supervising officer shall contact the
15 offender in writing, by phone, or in person to remind
16 them of the payment obligation;

17 (2) the supervising officer should direct the
18 offender to specific programs or services that will
19 assist him or her in addressing his or her inability to
20 pay (i.e. financial management program, employment
21 counseling or job seeking classes, substance abuse
22 counseling, mental health counseling, etc., or a
23 combination of these);

24 (3) the supervising officer shall establish a
25 payment plan, via a written directive, with the
26 offender, to address any arrearage within a reasonable

1 time, given the offender's individual circumstances;

2 (4) should the offender become 3 months late in
3 parole maintenance fee payments, the Illinois Attorney
4 General or the State's Attorney of the county in which
5 the offender is paroled, may bring a civil action to
6 recover unpaid fees that the offender was required to
7 pay. Any amount recovered in the civil action shall be
8 paid into the Ex-Offender Fund.

9 Notwithstanding any other rulemaking authority that may
10 exist, neither the Governor nor any agency or agency head under
11 the jurisdiction of the Governor has any authority to make or
12 promulgate rules to implement or enforce the provisions of this
13 amendatory Act of the 95th General Assembly. If, however, the
14 Governor believes that rules are necessary to implement or
15 enforce the provisions of this amendatory Act of the 95th
16 General Assembly, the Governor may suggest rules to the General
17 Assembly by filing them with the Clerk of the House and the
18 Secretary of the Senate and by requesting that the General
19 Assembly authorize such rulemaking by law, enact those
20 suggested rules into law, or take any other appropriate action
21 in the General Assembly's discretion. Nothing contained in this
22 amendatory Act of the 95th General Assembly shall be
23 interpreted to grant rulemaking authority under any other
24 Illinois statute where such authority is not otherwise
25 explicitly given. For the purposes of this subsection (g),
26 "rules" is given the meaning contained in Section 1-70 of the

1 Illinois Administrative Procedure Act, and "agency" and
2 "agency head" are given the meanings contained in Sections 1-20
3 and 1-25 of the Illinois Administrative Procedure Act to the
4 extent that such definitions apply to agencies or agency heads
5 under the jurisdiction of the Governor.

6 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
7 94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;
8 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
9 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; revised 10-20-08.)

10 Section 95. No acceleration or delay. Where this Act makes
11 changes in a statute that is represented in this Act by text
12 that is not yet or no longer in effect (for example, a Section
13 represented by multiple versions), the use of that text does
14 not accelerate or delay the taking effect of (i) the changes
15 made by this Act or (ii) provisions derived from any other
16 Public Act.

17 Section 99. Effective date. This Act takes effect January
18 1, 2009."