



Rep. LaShawn K. Ford

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LRB095 01003 RLC 53604 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) Rulemaking authority to implement this amendatory Act  
3 of the 95th General Assembly, if any, is conditioned on the  
4 rules being adopted in accordance with all provisions of the  
5 Illinois Administrative Procedure Act and all rules and  
6 procedures of the Joint Committee on Administrative Rules; any  
7 purported rule not so adopted, for whatever reason, is  
8 unauthorized.

9           Section 10. The State Finance Act is amended by adding  
10 Section 5.719 as follows:

11           (30 ILCS 105/5.719 new)

12           Sec. 5.719. The Ex-Offender Fund.

13           Section 15. The Unified Code of Corrections is amended by  
14 changing Section 3-3-7 as follows:

15           (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

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

17           Sec. 3-3-7. Conditions of Parole or Mandatory Supervised  
18 Release.

19           (a) The conditions of parole or mandatory supervised  
20 release shall be such as the Prisoner Review Board deems  
21 necessary to assist the subject in leading a law-abiding life.  
22 The conditions of every parole and mandatory supervised release

1 are that the subject:

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

4 (2) refrain from possessing a firearm or other  
5 dangerous weapon;

6 (3) report to an agent of the Department of  
7 Corrections;

8 (4) permit the agent to visit him or her at his or her  
9 home, employment, or elsewhere to the extent necessary for  
10 the agent to discharge his or her duties;

11 (5) attend or reside in a facility established for the  
12 instruction or residence of persons on parole or mandatory  
13 supervised release;

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

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

21 (7.5) if convicted of a sex offense as defined in the  
22 Sex Offender Management Board Act, the individual shall  
23 undergo and successfully complete sex offender treatment  
24 conducted in conformance with the standards developed by  
25 the Sex Offender Management Board Act by a treatment  
26 provider approved by the Board;

1           (7.6) if convicted of a sex offense as defined in the  
2 Sex Offender Management Board Act, refrain from residing at  
3 the same address or in the same condominium unit or  
4 apartment unit or in the same condominium complex or  
5 apartment complex with another person he or she knows or  
6 reasonably should know is a convicted sex offender or has  
7 been placed on supervision for a sex offense; the  
8 provisions of this paragraph do not apply to a person  
9 convicted of a sex offense who is placed in a Department of  
10 Corrections licensed transitional housing facility for sex  
11 offenders, or is in any facility operated or licensed by  
12 the Department of Children and Family Services or by the  
13 Department of Human Services, or is in any licensed medical  
14 facility;

15           (7.7) if convicted for an offense that would qualify  
16 the accused as a sexual predator under the Sex Offender  
17 Registration Act on or after the effective date of this  
18 amendatory Act of the 94th General Assembly, wear an  
19 approved electronic monitoring device as defined in  
20 Section 5-8A-2 for the duration of the person's parole,  
21 mandatory supervised release term, or extended mandatory  
22 supervised release term;

23           (7.8) if convicted for an offense committed on or after  
24 the effective date of this amendatory Act of the 95th  
25 General Assembly that would qualify the accused as a child  
26 sex offender as defined in Section 11-9.3 or 11-9.4 of the

1 Criminal Code of 1961, refrain from communicating with or  
2 contacting, by means of the Internet, a person who is not  
3 related to the accused and whom the accused reasonably  
4 believes to be under 18 years of age; for purposes of this  
5 paragraph (7.8), "Internet" has the meaning ascribed to it  
6 in Section 16J-5 of the Criminal Code of 1961; and a person  
7 is not related to the accused if the person is not: (i) the  
8 spouse, brother, or sister of the accused; (ii) a  
9 descendant of the accused; (iii) a first or second cousin  
10 of the accused; or (iv) a step-child or adopted child of  
11 the accused;

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

20 (7.10) if convicted for an offense that would qualify  
21 the accused as a sex offender or sexual predator under the  
22 Sex Offender Registration Act on or after the effective  
23 date of this amendatory Act of the 95th General Assembly,  
24 not possess prescription drugs for erectile dysfunction;

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

1           (9) obtain permission of an agent of the Department of  
2           Corrections before changing his or her residence or  
3           employment;

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

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

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

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

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

24          (15) follow any specific instructions provided by the  
25          parole agent that are consistent with furthering  
26          conditions set and approved by the Prisoner Review Board or

1 by law, exclusive of placement on electronic detention, to  
2 achieve the goals and objectives of his or her parole or  
3 mandatory supervised release or to protect the public.  
4 These instructions by the parole agent may be modified at  
5 any time, as the agent deems appropriate;

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

16 (17) if convicted of a violation of an order of  
17 protection under Section 12-30 of the Criminal Code of  
18 1961, be placed under electronic surveillance as provided  
19 in Section 5-8A-7 of this Code.

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

22 (1) work or pursue a course of study or vocational  
23 training;

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

26 (3) attend or reside in a facility established for the



1 instruction or residence of persons on probation or parole;

2 (4) support his dependents;

3 (5) (blank);

4 (6) (blank);

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

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

24 (8) in addition, if a minor:

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

26 (ii) attend school;

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

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

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

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

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

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

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

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

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

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

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

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

25           (11) not patronize any business providing sexually  
26 stimulating or sexually oriented entertainment nor utilize

1 "900" or adult telephone numbers;

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

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

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

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

19 (16) take an annual polygraph exam;

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

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

23 (c) The conditions under which the parole or mandatory  
24 supervised release is to be served shall be communicated to the  
25 person in writing prior to his release, and he shall sign the  
26 same before release. A signed copy of these conditions,

1 including a copy of an order of protection where one had been  
2 issued by the criminal court, shall be retained by the person  
3 and another copy forwarded to the officer in charge of his  
4 supervision.

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

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

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

23 (g) The Board, as a condition of parole or mandatory  
24 supervised release of a person paroled or released on mandatory  
25 supervised release on or after January 1, 2009, shall impose a  
26 fee not to exceed \$15 per month of parole or mandatory

1 supervised release, unless, after determining the inability of  
2 the parolee or releasee to pay the fee, the Board assesses a  
3 lesser amount. The fee shall be imposed only upon an offender  
4 who is actively supervised by the Department of Corrections.  
5 The fee shall be collected by the parolee's or releasee's  
6 supervising agent within one month after receipt and shall be  
7 remitted to the State Treasurer for deposit into the  
8 Ex-Offender Fund which is created in the State Treasury. Moneys  
9 in the fund shall be used to provide low-interest loans for  
10 ex-offenders to start-up their own businesses and to fund the  
11 administrative costs of this program.

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

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

18 (1) offenders assigned to supervision on or after  
19 January 1, 2009, shall sign the revised order of Parole  
20 which includes the condition requiring payment of the  
21 parole maintenance fee; or

22 (2) offenders under supervision before January 1,  
23 2009, shall be issued a directive included herein,  
24 requiring payment of the parole maintenance fee.

25 (C) Fees shall be collected as follows:

26 (1) offenders shall be provided instructions on

1 payment methods and procedures;

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

8 (3) payments shall be deemed delinquent after the  
9 15th day of the month, including the final month of  
10 supervision;

11 (4) payment instructions and payment vouchers  
12 shall be provided to the offender that indicate the  
13 following:

14 (i) how to submit payment;

15 (ii) the completed payment voucher shall  
16 accompany the payment.

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

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

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

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

5           (3) if the offender, whose total verified income is  
6           at or below the insufficient criteria, may be  
7           considered for a waiver. An offender's income is  
8           considered insufficient if it is at or below the amount  
9           shown in the Insufficient Income Criteria chart  
10           included in the Request for Waiver of Parole  
11           Maintenance Fees. Income from all family members in the  
12           household shall be used to calculate whether the waiver  
13           is appropriate. If a person lives with his or her  
14           family, the combined income of all family members shall  
15           be used (non-relatives, such as housemates, shall be  
16           excluded). For a waiver to be considered, the offender  
17           must provide appropriate records to document household  
18           income. Once the officer verifies the offender meets  
19           one of the waiver criteria above, the officer shall  
20           complete the Request for Waiver of Intervention Fees  
21           form and submit it to the district administrator for  
22           approval. If approved, waivers are valid for a maximum  
23           of 90 days. The district administrator shall make the  
24           waiver entry into the computer system. If the officer  
25           determines the waiver should be renewed beyond that  
26           point, a new request for Waiver of Parole Maintenance



1           fees form must be submitted for approval. However, at  
2           any point the officer determines that the offender is  
3           again capable of paying monthly intervention fees,  
4           supervisory approval is not necessary to rescind the  
5           waiver.

6           (E) The following process for sanctions regarding  
7           nonpayment shall be applied:

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

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

20                   (3) the supervising officer shall establish a  
21                   payment plan, via a written directive, with the  
22                   offender, to address any arrearage within a reasonable  
23                   time, given the offender's individual circumstances;

24                   (4) should the offender become 3 months late in  
25                   parole maintenance fee payments, the Illinois Attorney  
26                   General or the State's Attorney of the county in which

1           the offender is paroled, may bring a civil action to  
2           recover unpaid fees that the offender was required to  
3           pay. Any amount recovered in the civil action shall be  
4           paid into the Ex-Offender Fund.

5           Rulemaking authority to implement this amendatory Act of  
6           the 95th General Assembly, if any, is conditioned on the rules  
7           being adopted in accordance with all provisions of the Illinois  
8           Administrative Procedure Act and all rules and procedures of  
9           the Joint Committee on Administrative Rules; any purported rule  
10          not so adopted, for whatever reason, is unauthorized.

11          (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
12          94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;  
13          95-579, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;  
14          95-876, eff. 8-21-08.)

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

16           Sec. 3-3-7. Conditions of Parole or Mandatory Supervised  
17          Release.

18           (a) The conditions of parole or mandatory supervised  
19          release shall be such as the Prisoner Review Board deems  
20          necessary to assist the subject in leading a law-abiding life.  
21          The conditions of every parole and mandatory supervised release  
22          are that the subject:

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

25                   (2) refrain from possessing a firearm or other

1 dangerous weapon;

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

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

7 (5) attend or reside in a facility established for the  
8 instruction or residence of persons on parole or mandatory  
9 supervised release;

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

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

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

23 (7.6) if convicted of a sex offense as defined in the  
24 Sex Offender Management Board Act, refrain from residing at  
25 the same address or in the same condominium unit or  
26 apartment unit or in the same condominium complex or

1 apartment complex with another person he or she knows or  
2 reasonably should know is a convicted sex offender or has  
3 been placed on supervision for a sex offense; the  
4 provisions of this paragraph do not apply to a person  
5 convicted of a sex offense who is placed in a Department of  
6 Corrections licensed transitional housing facility for sex  
7 offenders, or is in any facility operated or licensed by  
8 the Department of Children and Family Services or by the  
9 Department of Human Services, or is in any licensed medical  
10 facility;

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

19 (7.8) if convicted for an offense committed on or after  
20 the effective date of this amendatory Act of the 95th  
21 General Assembly that would qualify the accused as a child  
22 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
23 Criminal Code of 1961, refrain from communicating with or  
24 contacting, by means of the Internet, a person who is not  
25 related to the accused and whom the accused reasonably  
26 believes to be under 18 years of age; for purposes of this

1 paragraph (7.8), "Internet" has the meaning ascribed to it  
2 in Section 16J-5 of the Criminal Code of 1961; and a person  
3 is not related to the accused if the person is not: (i) the  
4 spouse, brother, or sister of the accused; (ii) a  
5 descendant of the accused; (iii) a first or second cousin  
6 of the accused; or (iv) a step-child or adopted child of  
7 the accused;

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

16 (7.10) if convicted for an offense that would qualify  
17 the accused as a sex offender or sexual predator under the  
18 Sex Offender Registration Act on or after the effective  
19 date of this amendatory Act of the 95th General Assembly,  
20 not possess prescription drugs for erectile dysfunction;

21 (7.11) if convicted for an offense under Section 11-6,  
22 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal  
23 Code of 1961, or any attempt to commit any of these  
24 offenses, committed on or after June 1, 2009 (the effective  
25 date of Public Act 95-983) ~~this amendatory Act of the 95th~~  
26 ~~General Assembly:~~

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

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

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

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

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

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

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

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

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

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

16          (14) provide true and accurate information, as it  
17          relates to his or her adjustment in the community while on  
18          parole or mandatory supervised release or to his or her  
19          conduct while incarcerated, in response to inquiries by his  
20          or her parole agent or of the Department of 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 or  
24          by law, exclusive of placement on electronic detention, to  
25          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 minors  
7           are present, not participate in a holiday event involving  
8           children under 18 years of age, such as distributing candy  
9           or other items to children on Halloween, wearing a Santa  
10          Claus costume on or preceding Christmas, being employed as  
11          a department store Santa Claus, or wearing an Easter Bunny  
12          costume on or preceding Easter; and

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

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

19                 (1) work or pursue a course of study or vocational  
20                 training;

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

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

25                 (4) support his dependents;

26                 (5) (blank);



1 (6) (blank);

2 (7) comply with the terms and conditions of an order of  
3 protection issued pursuant to the Illinois Domestic  
4 Violence Act of 1986, enacted by the 84th General Assembly,  
5 or an order of protection issued by the court of another  
6 state, tribe, or United States territory;

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

21 (7.6) if convicted for an offense committed on or after  
22 June 1, 2009 (the effective date of Public Act 95-983) ~~this~~  
23 ~~amendatory Act of the 95th General Assembly~~ that would  
24 qualify as a sex offense as defined in the Sex Offender  
25 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 examinations  
4 of the offender's computer or any other device with  
5 Internet capability by the offender's supervising  
6 agent, a law enforcement officer, or assigned computer  
7 or information technology specialist, including the  
8 retrieval and copying of all data from the computer or  
9 device and any internal or external peripherals and  
10 removal of such information, equipment, or device to  
11 conduct a more thorough inspection;

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

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

21 (8) in addition, if a minor:

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

23 (ii) attend school;

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

25 or

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

1 foster home.

2 (b-1) In addition to the conditions set forth in  
3 subsections (a) and (b), persons required to register as sex  
4 offenders pursuant to the Sex Offender Registration Act, upon  
5 release from the custody of the Illinois Department of  
6 Corrections, may be required by the Board to comply with the  
7 following specific conditions of release:

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

9 (2) comply with all requirements of the Sex Offender  
10 Registration Act;

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

13 (4) obtain the approval of an agent of the Department  
14 of Corrections prior to accepting employment or pursuing a  
15 course of study or vocational training and notify the  
16 Department prior to any change in employment, study, or  
17 training;

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

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

24 (7) refrain from entering into a designated geographic  
25 area except upon terms approved in advance by an agent of  
26 the Department of Corrections. The terms may include

1 consideration of the purpose of the entry, the time of day,  
2 and others accompanying the person;

3 (8) refrain from having any contact, including written  
4 or oral communications, directly or indirectly, personally  
5 or by telephone, letter, or through a third party with  
6 certain specified persons including, but not limited to,  
7 the victim or the victim's family without the prior written  
8 approval of an agent of the Department of Corrections;

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

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

22 (11) not patronize any business providing sexually  
23 stimulating or sexually oriented entertainment nor utilize  
24 "900" or adult telephone numbers;

25 (12) not reside near, visit, or be in or about parks,  
26 schools, day care centers, swimming pools, beaches,

1 theaters, or any other places where minor children  
2 congregate without advance approval of an agent of the  
3 Department of Corrections and immediately report any  
4 incidental contact with minor children to the Department;

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

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

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

16 (16) take an annual polygraph exam;

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

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

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

1 supervision.

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

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

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

20 (g) The Board, as a condition of parole or mandatory  
21 supervised release of a person paroled or released on mandatory  
22 supervised release on or after January 1, 2009, shall impose a  
23 fee not to exceed \$15 per month of parole or mandatory  
24 supervised release, unless, after determining the inability of  
25 the parolee or releasee to pay the fee, the Board assesses a  
26 lesser amount. The fee shall be imposed only upon an offender

1 who is actively supervised by the Department of Corrections.  
2 The fee shall be collected by the parolee's or releasee's  
3 supervising agent within one month after receipt and shall be  
4 remitted to the State Treasurer for deposit into the  
5 Ex-Offender Fund which is created in the State Treasury. Moneys  
6 in the fund shall be used to provide low-interest loans for  
7 ex-offenders to start-up their own businesses and to fund the  
8 administrative costs of this program.

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

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

15 (1) offenders assigned to supervision on or after  
16 January 1, 2009, shall sign the revised order of Parole  
17 which includes the condition requiring payment of the  
18 parole maintenance fee; or

19 (2) offenders under supervision before January 1,  
20 2009, shall be issued a directive included herein,  
21 requiring payment of the parole maintenance fee.

22 (C) Fees shall be collected as follows:

23 (1) offenders shall be provided instructions on  
24 payment methods and procedures;

25 (2) the parole maintenance fee shall be due on the  
26 first day of the first full month following placement

1           under Board supervision on parole or mandatory  
2           supervised release. The fee shall be due thereafter on  
3           the first working day of each month until parole is  
4           terminated;

5           (3) payments shall be deemed delinquent after the  
6           15th day of the month, including the final month of  
7           supervision;

8           (4) payment instructions and payment vouchers  
9           shall be provided to the offender that indicate the  
10          following:

11                   (i) how to submit payment;

12                   (ii) the completed payment voucher shall  
13                   accompany the payment.

14           If an offender is declared an absconder, parole  
15           maintenance fees shall continue to accrue until such  
16           time as the case is closed. If the case is active on or  
17           after the first day of the month in which the case is  
18           suspended and closed, the fee shall be assessed for  
19           that month.

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

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

24                   (2) if the offender is actively seeking  
25                   employment, but remains unemployed. Unemployed  
26                   offenders capable of being gainfully employed are not



1           eligible for a waiver;

2           (3) if the offender, whose total verified income is  
3           at or below the insufficient criteria, may be  
4           considered for a waiver. An offender's income is  
5           considered insufficient if it is at or below the amount  
6           shown in the Insufficient Income Criteria chart  
7           included in the Request for Waiver of Parole  
8           Maintenance Fees. Income from all family members in the  
9           household shall be used to calculate whether the waiver  
10           is appropriate. If a person lives with his or her  
11           family, the combined income of all family members shall  
12           be used (non-relatives, such as housemates, shall be  
13           excluded). For a waiver to be considered, the offender  
14           must provide appropriate records to document household  
15           income. Once the officer verifies the offender meets  
16           one of the waiver criteria above, the officer shall  
17           complete the Request for Waiver of Intervention Fees  
18           form and submit it to the district administrator for  
19           approval. If approved, waivers are valid for a maximum  
20           of 90 days. The district administrator shall make the  
21           waiver entry into the computer system. If the officer  
22           determines the waiver should be renewed beyond that  
23           point, a new request for Waiver of Parole Maintenance  
24           fees form must be submitted for approval. However, at  
25           any point the officer determines that the offender is  
26           again capable of paying monthly intervention fees,

1 supervisory approval is not necessary to rescind the  
2 waiver.

3 (E) The following process for sanctions regarding  
4 nonpayment shall be applied:

5 (1) within 10 working day of becoming aware that an  
6 offender has failed to submit the parole maintenance  
7 fee, the supervising officer shall contact the  
8 offender in writing, by phone, or in person to remind  
9 them of the payment obligation;

10 (2) the supervising officer should direct the  
11 offender to specific programs or services that will  
12 assist him or her in addressing his or her inability to  
13 pay (i.e. financial management program, employment  
14 counseling or job seeking classes, substance abuse  
15 counseling, mental health counseling, etc., or a  
16 combination of these);

17 (3) the supervising officer shall establish a  
18 payment plan, via a written directive, with the  
19 offender, to address any arrearage within a reasonable  
20 time, given the offender's individual circumstances;

21 (4) should the offender become 3 months late in  
22 parole maintenance fee payments, the Illinois Attorney  
23 General or the State's Attorney of the county in which  
24 the offender is paroled, may bring a civil action to  
25 recover unpaid fees that the offender was required to  
26 pay. Any amount recovered in the civil action shall be

1           paid into the Ex-Offender Fund.

2           Rulemaking authority to implement this amendatory Act of  
3 the 95th General Assembly, if any, is conditioned on the rules  
4 being adopted in accordance with all provisions of the Illinois  
5 Administrative Procedure Act and all rules and procedures of  
6 the Joint Committee on Administrative Rules; any purported rule  
7 not so adopted, for whatever reason, is unauthorized.

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

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

19           Section 99. Effective date. This Act takes effect January  
20 1, 2009."