

HB4222



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4222

by Rep. Ruth Munson

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-7

from Ch. 38, par. 1003-3-7

Amends the Unified Code of Corrections. Provides that the conditions of every mandatory supervised release include a requirement that the subject of the release, if convicted of an offense committed on or after the effective date of the amendatory Act, agree in writing to be subject to a search or seizure by a parole officer or other peace officer at any time of the day or night, with or without a search warrant and with or without cause.

LRB095 14850 RLC 40790 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 3-3-7 as follows:

6 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

7 (Text of Section after amendment by P.A. 95-464, 95-579,
8 and 95-640)

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

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

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

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

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

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

1 the agent to discharge his or her duties;

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

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

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

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

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

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

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

14 (7.8) 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 not
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 (7.8), "Internet" has the meaning ascribed to it
23 in Section 16J-5 of the Criminal Code of 1961, as added by
24 Public Act 94-179; and a person is not related to the
25 accused if the person is not: (i) the spouse, brother, or
26 sister of the accused; (ii) a descendant of the accused;

1 (iii) a first or second cousin of the accused; or (iv) a
2 step-child or adopted child of the accused;

3 (7.9) ~~(7.8)~~ if convicted under Section 11-6, 11-20.1,
4 11-20.3, or 11-21 of the Criminal Code of 1961, consent to
5 search of computers, PDAs, cellular phones, and other
6 devices under his or her control that are capable of
7 accessing the Internet or storing electronic files, in
8 order to confirm Internet protocol addresses reported in
9 accordance with the Sex Offender Registration Act and
10 compliance with conditions in this Act;

11 (7.10) ~~(7.8)~~ if convicted for an offense that would
12 qualify the accused as a sex offender or sexual predator
13 under the Sex Offender Registration Act on or after the
14 effective date of this amendatory Act of the 95th General
15 Assembly, not possess prescription drugs for erectile
16 dysfunction;

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

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

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

24 (11) refrain from the use or possession of narcotics or
25 other controlled substances in any form, or both, or any
26 paraphernalia related to those substances and submit to a

1 urinalysis test as instructed by a parole agent of the
2 Department of Corrections;

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

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

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

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

24 (16) if convicted of a sex offense as defined in
25 subsection (a-5) of Section 3-1-2 of this Code, unless the
26 offender is a parent or guardian of the person under 18

1 years of age present in the home and no non-familial minors
2 are present, not participate in a holiday event involving
3 children under 18 years of age, such as distributing candy
4 or other items to children on Halloween, wearing a Santa
5 Claus costume on or preceding Christmas, being employed as
6 a department store Santa Claus, or wearing an Easter Bunny
7 costume on or preceding Easter; and -

8 (17) if convicted of an offense committed on or after
9 the effective date of this amendatory Act of the 95th
10 General Assembly, agree in writing to be subject to a
11 search or seizure by a parole officer or other peace
12 officer at any time of the day or night, with or without a
13 search warrant and with or without cause.

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

16 (1) work or pursue a course of study or vocational
17 training;

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

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

22 (4) support his dependents;

23 (5) (blank);

24 (6) (blank);

25 (7) comply with the terms and conditions of an order of
26 protection issued pursuant to the Illinois Domestic

1 Violence Act of 1986, enacted by the 84th General Assembly,
2 or an order of protection issued by the court of another
3 state, tribe, or United States territory;

4 (7.5) if convicted for an offense committed on or after
5 the effective date of this amendatory Act of the 95th
6 General Assembly that would qualify the accused as a child
7 sex offender as defined in Section 11-9.3 or 11-9.4 of the
8 Criminal Code of 1961, refrain from communicating with or
9 contacting, by means of the Internet, a person who is
10 related to the accused and whom the accused reasonably
11 believes to be under 18 years of age; for purposes of this
12 paragraph (7.5), "Internet" has the meaning ascribed to it
13 in Section 16J-5 of the Criminal Code of 1961, as added by
14 Public Act 94-179; and a person is related to the accused
15 if the person is: (i) the spouse, brother, or sister of the
16 accused; (ii) a descendant of the accused; (iii) a first or
17 second cousin of the accused; or (iv) a step-child or
18 adopted child of the accused; and

19 (8) in addition, if a minor:

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

21 (ii) attend school;

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

23 or

24 (iv) contribute to his own support at home or in a
25 foster home.

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

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

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

7 (2) comply with all requirements of the Sex Offender
8 Registration Act;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (16) take an annual polygraph exam;

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

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

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

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

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

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

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

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; revised 10-30-07.)