



Rep. Dennis M. Reboletti

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LRB097 07377 RLC 53385 a

1 AMENDMENT TO HOUSE BILL 2584

2 AMENDMENT NO. _____. Amend House Bill 2584 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-3-7 and 3-3-8 as follows:

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

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

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

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

16 (2) refrain from possessing a firearm or other

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 January 1, 2007 (the effective
14 date of Public Act 94-988) ~~the effective date of this~~
15 ~~amendatory Act of the 94th General Assembly~~, wear an
16 approved electronic monitoring device as defined in
17 Section 5-8A-2 for the duration of the person's parole,
18 mandatory supervised release term, or extended mandatory
19 supervised release term and if convicted for an offense of
20 criminal sexual assault, aggravated criminal sexual
21 assault, predatory criminal sexual assault of a child,
22 criminal sexual abuse, aggravated criminal sexual abuse,
23 or ritualized abuse of a child committed on or after August
24 11, 2009 (the effective date of Public Act 96-236) when the
25 victim was under 18 years of age at the time of the
26 commission of the offense and the defendant used force or

1 the threat of force in the commission of the offense wear
2 an approved electronic monitoring device as defined in
3 Section 5-8A-2 that has Global Positioning System (GPS)
4 capability for the duration of the person's parole,
5 mandatory supervised release term, or extended mandatory
6 supervised release term;

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

23 (7.9) if convicted under Section 11-6, 11-20.1,
24 11-20.3, or 11-21 of the Criminal Code of 1961, consent to
25 search of computers, PDAs, cellular phones, and other
26 devices under his or her control that are capable of

1 accessing the Internet or storing electronic files, in
2 order to confirm Internet protocol addresses reported in
3 accordance with the Sex Offender Registration Act and
4 compliance with conditions in this Act;

5 (7.10) if convicted for an offense that would qualify
6 the accused as a sex offender or sexual predator under the
7 Sex Offender Registration Act on or after June 1, 2008 (the
8 effective date of Public Act 95-640) ~~the effective date of~~
9 ~~this amendatory Act of the 95th General Assembly,~~ not
10 possess prescription drugs for erectile dysfunction;

11 (7.11) if convicted for an offense under Section 11-6,
12 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
13 Code of 1961, or any attempt to commit any of these
14 offenses, committed on or after June 1, 2009 (the effective
15 date of Public Act 95-983):

16 (i) not access or use a computer or any other
17 device with Internet capability without the prior
18 written approval of the Department;

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

1 conduct a more thorough inspection;

2 (iii) submit to the installation on the offender's
3 computer or device with Internet capability, at the
4 offender's expense, of one or more hardware or software
5 systems to monitor the Internet use; and

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

11 (7.12) if convicted of a sex offense as defined in the
12 Sex Offender Registration Act committed on or after January
13 1, 2010 (the effective date of Public Act 96-262), refrain
14 from accessing or using a social networking website as
15 defined in Section 16D-2 of the Criminal Code of 1961;

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

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) that
23 would qualify as a sex offense as defined in the Sex
24 Offender Registration Act:

25 (i) not access or use a computer or any other
26 device with Internet capability without the prior

1 written approval of the Department;

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

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

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

20 (8) in addition, if a minor:

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

22 (ii) attend school;

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

24 or

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

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

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

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

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

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

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

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

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

1 and others accompanying the person;

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

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

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

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

24 (12) not reside near, visit, or be in or about parks,
25 schools, day care centers, swimming pools, beaches,
26 theaters, or any other places where minor children

1 congregate without advance approval of an agent of the
2 Department of Corrections and immediately report any
3 incidental contact with minor children to the Department;

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

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

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

15 (16) take an annual polygraph exam;

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

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

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

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

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

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

19 (Source: P.A. 95-464, eff. 6-1-08; 95-539, eff. 1-1-08; 95-579,
20 eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09; 95-876,
21 eff. 8-21-08; 95-983, eff. 6-1-09; 96-236, eff. 8-11-09;
22 96-262, eff. 1-1-10; 96-328, eff. 8-11-09; 96-362, eff. 1-1-10;
23 96-1000, eff. 7-2-10.)

24 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

25 Sec. 3-3-8. Length of parole and mandatory supervised

1 release; discharge.)

2 (a) The length of parole for a person sentenced under the
3 law in effect prior to the effective date of this amendatory
4 Act of 1977 and the length of mandatory supervised release for
5 those sentenced under the law in effect on and after such
6 effective date shall be as set out in Section 5-8-1 unless
7 sooner terminated under paragraph (b) of this Section. The
8 parole period of a juvenile committed to the Department under
9 the Juvenile Court Act or the Juvenile Court Act of 1987 shall
10 extend until he is 21 years of age unless sooner terminated
11 under paragraph (b) of this Section.

12 (b) The Prisoner Review Board may enter an order releasing
13 and discharging one from parole or mandatory supervised
14 release, and his commitment to the Department, when it
15 determines that he is likely to remain at liberty without
16 committing another offense.

17 (b-1) Provided that the subject is in compliance with the
18 terms and conditions of his or her parole or mandatory
19 supervised release, the Prisoner Review Board may reduce the
20 period of a parolee's or releasee's parole or mandatory
21 supervised release by 90 days upon the parolee or releasee
22 receiving a high school diploma or upon passage of the high
23 school level Test of General Educational Development during the
24 period of his or her parole or mandatory supervised release.
25 This reduction in the period of a subject's term of parole or
26 mandatory supervised release shall be available only to

1 subjects who have not previously earned a high school diploma
2 or who have not previously passed the high school level Test of
3 General Educational Development.

4 (c) The order of discharge shall become effective upon
5 entry of the order of the Board. The Board shall notify the
6 clerk of the committing court of the order. Upon receipt of
7 such copy, the clerk shall make an entry on the record judgment
8 that the sentence or commitment has been satisfied pursuant to
9 the order.

10 (d) Rights of the person discharged under this Section
11 shall be restored under Section 5-5-5. This Section is subject
12 to Section 5-750 of the Juvenile Court Act of 1987.

13 (Source: P.A. 90-590, eff. 1-1-99.)".