

1 AMENDMENT TO HOUSE BILL 2844

2 AMENDMENT NO. _____. Amend House Bill 2844 as follows:

3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Unified Code of Corrections is amended
6 by changing Sections 3-3-7 and 3-3-9 as follows:

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

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
13 life. The conditions of every parole and mandatory supervised
14 release are that the subject:

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

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

1 her home, employment, or elsewhere to the extent
2 necessary for the agent to discharge his or her duties;

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

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

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

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

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

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

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

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

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

34 (14) provide true and accurate information, as it

1 relates to his or her adjustment in the community while
 2 on parole or mandatory supervised release or to his or
 3 her conduct while incarcerated, in response to inquiries
 4 by his or her parole agent or of the Department of
 5 Corrections; and

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

14 (b) The Board may in addition to other conditions
 15 require 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
 21 the instruction or residence of persons on probation or
 22 parole;

23 (4) support his dependents;

24 (5) (blank); report--to-an-agent-of-the-Department
 25 of-Corrections;

26 (6) (blank); permit-the-agent-to-visit-him--at--his
 27 home--or--elsewhere--to-the-extent-necessary-to-discharge
 28 his-duties;

29 (7) comply with the terms and conditions of an
 30 order of protection issued pursuant to the Illinois
 31 Domestic Violence Act of 1986, enacted by the 84th
 32 General Assembly, or an order of protection issued by the
 33 court of another state, tribe, or United States
 34 territory; and-

- 1 (8) and, in addition, if a minor:
- 2 (i) reside with his parents or in a foster
- 3 home;
- 4 (ii) attend school;
- 5 (iii) attend a non-residential program for
- 6 youth; or
- 7 (iv) contribute to his own support at home or
- 8 in a foster home.

9 (c) The conditions under which the parole or mandatory

10 supervised release is to be served shall be communicated to

11 the person in writing prior to his release, and he shall sign

12 the same before release. A signed copy of these conditions,

13 including a copy of an order of protection where one had been

14 issued by the criminal court, shall be retained by the person

15 and another copy forwarded to the officer in charge of his

16 supervision.

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

18 Review Board may modify or enlarge the conditions of parole

19 or mandatory supervised release.

20 (e) The Department shall inform all offenders committed

21 to the Department of the optional services available to them

22 upon release and shall assist inmates in availing themselves

23 of such optional services upon their release on a voluntary

24 basis.

25 (Source: P.A. 91-903, eff. 1-1-01.)

26 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

27 Sec. 3-3-9. Violations; changes of conditions;

28 preliminary hearing; revocation of parole or mandatory

29 supervised release; revocation hearing.

30 (a) If prior to expiration or termination of the term of

31 parole or mandatory supervised release, a person violates a

32 condition set by the Prisoner Review Board or a condition of

33 parole or mandatory supervised release under Section 3-3-7 of

1 this Code to govern that term, the Board may:

2 (1) continue the existing term, with or without
3 modifying or enlarging the conditions; or

4 (2) parole or release the person to a half-way
5 house; or

6 (3) revoke the parole or mandatory supervised
7 release and reconfine the person for a term computed in
8 the following manner:

9 (i) (A) For those sentenced under the law in
10 effect prior to this amendatory Act of 1977, the
11 recommitment shall be for any portion of the imposed
12 maximum term of imprisonment or confinement which
13 had not been served at the time of parole and the
14 parole term, less the time elapsed between the
15 parole of the person and the commission of the
16 violation for which parole was revoked;

17 (B) For those subject to mandatory supervised
18 release under paragraph (d) of Section 5-8-1 of this
19 Code, the recommitment shall be for the total
20 mandatory supervised release term, less the time
21 elapsed between the release of the person and the
22 commission of the violation for which mandatory
23 supervised release is revoked. The Board may also
24 order that a prisoner serve up to one year of the
25 sentence imposed by the court which was not served
26 due to the accumulation of good conduct credit.

27 (ii) the person shall be given credit against
28 the term of reimprisonment or reconfinement for time
29 spent in custody since he was paroled or released
30 which has not been credited against another sentence
31 or period of confinement;

32 (iii) persons committed under the Juvenile
33 Court Act or the Juvenile Court Act of 1987 shall be
34 recommitted until the age of 21;

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

4 (b) The Board may revoke parole or mandatory supervised
5 release for violation of a condition for the duration of the
6 term and for any further period which is reasonably necessary
7 for the adjudication of matters arising before its
8 expiration. The issuance of a warrant of arrest for an
9 alleged violation of the conditions of parole or mandatory
10 supervised release shall toll the running of the term until
11 the final determination of the charge, but where parole or
12 mandatory supervised release is not revoked that period shall
13 be credited to the term.

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

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

28 (e) A hearing on revocation shall be conducted before at
29 least one member of the Prisoner Review Board. The Board may
30 meet and order its actions in panels of 3 or more members.
31 The action of a majority of the panel shall be the action of
32 the Board. In consideration of persons committed to the
33 Juvenile Division, the member hearing the matter and at least
34 a majority of the panel shall be experienced in juvenile

1 matters. A record of the hearing shall be made. At the
2 hearing the offender shall be permitted to:

3 (1) appear and answer the charge; and

4 (2) bring witnesses on his behalf.

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

8 (g) Parole or mandatory supervised release shall not be
9 revoked for failure to make payments under the conditions of
10 parole or release unless the Board determines that such
11 failure is due to the offender's willful refusal to pay.

12 (Source: P.A. 85-1209.)".