

HB0287



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0287

by Rep. David McSweeney

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 parole and mandatory supervised release are that the subject refrain from accessing the Internet without the prior written approval of the Department of Corrections for the duration of the parole or mandatory supervised release term if the person committed a sex offense as defined in the Sex Offender Registration Act against a victim under 18 years of age on or after the effective date of the amendatory Act.

LRB101 03980 SLF 48988 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 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
17 dangerous weapon;

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

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

23 (5) attend or reside in a facility established for the

1 instruction or residence of persons on parole or mandatory
2 supervised release;

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

6 (7) report all arrests to an agent of the Department of
7 Corrections as soon as permitted by the arresting authority
8 but in no event later than 24 hours after release from
9 custody and immediately report service or notification of
10 an order of protection, a civil no contact order, or a
11 stalking no contact order to an agent of the Department of
12 Corrections;

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

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

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

7 (7.7) if convicted for an offense that would qualify
8 the accused as a sexual predator under the Sex Offender
9 Registration Act on or after January 1, 2007 (the effective
10 date of Public Act 94-988), wear an approved electronic
11 monitoring device as defined in Section 5-8A-2 for the
12 duration of the person's parole, mandatory supervised
13 release term, or extended mandatory supervised release
14 term and if convicted for an offense of criminal sexual
15 assault, aggravated criminal sexual assault, predatory
16 criminal sexual assault of a child, criminal sexual abuse,
17 aggravated criminal sexual abuse, or ritualized abuse of a
18 child committed on or after August 11, 2009 (the effective
19 date of Public Act 96-236) when the victim was under 18
20 years of age at the time of the commission of the offense
21 and the defendant used force or the threat of force in the
22 commission of the offense wear an approved electronic
23 monitoring device as defined in Section 5-8A-2 that has
24 Global Positioning System (GPS) capability for the
25 duration of the person's parole, mandatory supervised
26 release term, or extended mandatory supervised release

1 term;

2 (7.8) if convicted for an offense committed on or after
3 June 1, 2008 (the effective date of Public Act 95-464) that
4 would qualify the accused as a child sex offender as
5 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
6 1961 or the Criminal Code of 2012, refrain from
7 communicating with or contacting, by means of the Internet,
8 a person who is not related to the accused and whom the
9 accused reasonably believes to be under 18 years of age;
10 for purposes of this paragraph (7.8), "Internet" has the
11 meaning ascribed to it in Section 16-0.1 of the Criminal
12 Code of 2012; and a person is not related to the accused if
13 the person is not: (i) the spouse, brother, or sister of
14 the accused; (ii) a descendant of the accused; (iii) a
15 first or second cousin of the accused; or (iv) a step-child
16 or adopted child of the accused;

17 (7.8-5) refrain from accessing the Internet without
18 the prior written approval of the Department for the
19 duration of the parole or mandatory supervised release term
20 if the person committed a sex offense as defined in Section
21 2 of the Sex Offender Registration Act against a victim
22 under 18 years of age on or after the effective date of
23 this amendatory Act of the 101st General Assembly; for
24 purposes of this paragraph (7.8-5), "Internet" has the
25 meaning ascribed to it in Section 16-0.1 of the Criminal
26 Code of 2012;

1 (7.9) if convicted under Section 11-6, 11-20.1,
2 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or
3 the Criminal Code of 2012, consent to search of computers,
4 PDAs, cellular phones, and other devices under his or her
5 control that are capable of accessing the Internet or
6 storing electronic files, in order to confirm Internet
7 protocol addresses reported in accordance with the Sex
8 Offender Registration Act and compliance with conditions
9 in this Act;

10 (7.10) if convicted for an offense that would qualify
11 the accused as a sex offender or sexual predator under the
12 Sex Offender Registration Act on or after June 1, 2008 (the
13 effective date of Public Act 95-640), not possess
14 prescription drugs for erectile dysfunction;

15 (7.11) if convicted for an offense under Section 11-6,
16 11-9.1, 11-14.4 that involves soliciting for a juvenile
17 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
18 of the Criminal Code of 1961 or the Criminal Code of 2012,
19 or any attempt to commit any of these offenses, committed
20 on or after June 1, 2009 (the effective date of Public Act
21 95-983):

22 (i) not access or use a computer or any other
23 device with Internet capability without the prior
24 written approval of the Department;

25 (ii) submit to periodic unannounced examinations
26 of the offender's computer or any other device with

1 Internet capability by the offender's supervising
2 agent, a law enforcement officer, or assigned computer
3 or information technology specialist, including the
4 retrieval and copying of all data from the computer or
5 device and any internal or external peripherals and
6 removal of such information, equipment, or device to
7 conduct a more thorough inspection;

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

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

17 (7.12) if convicted of a sex offense as defined in the
18 Sex Offender Registration Act committed on or after January
19 1, 2010 (the effective date of Public Act 96-262), refrain
20 from accessing or using a social networking website as
21 defined in Section 17-0.5 of the Criminal Code of 2012;

22 (7.13) if convicted of a sex offense as defined in
23 Section 2 of the Sex Offender Registration Act committed on
24 or after January 1, 2010 (the effective date of Public Act
25 96-362) that requires the person to register as a sex
26 offender under that Act, may not knowingly use any computer

1 scrub software on any computer that the sex offender uses;

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

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

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

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

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

16 (13) not knowingly associate with other persons on
17 parole or mandatory supervised release without prior
18 written permission of his or her parole agent, except when
19 the association involves activities related to community
20 programs, worship services, volunteering, and engaging
21 families, and not associate with persons who are members of
22 an organized gang as that term is defined in the Illinois
23 Streetgang Terrorism Omnibus Prevention Act;

24 (14) provide true and accurate information, as it
25 relates to his or her adjustment in the community while on
26 parole or mandatory supervised release or to his or her

1 conduct while incarcerated, in response to inquiries by his
2 or her parole agent or of the Department of Corrections;

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

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

21 (17) if convicted of a violation of an order of
22 protection under Section 12-3.4 or Section 12-30 of the
23 Criminal Code of 1961 or the Criminal Code of 2012, be
24 placed under electronic surveillance as provided in
25 Section 5-8A-7 of this Code;

26 (18) comply with the terms and conditions of an order

1 of protection issued pursuant to the Illinois Domestic
2 Violence Act of 1986; an order of protection issued by the
3 court of another state, tribe, or United States territory;
4 a no contact order issued pursuant to the Civil No Contact
5 Order Act; or a no contact order issued pursuant to the
6 Stalking No Contact Order Act;

7 (19) if convicted of a violation of the Methamphetamine
8 Control and Community Protection Act, the Methamphetamine
9 Precursor Control Act, or a methamphetamine related
10 offense, be:

11 (A) prohibited from purchasing, possessing, or
12 having under his or her control any product containing
13 pseudoephedrine unless prescribed by a physician; and

14 (B) prohibited from purchasing, possessing, or
15 having under his or her control any product containing
16 ammonium nitrate;

17 (20) if convicted of a hate crime under Section 12-7.1
18 of the Criminal Code of 2012, perform public or community
19 service of no less than 200 hours and enroll in an
20 educational program discouraging hate crimes involving the
21 protected class identified in subsection (a) of Section
22 12-7.1 of the Criminal Code of 2012 that gave rise to the
23 offense the offender committed ordered by the court; and

24 (21) be evaluated by the Department of Corrections
25 prior to release using a validated risk assessment and be
26 subject to a corresponding level of supervision. In

1 accordance with the findings of that evaluation:

2 (A) All subjects found to be at a moderate or high
3 risk to recidivate, or on parole or mandatory
4 supervised release for first degree murder, a forcible
5 felony as defined in Section 2-8 of the Criminal Code
6 of 2012, any felony that requires registration as a sex
7 offender under the Sex Offender Registration Act, or a
8 Class X felony or Class 1 felony that is not a
9 violation of the Cannabis Control Act, the Illinois
10 Controlled Substances Act, or the Methamphetamine
11 Control and Community Protection Act, shall be subject
12 to high level supervision. The Department shall define
13 high level supervision based upon evidence-based and
14 research-based practices. Notwithstanding this
15 placement on high level supervision, placement of the
16 subject on electronic monitoring or detention shall
17 not occur unless it is required by law or expressly
18 ordered or approved by the Prisoner Review Board.

19 (B) All subjects found to be at a low risk to
20 recidivate shall be subject to low-level supervision,
21 except for those subjects on parole or mandatory
22 supervised release for first degree murder, a forcible
23 felony as defined in Section 2-8 of the Criminal Code
24 of 2012, any felony that requires registration as a sex
25 offender under the Sex Offender Registration Act, or a
26 Class X felony or Class 1 felony that is not a

1 violation of the Cannabis Control Act, the Illinois
2 Controlled Substances Act, or the Methamphetamine
3 Control and Community Protection Act. Low level
4 supervision shall require the subject to check in with
5 the supervising officer via phone or other electronic
6 means. Notwithstanding this placement on low level
7 supervision, placement of the subject on electronic
8 monitoring or detention shall not occur unless it is
9 required by law or expressly ordered or approved by the
10 Prisoner Review Board.

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

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

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

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

19 (4) support his or her dependents;

20 (5) (blank);

21 (6) (blank);

22 (7) (blank);

23 (7.5) 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 or the Criminal Code of 2012, refrain
2 from communicating with or contacting, by means of the
3 Internet, a person who is related to the accused and whom
4 the accused reasonably believes to be under 18 years of
5 age; for purposes of this paragraph (7.5), "Internet" has
6 the meaning ascribed to it in Section 16-0.1 of the
7 Criminal Code of 2012; and a person is related to the
8 accused if the person is: (i) the spouse, brother, or
9 sister of the accused; (ii) a descendant of the accused;
10 (iii) a first or second cousin of the accused; or (iv) a
11 step-child or adopted child of the accused;

12 (7.6) if convicted for an offense committed on or after
13 June 1, 2009 (the effective date of Public Act 95-983) that
14 would qualify as a sex offense as defined in the Sex
15 Offender Registration Act:

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; and

11 (8) in addition, if a minor:

12 (i) reside with his or her parents or in a foster
13 home;

14 (ii) attend school;

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

16 or

17 (iv) contribute to his or her own support at home
18 or in a foster home.

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

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

26 (2) comply with all requirements of the Sex Offender

1 Registration Act;

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

4 (4) obtain the approval of an agent of the Department
5 of Corrections prior to accepting employment or pursuing a
6 course of study or vocational training and notify the
7 Department prior to any change in employment, study, or
8 training;

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

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

15 (7) refrain from entering into a designated geographic
16 area except upon terms approved in advance by an agent of
17 the Department of Corrections. The terms may include
18 consideration of the purpose of the entry, the time of day,
19 and others accompanying the person;

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

26 (9) refrain from all contact, directly or indirectly,

1 personally, by telephone, letter, or through a third party,
2 with minor children without prior identification and
3 approval of an agent of the Department of Corrections;

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

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

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

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

26 (14) may be required to provide a written daily log of

1 activities if directed by an agent of the Department of
2 Corrections;

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

7 (16) take an annual polygraph exam;

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

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

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

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

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

26 (f) (Blank).

1 (Source: P.A. 99-628, eff. 1-1-17; 99-698, eff. 7-29-16;
2 100-201, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.
3 1-8-18.)