



Rep. LaShawn K. Ford

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LRB095 01003 RLC 52101 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 shall be responsible for the awarding of
10 low interest loans not to exceed an interest rate of 2% to
11 qualified ex-offenders, so that these ex-offenders may start
12 and operate their own businesses that have a positive impact on
13 society. Funding for these loans shall be made payable from the
14 Ex-Offender Fund. Loan payments made by the ex-offender are to
15 be deposited into the Ex-Offender Fund.

16 (b) The Department shall be responsible for the awarding of

1 grants to qualified ex-offenders so that the individuals may
2 have a business plan developed in order to receive loans to
3 start up their own businesses. These grants are to be used for
4 the sole purpose of acquiring a business plan developed by a
5 credible source. In order to receive these grants, qualified
6 ex-offenders must submit an application and provide 50% of the
7 cost to develop the business plan.

8 (c) For purposes of this Section, "qualified ex-offender"
9 means any person who:

10 (1) is an eligible offender, as defined under Section
11 5-5.5-5 of the Unified Code of Corrections;

12 (2) was sentenced to a period of incarceration in an
13 Illinois adult correctional center; and

14 (3) presents to the Department an application and a
15 professional business plan.

16 (d) Notwithstanding any other rulemaking authority that
17 may exist, neither the Governor nor any agency or agency head
18 under the jurisdiction of the Governor has any authority to
19 make or promulgate rules to implement or enforce the provisions
20 of this amendatory Act of the 95th General Assembly. If,
21 however, the Governor believes that rules are necessary to
22 implement or enforce the provisions of this amendatory Act of
23 the 95th General Assembly, the Governor may suggest rules to
24 the General Assembly by filing them with the Clerk of the House
25 and the Secretary of the Senate and by requesting that the
26 General Assembly authorize such rulemaking by law, enact those

1 suggested rules into law, or take any other appropriate action
2 in the General Assembly's discretion. Nothing contained in this
3 amendatory Act of the 95th General Assembly shall be
4 interpreted to grant rulemaking authority under any other
5 Illinois statute where such authority is not otherwise
6 explicitly given. For the purposes of this Section, "rules" is
7 given the meaning contained in Section 1-70 of the Illinois
8 Administrative Procedure Act, and "agency" and "agency head"
9 are given the meanings contained in Sections 1-20 and 1-25 of
10 the Illinois Administrative Procedure Act to the extent that
11 such definitions apply to agencies or agency heads under the
12 jurisdiction of the Governor.

13 Section 10. The State Finance Act is amended by adding
14 Section 5.710 as follows:

15 (30 ILCS 105/5.710 new)

16 Sec. 5.710. The Ex-Offender Fund.

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

19 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

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

22 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised

1 Release.

2 (a) The conditions of parole or mandatory supervised
3 release shall be such as the Prisoner Review Board deems
4 necessary to assist the subject in leading a law-abiding life.
5 The conditions of every parole and mandatory supervised release
6 are that the subject:

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

9 (2) refrain from possessing a firearm or other
10 dangerous weapon;

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

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

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

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

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

26 (7.5) if convicted of a sex offense as defined in the

1 Sex Offender Management Board Act, the individual shall
2 undergo and successfully complete sex offender treatment
3 conducted in conformance with the standards developed by
4 the Sex Offender Management Board Act by a treatment
5 provider approved by the Board;

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

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

1 supervised release term;

2 (7.8) if convicted for an offense committed on or after
3 the effective date of this amendatory Act of the 95th
4 General Assembly that would qualify the accused as a child
5 sex offender as defined in Section 11-9.3 or 11-9.4 of the
6 Criminal Code of 1961, refrain from communicating with or
7 contacting, by means of the Internet, a person who is not
8 related to the accused and whom the accused reasonably
9 believes to be under 18 years of age; for purposes of this
10 paragraph (7.8), "Internet" has the meaning ascribed to it
11 in Section 16J-5 of the Criminal Code of 1961,~~as added by~~
12 ~~Public Act 94-179~~; and a person is not related to the
13 accused if the person is not: (i) the spouse, brother, or
14 sister of the accused; (ii) a descendant of the accused;
15 (iii) a first or second cousin of the accused; or (iv) a
16 step-child or adopted child of the accused;

17 (7.9) ~~(7.8)~~ if convicted under Section 11-6, 11-20.1,
18 11-20.3, or 11-21 of the Criminal Code of 1961, consent to
19 search of computers, PDAs, cellular phones, and other
20 devices under his or her control that are capable of
21 accessing the Internet or storing electronic files, in
22 order to confirm Internet protocol addresses reported in
23 accordance with the Sex Offender Registration Act and
24 compliance with conditions in this Act;

25 (7.10) ~~(7.8)~~ if convicted for an offense that would
26 qualify the accused as a sex offender or sexual predator

1 under the Sex Offender Registration Act on or after the
2 effective date of this amendatory Act of the 95th General
3 Assembly, not possess prescription drugs for erectile
4 dysfunction;

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

7 (9) obtain permission of an agent of the Department of
8 Corrections before changing his or her residence or
9 employment;

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

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

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

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

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

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

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

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

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

24 (1) work or pursue a course of study or vocational
25 training;

26 (2) undergo medical or psychiatric treatment, or

1 treatment for drug addiction or alcoholism;

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

4 (4) support his dependents;

5 (5) (blank);

6 (6) (blank);

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

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

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

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

9 subsections (a) and (b), persons required to register as sex

10 offenders pursuant to the Sex Offender Registration Act, upon

11 release from the custody of the Illinois Department of

12 Corrections, may be required by the Board to comply with the

13 following specific conditions of release:

- 14 (1) reside only at a Department approved location;
- 15 (2) comply with all requirements of the Sex Offender
- 16 Registration Act;
- 17 (3) notify third parties of the risks that may be
- 18 occasioned by his or her criminal record;
- 19 (4) obtain the approval of an agent of the Department
- 20 of Corrections prior to accepting employment or pursuing a
- 21 course of study or vocational training and notify the
- 22 Department prior to any change in employment, study, or
- 23 training;
- 24 (5) not be employed or participate in any volunteer
- 25 activity that involves contact with children, except under
- 26 circumstances approved in advance and in writing by an

1 agent of the Department of Corrections;

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

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

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

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

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

1 to any computer or material linked to computer access use;

2 (11) not patronize any business providing sexually
3 stimulating or sexually oriented entertainment nor utilize
4 "900" or adult telephone numbers;

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

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

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

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

22 (16) take an annual polygraph exam;

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

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

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

1 supervised release is to be served shall be communicated to the
2 person in writing prior to his release, and he shall sign the
3 same before release. A signed copy of these conditions,
4 including a copy of an order of protection where one had been
5 issued by the criminal court, shall be retained by the person
6 and another copy forwarded to the officer in charge of his
7 supervision.

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

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

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

26 (g) The Board, as a condition of parole or mandatory

1 supervised release, of a person paroled or released on
2 mandatory supervised release on or after January 1, 2009, shall
3 impose a fee not to exceed \$15 for each month of parole or
4 mandatory supervised release. The fee shall be imposed only
5 upon an offender who is actively supervised by the Department
6 of Corrections. The fee shall be remitted to the State
7 Treasurer for deposit into the Ex-Offender Fund which is
8 created in the State Treasury. Moneys in the Fund shall be used
9 solely to provide low interest loans for ex-offenders' to
10 start-up their own businesses. The following procedures apply
11 to the collection of a parole maintenance fee:

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. Staff shall not accept
2 money in any form from an offender;

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

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

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

15 (i) payments must be submitted directly to the
16 designated collection authority. Probation and
17 parole staff will not accept payments;

18 (ii) the completed payment voucher shall
19 accompany the payment.

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

26 (D) Offenders shall be exempted from paying parole

1 maintenance fees and may apply for waivers under the
2 following circumstances:

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

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

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

1 waiver entry into the computer system. If the officer
2 determines the waiver should be renewed beyond that
3 point, a new request for Waiver of Parole Maintenance
4 fees form must be submitted for approval. However, at
5 any point the officer determines that the offender is
6 again capable of paying monthly intervention fees,
7 supervisory approval is not necessary to rescind the
8 waiver.

9 (E) The following process for sanctions regarding
10 nonpayment shall be applied:

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

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

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

1 (4) should the offender become 3 months in arrears
2 on intervention fee payments, either consecutively or
3 in the cumulative, or it is determined the offender is
4 willfully failing to submit the required payments, the
5 supervising officer shall submit a violation report;

6 (5) offenders who are not current on their parole
7 maintenance fee payments shall not be eligible for
8 transfer to minimum supervision, interstate transfer
9 or early discharge consideration;

10 (6) sanctions for willful nonpayment of parole
11 maintenance fees include, but are not limited to the
12 following:

13 (i) written reprimand from the prisoner review
14 board;

15 (ii) travel restriction;

16 (iii) community service;

17 (iv) increased level of supervision.

18 Notwithstanding any other rulemaking authority that may
19 exist, neither the Governor nor any agency or agency head under
20 the jurisdiction of the Governor has any authority to make or
21 promulgate rules to implement or enforce the provisions of this
22 amendatory Act of the 95th General Assembly. If, however, the
23 Governor believes that rules are necessary to implement or
24 enforce the provisions of this amendatory Act of the 95th
25 General Assembly, the Governor may suggest rules to the General
26 Assembly by filing them with the Clerk of the House and the

1 Secretary of the Senate and by requesting that the General
2 Assembly authorize such rulemaking by law, enact those
3 suggested rules into law, or take any other appropriate action
4 in the General Assembly's discretion. Nothing contained in this
5 amendatory Act of the 95th General Assembly shall be
6 interpreted to grant rulemaking authority under any other
7 Illinois statute where such authority is not otherwise
8 explicitly given. For the purposes of this subsection (q),
9 "rules" is given the meaning contained in Section 1-70 of the
10 Illinois Administrative Procedure Act, and "agency" and
11 "agency head" are given the meanings contained in Sections 1-20
12 and 1-25 of the Illinois Administrative Procedure Act to the
13 extent that such definitions apply to agencies or agency heads
14 under the jurisdiction of the Governor.

15 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
16 94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;
17 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; revised 12-26-07.)

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