



Rep. William Cunningham

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09700SB1740ham001

LRB097 02705 RLC 54885 a

1 AMENDMENT TO SENATE BILL 1740

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1740 on page 1, by  
3 replacing lines 4 and 5 with the following:

4 "Section 5. The Unified Code of Corrections is amended by  
5 changing Sections 3-3-7, 3-3-8, and 5-8-1 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. 96-1551)

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

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

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

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

5           (4) permit the agent to visit him or her at his or her  
6 home, employment, or elsewhere to the extent necessary for  
7 the agent to discharge his or her duties;

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

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

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

18           (7.5) if convicted of a sex offense as defined in the  
19 Sex Offender Management Board Act, the individual shall  
20 undergo and successfully complete sex offender treatment  
21 conducted in conformance with the standards developed by  
22 the Sex Offender Management Board Act by a treatment  
23 provider approved by the Board;

24           (7.6) if convicted of a sex offense as defined in the  
25 Sex Offender Management Board Act, refrain from residing at  
26 the same address or in the same condominium unit or

1 apartment unit or in the same condominium complex or  
2 apartment complex with another person he or she knows or  
3 reasonably should know is a convicted sex offender or has  
4 been placed on supervision for a sex offense; the  
5 provisions of this paragraph do not apply to a person  
6 convicted of a sex offense who is placed in a Department of  
7 Corrections licensed transitional housing facility for sex  
8 offenders, or is in any facility operated or licensed by  
9 the Department of Children and Family Services or by the  
10 Department of Human Services, or is in any licensed medical  
11 facility;

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

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

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

24 (7.9) if convicted under Section 11-6, 11-20.1,  
25 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961,  
26 consent to search of computers, PDAs, cellular phones, and

1 other devices under his or her control that are capable of  
2 accessing the Internet or storing electronic files, in  
3 order to confirm Internet protocol addresses reported in  
4 accordance with the Sex Offender Registration Act and  
5 compliance with conditions in this Act;

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

12 (7.11) if convicted for an offense under Section 11-6,  
13 11-9.1, 11-14.4 that involves soliciting for a juvenile  
14 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
15 of the Criminal Code of 1961, or any attempt to commit any  
16 of these offenses, committed on or after June 1, 2009 (the  
17 effective date of Public Act 95-983):

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

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

1 device and any internal or external peripherals and  
2 removal of such information, equipment, or device to  
3 conduct a more thorough inspection;

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

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

13 (7.12) if convicted of a sex offense as defined in the  
14 Sex Offender Registration Act committed on or after January  
15 1, 2010 (the effective date of Public Act 96-262), refrain  
16 from accessing or using a social networking website as  
17 defined in Section 17-0.5 of the Criminal Code of 1961;

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

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

26 (9) obtain permission of an agent of the Department of

1 Corrections before changing his or her residence or  
2 employment;

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

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

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

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

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

23 (15) follow any specific instructions provided by the  
24 parole agent that are consistent with furthering  
25 conditions set and approved by the Prisoner Review Board or  
26 by law, exclusive of placement on electronic detention, to

1 achieve the goals and objectives of his or her parole or  
2 mandatory supervised release or to protect the public.  
3 These instructions by the parole agent may be modified at  
4 any time, as the agent deems appropriate;

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

15 (17) if convicted of a violation of an order of  
16 protection under Section 12-30 of the Criminal Code of  
17 1961, be placed under electronic surveillance as provided  
18 in Section 5-8A-7 of this Code.

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

21 (1) work or pursue a course of study or vocational  
22 training;

23 (2) undergo medical or psychiatric treatment, or  
24 treatment for drug addiction or alcoholism;

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



1 (4) support his dependents;

2 (5) (blank);

3 (6) (blank);

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

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

23 (7.6) if convicted for an offense committed on or after  
24 June 1, 2009 (the effective date of Public Act 95-983) that  
25 would qualify as a sex offense as defined in the Sex  
26 Offender Registration Act:

1           (i) not access or use a computer or any other  
2 device with Internet capability without the prior  
3 written approval of the Department;

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

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

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

22       (8) in addition, if a minor:

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

24           (ii) attend school;

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

26       or

1           (iv) contribute to his own support at home or in a  
2           foster home.

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

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

10          (2) comply with all requirements of the Sex Offender  
11          Registration Act;

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

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

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

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

25          (7) refrain from entering into a designated geographic  
26          area except upon terms approved in advance by an agent of

1 the Department of Corrections. The terms may include  
2 consideration of the purpose of the entry, the time of day,  
3 and others accompanying the person;

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

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

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

23 (11) not patronize any business providing sexually  
24 stimulating or sexually oriented entertainment nor utilize  
25 "900" or adult telephone numbers;

26 (12) not reside near, visit, or be in or about parks,

1 schools, day care centers, swimming pools, beaches,  
2 theaters, or any other places where minor children  
3 congregate without advance approval of an agent of the  
4 Department of Corrections and immediately report any  
5 incidental contact with minor children to the Department;

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

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

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

17 (16) take an annual polygraph exam;

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

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

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

1 and another copy forwarded to the officer in charge of his  
2 supervision.

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

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

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

22 (Source: P.A. 95-464, eff. 6-1-08; 95-539, eff. 1-1-08; 95-579,  
23 eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09; 95-876,  
24 eff. 8-21-08; 95-983, eff. 6-1-09; 96-236, eff. 8-11-09;  
25 96-262, eff. 1-1-10; 96-328, eff. 8-11-09; 96-362, eff. 1-1-10;  
26 96-1000, eff. 7-2-10; 96-1539, eff. 3-4-11; 96-1551, Article 2,

1 Section 1065, eff. 7-1-11; 96-1551, Article 10, Section 10-150,  
2 eff. 7-1-11; revised 4-18-11.)

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

4 Sec. 3-3-8. Length of parole and mandatory supervised  
5 release; discharge.)

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

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

21 (b-1) Provided that the subject is in compliance with the  
22 terms and conditions of his or her parole or mandatory  
23 supervised release, the Prisoner Review Board may reduce the  
24 period of a parolee or releasee's parole or mandatory  
25 supervised release by 90 days upon the parolee or releasee

1 receiving a high school diploma or upon passage of the high  
2 school level Test of General Educational Development during the  
3 period of his or her parole or mandatory supervised release.  
4 This reduction in the period of a subject's term of parole or  
5 mandatory supervised release shall be available only to  
6 subjects who have not previously earned a high school diploma  
7 or who have not previously passed the high school level Test of  
8 General Educational Development.

9 (c) The order of discharge shall become effective upon  
10 entry of the order of the Board. The Board shall notify the  
11 clerk of the committing court of the order. Upon receipt of  
12 such copy, the clerk shall make an entry on the record judgment  
13 that the sentence or commitment has been satisfied pursuant to  
14 the order.

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

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