



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB0870

by Rep. Mike Murphy

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-8-7.5

Amends the Unified Code of Corrections. Provides that an inmate designated by mental health personnel of the Department of Corrections may not receive nor possess a photograph or image of a minor under 18 years of age while incarcerated in an institution or facility of the Department of Corrections if he or she has been convicted of any of the following offenses if the victim of the offense was under 18 years of age at the time of the commission of the offense: (1) criminal sexual assault; (2) aggravated criminal sexual assault; (3) predatory criminal sexual assault of a child; (4) criminal sexual abuse; (5) aggravated criminal sexual abuse; (6) child pornography; (7) a substantially similar offense under the laws of the United States, another state, or foreign jurisdiction; or (8) a predecessor offense to any of these offenses.

LRB101 07514 SLF 52558 b

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 3-8-7.5 as follows:

6 (730 ILCS 5/3-8-7.5)

7 Sec. 3-8-7.5. Mail, photograph, and image possession  
8 restrictions.

9 (a) An inmate shall not correspond with a victim or member  
10 of a victim's family upon being given notice by the Department  
11 that the person has notified the Department that he or she does  
12 not wish correspondence from the inmate.

13 (b) The victim or family member of the victim may give  
14 notice to the Department of his or her desire not to receive  
15 correspondence as provided in this Section and may do so at the  
16 time of sentencing or at any time during the period of  
17 incarceration of the inmate by the Department. After receipt of  
18 the notice, the Department shall not knowingly forward any mail  
19 addressed to a victim or family member of a victim named in the  
20 notice as not desiring correspondence from a named inmate.

21 (c) At the time of any sentencing which results in the  
22 imposition of any term of incarceration with the Department,  
23 the State's Attorney shall provide the victim with written

1 notification that the victim or a family member of the victim  
2 at any time may notify the Department in writing of the  
3 person's desire not to receive correspondence from the inmate  
4 convicted of the offense against the victim. The notification  
5 provided by the State's Attorney shall inform the victim of the  
6 following:

7 (1) that it is the duty of the person desiring not to  
8 receive correspondence under this Section to notify the  
9 Department of any change of address if the person wants the  
10 restriction on mail to apply after a change of address; and

11 (2) that the notice to the Department is to include the  
12 name of the person incarcerated, the name and number of the  
13 case resulting in the incarceration, and the inmate number,  
14 if known.

15 The State's Attorney shall assist the victim in obtaining this  
16 information at any time during the incarceration.

17 (d) The Department shall notify the inmate that the victim  
18 or members of the victim's family have provided notice to the  
19 Department that the persons do not wish correspondence from  
20 that inmate during the incarceration.

21 (e) An inmate designated by mental health personnel of the  
22 Department may not receive nor possess a photograph or image of  
23 a minor under 18 years of age while incarcerated in an  
24 institution or facility of the Department if he or she has been  
25 convicted of any of the following offenses if the victim of the  
26 offense was under 18 years of age at the time of the commission

1 of the offense:

2 (1) criminal sexual assault;

3 (2) aggravated criminal sexual assault;

4 (3) predatory criminal sexual assault of a child;

5 (4) criminal sexual abuse;

6 (5) aggravated criminal sexual abuse;

7 (6) child pornography;

8 (7) a substantially similar offense under the laws of

9 the United States, another state, or foreign jurisdiction;

10 or

11 (8) a predecessor offense to any of the offenses listed

12 in paragraphs (1) through (7) of this subsection (e).

13 (Source: P.A. 88-331.)