



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4337

Introduced 12/29/2005, by Rep. John E. Bradley

SYNOPSIS AS INTRODUCED:

- 20 ILCS 4026/15
- 730 ILCS 5/3-3-2 from Ch. 38, par. 1003-3-2
- 730 ILCS 5/3-3-7 from Ch. 38, par. 1003-3-7
- 730 ILCS 5/5-8-1 from Ch. 38, par. 1005-8-1
- 730 ILCS 5/Ch. V Art. 8B heading new
- 730 ILCS 5/5-8B-5 new
- 730 ILCS 5/5-8B-10 new
- 730 ILCS 5/5-8B-15 new
- 730 ILCS 5/5-8B-20 new
- 730 ILCS 5/5-8B-25 new
- 730 ILCS 5/5-8B-30 new

Amends the Sex Offender Management Board Act and the Unified Code of Corrections. Provides that a person convicted of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual abuse, or felony criminal sexual abuse shall be placed on conditional release after the completion of his or her imprisonment in a Department of Corrections facility. Provides that a person sentenced for these offenses shall serve an indeterminate sentence. Provides for the length of conditional release. Provides that the conditions of conditional release may include successful completion of treatment and aftercare in a program approved by the Director of Corrections, the Prisoner Review Board, and the Sex Offender Management Board and satisfaction of the release conditions specified by the Prisoner Review Board and Sex Offender Management Board. Provides that before the offender is released, the Director of Corrections shall notify the sentencing court, the State's Attorney in the jurisdiction where the offender was sentenced, and the victim of the offender's crime, whenever possible, of the terms of the offender's conditional release. Provides that if the offender fails to meet any condition of release, the Director of Corrections, upon the approval of the Prisoner Review Board, may revoke the offender's conditional release and order that the offender serve the remaining portion of the conditional release term in a Department of Corrections facility. Provides that the Prisoner Review Board, in consultation with the Director of Corrections and the Sex Offender Management Board, shall establish criteria and procedures to use in making release and revocation decisions on offenders sentenced under the indeterminate sentencing provisions. Provides that by December 31, 2007, the Prisoner Review Board shall provide the General Assembly with a written report containing the criteria and procedures the Board proposes to use in deciding whether to release a sex offender subject to an indeterminate sentence.

LRB094 15754 RLC 50967 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

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 Sex Offender Management Board Act is amended  
5 by changing Section 15 as follows:

6 (20 ILCS 4026/15)

7 Sec. 15. Sex Offender Management Board; creation; duties.

8 (a) There is created the Sex Offender Management Board,  
9 which shall consist of 24 members. The membership of the Board  
10 shall consist of the following persons:

11 (1) Two members appointed by the Governor representing  
12 the judiciary, one representing juvenile court matters and  
13 one representing adult criminal court matters;

14 (2) One member appointed by the Governor representing  
15 Probation Services;

16 (3) One member appointed by the Governor representing  
17 the Department of Corrections;

18 (4) One member appointed by the Governor representing  
19 the Department of Human Services;

20 (5) One member appointed by the Governor representing  
21 the Illinois State Police;

22 (6) One member appointed by the Governor representing  
23 the Department of Children and Family Services;

24 (7) One member appointed by the Attorney General  
25 representing the Office of the Attorney General;

26 (8) Two members appointed by the Attorney General who  
27 are licensed mental health professionals with documented  
28 expertise in the treatment of sex offenders;

29 (9) Two members appointed by the Attorney General who  
30 are State's Attorneys or assistant State's Attorneys, one  
31 representing juvenile court matters and one representing  
32 felony court matters;

1 (10) One member being the Cook County State's Attorney  
2 or his or her designee;

3 (11) One member being the Director of the State's  
4 Attorneys Appellate Prosecutor or his or her designee;

5 (12) One member being the Cook County Public Defender  
6 or his or her designee;

7 (13) Two members appointed by the Governor who are  
8 representatives of law enforcement, one juvenile officer  
9 and one sex crime investigator;

10 (14) Two members appointed by the Attorney General who  
11 are recognized experts in the field of sexual assault and  
12 who can represent sexual assault victims and victims'  
13 rights organizations;

14 (15) One member being the State Appellate Defender or  
15 his or her designee;

16 (16) One member being the President of the Illinois  
17 Polygraph Society or his or her designee;

18 (17) One member being the Executive Director of the  
19 Criminal Justice Information Authority or his or her  
20 designee;

21 (18) One member being the President of the Illinois  
22 Chapter of the Association for the Treatment of Sexual  
23 Abusers or his or her designee; and

24 (19) One member representing the Illinois Principal  
25 Association.

26 (b) The Governor and the Attorney General shall appoint a  
27 presiding officer for the Board from among the board members  
28 appointed under subsection (a) of this Section, which presiding  
29 officer shall serve at the pleasure of the Governor and the  
30 Attorney General.

31 (c) Each member of the Board shall demonstrate substantial  
32 expertise and experience in the field of sexual assault.

33 (d) (1) Any member of the Board created in subsection (a)  
34 of this Section who is appointed under paragraphs (1) through  
35 (7) of subsection (a) of this Section shall serve at the  
36 pleasure of the official who appointed that member, for a term

1 of 5 years and may be reappointed. The members shall serve  
2 without additional compensation.

3 (2) Any member of the Board created in subsection (a) of  
4 this Section who is appointed under paragraphs (8) through (14)  
5 of subsection (a) of this Section shall serve for a term of 5  
6 years and may be reappointed. The members shall serve without  
7 compensation.

8 (3) The travel costs associated with membership on the  
9 Board created in subsection (a) of this Section will be  
10 reimbursed subject to availability of funds.

11 (e) The first meeting of this Board shall be held within 45  
12 days of the effective date of this Act.

13 (f) The Board shall carry out the following duties:

14 (1) Not later than December 31, 2001, the Board shall  
15 develop and prescribe separate standardized procedures for  
16 the evaluation and identification of the offender and  
17 recommend behavior management, monitoring, and treatment  
18 based upon the knowledge that sex offenders are extremely  
19 habituated and that there is no known cure for the  
20 propensity to commit sex abuse. The Board shall develop and  
21 implement measures of success based upon a no-cure policy  
22 for intervention. The Board shall develop and implement  
23 methods of intervention for sex offenders which have as a  
24 priority the physical and psychological safety of victims  
25 and potential victims and which are appropriate to the  
26 needs of the particular offender, so long as there is no  
27 reduction of the safety of victims and potential victims.

28 (2) Not later than December 31, 2001, the Board shall  
29 develop separate guidelines and standards for a system of  
30 programs for the evaluation and treatment of both juvenile  
31 and adult sex offenders which shall be utilized by  
32 offenders who are placed on probation, committed to the  
33 Department of Corrections or Department of Human Services,  
34 or placed on mandatory supervised release or parole. The  
35 programs developed under this paragraph (f) shall be as  
36 flexible as possible so that the programs may be utilized

1 by each offender to prevent the offender from harming  
2 victims and potential victims. The programs shall be  
3 structured in such a manner that the programs provide a  
4 continuing monitoring process as well as a continuum of  
5 counseling programs for each offender as that offender  
6 proceeds through the justice system. Also, the programs  
7 shall be developed in such a manner that, to the extent  
8 possible, the programs may be accessed by all offenders in  
9 the justice system.

10 (3) There is established the Sex Offender Management  
11 Board Fund in the State Treasury into which funds received  
12 under any provision of law or from public or private  
13 sources shall be deposited, and from which funds shall be  
14 appropriated for the purposes set forth in Section 19 of  
15 this Act, Section 5-6-3 of the Unified Code of Corrections,  
16 and Section 3 of the Sex Offender Registration Act, and the  
17 remainder shall be appropriated to the Sex Offender  
18 Management Board for planning and research.

19 (4) The Board shall develop and prescribe a plan to  
20 research and analyze the effectiveness of the evaluation,  
21 identification, and counseling procedures and programs  
22 developed under this Act. The Board shall also develop and  
23 prescribe a system for implementation of the guidelines and  
24 standards developed under paragraph (2) of this subsection  
25 (f) and for tracking offenders who have been subjected to  
26 evaluation, identification, and treatment under this Act.  
27 In addition, the Board shall develop a system for  
28 monitoring offender behaviors and offender adherence to  
29 prescribed behavioral changes. The results of the tracking  
30 and behavioral monitoring shall be a part of any analysis  
31 made under this paragraph (4).

32 (5) The Board shall perform the duties prescribed in  
33 Article 8B of Chapter V of the Unified Code of Corrections.

34 (g) The Board may promulgate rules as are necessary to  
35 carry out the duties of the Board.

36 (h) The Board and the individual members of the Board shall

1 be immune from any liability, whether civil or criminal, for  
2 the good faith performance of the duties of the Board as  
3 specified in this Section.

4 (Source: P.A. 93-616, eff. 1-1-04.)

5 Section 10. The Unified Code of Corrections is amended by  
6 changing Sections 3-3-2, 3-3-7, and 5-8-1 and by adding Article  
7 8B to Chapter V as follows:

8 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

9 Sec. 3-3-2. Powers and Duties.

10 (a) The Parole and Pardon Board is abolished and the term  
11 "Parole and Pardon Board" as used in any law of Illinois, shall  
12 read "Prisoner Review Board." After the effective date of this  
13 amendatory Act of 1977, the Prisoner Review Board shall provide  
14 by rule for the orderly transition of all files, records, and  
15 documents of the Parole and Pardon Board and for such other  
16 steps as may be necessary to effect an orderly transition and  
17 shall:

18 (1) hear by at least one member and through a panel of  
19 at least 3 members decide, cases of prisoners who were  
20 sentenced under the law in effect prior to the effective  
21 date of this amendatory Act of 1977, and who are eligible  
22 for parole;

23 (2) hear by at least one member and through a panel of  
24 at least 3 members decide, the conditions of parole and the  
25 time of discharge from parole, impose sanctions for  
26 violations of parole, and revoke parole for those sentenced  
27 under the law in effect prior to this amendatory Act of  
28 1977; provided that the decision to parole and the  
29 conditions of parole for all prisoners who were sentenced  
30 for first degree murder or who received a minimum sentence  
31 of 20 years or more under the law in effect prior to  
32 February 1, 1978 shall be determined by a majority vote of  
33 the Prisoner Review Board;

34 (3) hear by at least one member and through a panel of

1 at least 3 members decide, the conditions of mandatory  
2 supervised release and the time of discharge from mandatory  
3 supervised release, impose sanctions for violations of  
4 mandatory supervised release, and revoke mandatory  
5 supervised release for those sentenced under the law in  
6 effect after the effective date of this amendatory Act of  
7 1977;

8 (3.5) hear by at least one member and through a panel  
9 of at least 3 members decide, the conditions of mandatory  
10 supervised release and the time of discharge from mandatory  
11 supervised release, to impose sanctions for violations of  
12 mandatory supervised release and revoke mandatory  
13 supervised release for those serving extended supervised  
14 release terms pursuant to paragraph (4) of subsection (d)  
15 of Section 5-8-1;

16 (4) hear by at least 1 member and through a panel of at  
17 least 3 members, decide cases brought by the Department of  
18 Corrections against a prisoner in the custody of the  
19 Department for alleged violation of Department rules with  
20 respect to good conduct credits pursuant to Section 3-6-3  
21 of this Code in which the Department seeks to revoke good  
22 conduct credits, if the amount of time at issue exceeds 30  
23 days or when, during any 12 month period, the cumulative  
24 amount of credit revoked exceeds 30 days except where the  
25 infraction is committed or discovered within 60 days of  
26 scheduled release. In such cases, the Department of  
27 Corrections may revoke up to 30 days of good conduct  
28 credit. The Board may subsequently approve the revocation  
29 of additional good conduct credit, if the Department seeks  
30 to revoke good conduct credit in excess of thirty days.  
31 However, the Board shall not be empowered to review the  
32 Department's decision with respect to the loss of 30 days  
33 of good conduct credit for any prisoner or to increase any  
34 penalty beyond the length requested by the Department;

35 (5) hear by at least one member and through a panel of  
36 at least 3 members decide, the release dates for certain

1 prisoners sentenced under the law in existence prior to the  
2 effective date of this amendatory Act of 1977, in  
3 accordance with Section 3-3-2.1 of this Code;

4 (6) hear by at least one member and through a panel of  
5 at least 3 members decide, all requests for pardon,  
6 reprieve or commutation, and make confidential  
7 recommendations to the Governor;

8 (7) comply with the requirements of the Open Parole  
9 Hearings Act;

10 (8) hear by at least one member and, through a panel of  
11 at least 3 members, decide cases brought by the Department  
12 of Corrections against a prisoner in the custody of the  
13 Department for court dismissal of a frivolous lawsuit  
14 pursuant to Section 3-6-3(d) of this Code in which the  
15 Department seeks to revoke up to 180 days of good conduct  
16 credit, and if the prisoner has not accumulated 180 days of  
17 good conduct credit at the time of the dismissal, then all  
18 good conduct credit accumulated by the prisoner shall be  
19 revoked; ~~and~~

20 (9) hear by at least 3 members, and, through a panel of  
21 at least 3 members, decide whether to grant certificates of  
22 relief from disabilities or certificates of good conduct as  
23 provided in Article 5.5 of Chapter V; and -

24 (10) hear by at least one member, and through a panel  
25 of at least 3 members, decide the conditions of conditional  
26 release of a person convicted of a violation or attempted  
27 violation of Section 12-13, 12-14, 12-14.1, or 12-16 of the  
28 Criminal Code of 1961 or a felony violation of Section  
29 12-15 of the Criminal Code of 1961 and the time of  
30 discharge from conditional release, impose sanctions for  
31 violations of conditional release, and revoke conditional  
32 release.

33 (a-5) The Prisoner Review Board, with the cooperation of  
34 and in coordination with the Department of Corrections and the  
35 Department of Central Management Services, shall implement a  
36 pilot project in 3 correctional institutions providing for the



1 conduct of hearings under paragraphs (1) and (4) of subsection  
2 (a) of this Section through interactive video conferences. The  
3 project shall be implemented within 6 months after the  
4 effective date of this amendatory Act of 1996. Within 6 months  
5 after the implementation of the pilot project, the Prisoner  
6 Review Board, with the cooperation of and in coordination with  
7 the Department of Corrections and the Department of Central  
8 Management Services, shall report to the Governor and the  
9 General Assembly regarding the use, costs, effectiveness, and  
10 future viability of interactive video conferences for Prisoner  
11 Review Board hearings.

12 (b) Upon recommendation of the Department the Board may  
13 restore good conduct credit previously revoked.

14 (c) The Board shall cooperate with the Department in  
15 promoting an effective system of parole and mandatory  
16 supervised release.

17 (d) The Board shall promulgate rules for the conduct of its  
18 work, and the Chairman shall file a copy of such rules and any  
19 amendments thereto with the Director and with the Secretary of  
20 State.

21 (e) The Board shall keep records of all of its official  
22 actions and shall make them accessible in accordance with law  
23 and the rules of the Board.

24 (f) The Board or one who has allegedly violated the  
25 conditions of his parole or mandatory supervised release may  
26 require by subpoena the attendance and testimony of witnesses  
27 and the production of documentary evidence relating to any  
28 matter under investigation or hearing. The Chairman of the  
29 Board may sign subpoenas which shall be served by any agent or  
30 public official authorized by the Chairman of the Board, or by  
31 any person lawfully authorized to serve a subpoena under the  
32 laws of the State of Illinois. The attendance of witnesses, and  
33 the production of documentary evidence, may be required from  
34 any place in the State to a hearing location in the State  
35 before the Chairman of the Board or his designated agent or  
36 agents or any duly constituted Committee or Subcommittee of the

1 Board. Witnesses so summoned shall be paid the same fees and  
2 mileage that are paid witnesses in the circuit courts of the  
3 State, and witnesses whose depositions are taken and the  
4 persons taking those depositions are each entitled to the same  
5 fees as are paid for like services in actions in the circuit  
6 courts of the State. Fees and mileage shall be vouchered for  
7 payment when the witness is discharged from further attendance.

8 In case of disobedience to a subpoena, the Board may  
9 petition any circuit court of the State for an order requiring  
10 the attendance and testimony of witnesses or the production of  
11 documentary evidence or both. A copy of such petition shall be  
12 served by personal service or by registered or certified mail  
13 upon the person who has failed to obey the subpoena, and such  
14 person shall be advised in writing that a hearing upon the  
15 petition will be requested in a court room to be designated in  
16 such notice before the judge hearing motions or extraordinary  
17 remedies at a specified time, on a specified date, not less  
18 than 10 nor more than 15 days after the deposit of the copy of  
19 the written notice and petition in the U.S. mails addressed to  
20 the person at his last known address or after the personal  
21 service of the copy of the notice and petition upon such  
22 person. The court upon the filing of such a petition, may order  
23 the person refusing to obey the subpoena to appear at an  
24 investigation or hearing, or to there produce documentary  
25 evidence, if so ordered, or to give evidence relative to the  
26 subject matter of that investigation or hearing. Any failure to  
27 obey such order of the circuit court may be punished by that  
28 court as a contempt of court.

29 Each member of the Board and any hearing officer designated  
30 by the Board shall have the power to administer oaths and to  
31 take the testimony of persons under oath.

32 (g) Except under subsection (a) of this Section, a majority  
33 of the members then appointed to the Prisoner Review Board  
34 shall constitute a quorum for the transaction of all business  
35 of the Board.

36 (h) The Prisoner Review Board shall annually transmit to

1 the Director a detailed report of its work for the preceding  
2 calendar year. The annual report shall also be transmitted to  
3 the Governor for submission to the Legislature.

4 (Source: P.A. 93-207, eff. 1-1-04; 94-165, eff. 7-11-05.)

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

6 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised  
7 Release.

8 (a) The conditions of parole or mandatory supervised  
9 release shall be such as the Prisoner Review Board deems  
10 necessary to assist the subject in leading a law-abiding life.  
11 The conditions of every parole and mandatory supervised release  
12 are that the subject:

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

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

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

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

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

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

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

32 (7.5) if convicted of a sex offense as defined in the  
33 Sex Offender Management Board Act, the individual shall  
34 undergo and successfully complete sex offender treatment  
35 conducted in conformance with the standards developed by

1 the Sex Offender Management Board Act by a treatment  
2 provider approved by the Board;

3 (7.6) if convicted of a sex offense as defined in the  
4 Sex Offender Management Board Act, refrain from residing at  
5 the same address or in the same condominium unit or  
6 apartment unit or in the same condominium complex or  
7 apartment complex with another person he or she knows or  
8 reasonably should know is a convicted sex offender or has  
9 been placed on supervision for a sex offense; the  
10 provisions of this paragraph do not apply to a person  
11 convicted of a sex offense who is placed in a Department of  
12 Corrections licensed transitional housing facility for sex  
13 offenders, or is in any facility operated or licensed by  
14 the Department of Children and Family Services or by the  
15 Department of Human Services, or is in any licensed medical  
16 facility;

17 (7.7) if convicted of a violation or attempted  
18 violation of Section 12-13, 12-14, 12-14.1, or 12-16 of the  
19 Criminal Code of 1961 or a felony violation of Section  
20 12-15 of the Criminal Code of 1961, such conditions of  
21 conditional release as imposed by the Board and in  
22 accordance with Article 8B of Chapter V;

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

25 (9) obtain permission of an agent of the Department of  
26 Corrections before changing his or her residence or  
27 employment;

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

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

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

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

7 (14) provide true and accurate information, as it  
8 relates to his or her adjustment in the community while on  
9 parole or mandatory supervised release or to his or her  
10 conduct while incarcerated, in response to inquiries by his  
11 or her parole agent or of the Department of Corrections;

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

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

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

32 (1) work or pursue a course of study or vocational  
33 training;

34 (2) undergo medical or psychiatric treatment, or  
35 treatment for drug addiction or alcoholism;

36 (3) attend or reside in a facility established for the

1 instruction or residence of persons on probation or parole;

2 (4) support his dependents;

3 (5) (blank);

4 (6) (blank);

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

10 (8) in addition, if a minor:

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

12 (ii) attend school;

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

14 or

15 (iv) contribute to his own support at home or in a  
16 foster home.

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

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

24 (2) comply with all requirements of the Sex Offender  
25 Registration Act;

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

28 (4) obtain the approval of an agent of the Department  
29 of Corrections prior to accepting employment or pursuing a  
30 course of study or vocational training and notify the  
31 Department prior to any change in employment, study, or  
32 training;

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

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

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

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

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

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

27 (11) not patronize any business providing sexually  
28 stimulating or sexually oriented entertainment nor utilize  
29 "900" or adult telephone numbers;

30 (12) not reside near, visit, or be in or about parks,  
31 schools, day care centers, swimming pools, beaches,  
32 theaters, or any other places where minor children  
33 congregate without advance approval of an agent of the  
34 Department of Corrections and immediately report any  
35 incidental contact with minor children to the Department;

36 (13) not possess or have under his or her control

1 certain specified items of contraband related to the  
2 incidence of sexually offending as determined by an agent  
3 of the Department of Corrections;

4 (14) may be required to provide a written daily log of  
5 activities if directed by an agent of the Department of  
6 Corrections;

7 (15) comply with all other special conditions that the  
8 Department may impose that restrict the person from  
9 high-risk situations and limit access to potential  
10 victims.

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 release, and he shall sign the  
14 same before release. A signed copy of these conditions,  
15 including a copy of an order of protection where one had been  
16 issued by the criminal court, shall be retained by the person  
17 and another copy forwarded to the officer in charge of his  
18 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 (Source: P.A. 93-616, eff. 1-1-04; 93-865, eff. 1-1-05; 94-159,  
27 eff. 7-11-05; 94-161, eff. 7-11-05; revised 8-19-05.)

28 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

29 Sec. 5-8-1. Sentence of Imprisonment for Felony.

30 (a) Except as otherwise provided in the statute defining  
31 the offense or in Article 8B of this Chapter V, a sentence of  
32 imprisonment for a felony shall be a determinate sentence set  
33 by the court under this Section, according to the following  
34 limitations:

35 (1) for first degree murder,



1 (a) a term shall be not less than 20 years and not  
2 more than 60 years, or

3 (b) if a trier of fact finds beyond a reasonable  
4 doubt that the murder was accompanied by exceptionally  
5 brutal or heinous behavior indicative of wanton  
6 cruelty or, except as set forth in subsection (a) (1) (c)  
7 of this Section, that any of the aggravating factors  
8 listed in subsection (b) of Section 9-1 of the Criminal  
9 Code of 1961 are present, the court may sentence the  
10 defendant to a term of natural life imprisonment, or

11 (c) the court shall sentence the defendant to a  
12 term of natural life imprisonment when the death  
13 penalty is not imposed if the defendant,

14 (i) has previously been convicted of first  
15 degree murder under any state or federal law, or

16 (ii) is a person who, at the time of the  
17 commission of the murder, had attained the age of  
18 17 or more and is found guilty of murdering an  
19 individual under 12 years of age; or, irrespective  
20 of the defendant's age at the time of the  
21 commission of the offense, is found guilty of  
22 murdering more than one victim, or

23 (iii) is found guilty of murdering a peace  
24 officer, ~~or~~ fireman, or emergency management  
25 worker when the peace officer, fireman, or  
26 emergency management worker was killed in the  
27 course of performing his official duties, or to  
28 prevent the peace officer or fireman from  
29 performing his official duties, or in retaliation  
30 for the peace officer, fireman, or emergency  
31 management worker from performing his official  
32 duties, and the defendant knew or should have known  
33 that the murdered individual was a peace officer,  
34 fireman, or emergency management worker, or

35 (iv) is found guilty of murdering an employee  
36 of an institution or facility of the Department of

1 Corrections, or any similar local correctional  
2 agency, when the employee was killed in the course  
3 of performing his official duties, or to prevent  
4 the employee from performing his official duties,  
5 or in retaliation for the employee performing his  
6 official duties, or

7 (v) is found guilty of murdering an emergency  
8 medical technician - ambulance, emergency medical  
9 technician - intermediate, emergency medical  
10 technician - paramedic, ambulance driver or other  
11 medical assistance or first aid person while  
12 employed by a municipality or other governmental  
13 unit when the person was killed in the course of  
14 performing official duties or to prevent the  
15 person from performing official duties or in  
16 retaliation for performing official duties and the  
17 defendant knew or should have known that the  
18 murdered individual was an emergency medical  
19 technician - ambulance, emergency medical  
20 technician - intermediate, emergency medical  
21 technician - paramedic, ambulance driver, or other  
22 medical assistant or first aid personnel, or

23 (vi) is a person who, at the time of the  
24 commission of the murder, had not attained the age  
25 of 17, and is found guilty of murdering a person  
26 under 12 years of age and the murder is committed  
27 during the course of aggravated criminal sexual  
28 assault, criminal sexual assault, or aggravated  
29 kidnaping, or

30 (vii) is found guilty of first degree murder  
31 and the murder was committed by reason of any  
32 person's activity as a community policing  
33 volunteer or to prevent any person from engaging in  
34 activity as a community policing volunteer. For  
35 the purpose of this Section, "community policing  
36 volunteer" has the meaning ascribed to it in

1 Section 2-3.5 of the Criminal Code of 1961.

2 For purposes of clause (v), "emergency medical  
3 technician - ambulance", "emergency medical technician  
4 - intermediate", "emergency medical technician -  
5 paramedic", have the meanings ascribed to them in the  
6 Emergency Medical Services (EMS) Systems Act.

7 (d) (i) if the person committed the offense while  
8 armed with a firearm, 15 years shall be added to  
9 the term of imprisonment imposed by the court;

10 (ii) if, during the commission of the offense,  
11 the person personally discharged a firearm, 20  
12 years shall be added to the term of imprisonment  
13 imposed by the court;

14 (iii) if, during the commission of the  
15 offense, the person personally discharged a  
16 firearm that proximately caused great bodily harm,  
17 permanent disability, permanent disfigurement, or  
18 death to another person, 25 years or up to a term  
19 of natural life shall be added to the term of  
20 imprisonment imposed by the court.

21 (1.5) for second degree murder, a term shall be not  
22 less than 4 years and not more than 20 years;

23 (2) for a person adjudged a habitual criminal under  
24 Article 33B of the Criminal Code of 1961, as amended, the  
25 sentence shall be a term of natural life imprisonment;

26 (2.5) for a person convicted under the circumstances  
27 described in paragraph (3) of subsection (b) of Section  
28 12-13, paragraph (2) of subsection (d) of Section 12-14,  
29 paragraph (1.2) of subsection (b) of Section 12-14.1, or  
30 paragraph (2) of subsection (b) of Section 12-14.1 of the  
31 Criminal Code of 1961, the sentence shall be a term of  
32 natural life imprisonment;

33 (3) except as otherwise provided in the statute  
34 defining the offense, for a Class X felony, the sentence  
35 shall be not less than 6 years and not more than 30 years;

36 (4) for a Class 1 felony, other than second degree

1 murder, the sentence shall be not less than 4 years and not  
2 more than 15 years;

3 (5) for a Class 2 felony, the sentence shall be not  
4 less than 3 years and not more than 7 years;

5 (6) for a Class 3 felony, the sentence shall be not  
6 less than 2 years and not more than 5 years;

7 (7) for a Class 4 felony, the sentence shall be not  
8 less than 1 year and not more than 3 years.

9 (b) The sentencing judge in each felony conviction shall  
10 set forth his reasons for imposing the particular sentence he  
11 enters in the case, as provided in Section 5-4-1 of this Code.  
12 Those reasons may include any mitigating or aggravating factors  
13 specified in this Code, or the lack of any such circumstances,  
14 as well as any other such factors as the judge shall set forth  
15 on the record that are consistent with the purposes and  
16 principles of sentencing set out in this Code.

17 (c) A motion to reduce a sentence may be made, or the court  
18 may reduce a sentence without motion, within 30 days after the  
19 sentence is imposed. A defendant's challenge to the correctness  
20 of a sentence or to any aspect of the sentencing hearing shall  
21 be made by a written motion filed within 30 days following the  
22 imposition of sentence. However, the court may not increase a  
23 sentence once it is imposed.

24 If a motion filed pursuant to this subsection is timely  
25 filed within 30 days after the sentence is imposed, the  
26 proponent of the motion shall exercise due diligence in seeking  
27 a determination on the motion and the court shall thereafter  
28 decide such motion within a reasonable time.

29 If a motion filed pursuant to this subsection is timely  
30 filed within 30 days after the sentence is imposed, then for  
31 purposes of perfecting an appeal, a final judgment shall not be  
32 considered to have been entered until the motion to reduce a  
33 sentence has been decided by order entered by the trial court.

34 A motion filed pursuant to this subsection shall not be  
35 considered to have been timely filed unless it is filed with  
36 the circuit court clerk within 30 days after the sentence is

1 imposed together with a notice of motion, which notice of  
2 motion shall set the motion on the court's calendar on a date  
3 certain within a reasonable time after the date of filing.

4 (d) Except where a term of natural life is imposed, every  
5 sentence shall include as though written therein a term in  
6 addition to the term of imprisonment. For those sentenced under  
7 the law in effect prior to February 1, 1978, such term shall be  
8 identified as a parole term. For those sentenced on or after  
9 February 1, 1978, such term shall be identified as a mandatory  
10 supervised release term. Subject to earlier termination under  
11 Section 3-3-8, the parole or mandatory supervised release term  
12 shall be as follows:

13 (1) for first degree murder or a Class X felony except  
14 for the offenses of predatory criminal sexual assault of a  
15 child, aggravated criminal sexual assault, and criminal  
16 sexual assault if convicted on or after July 1, 2005, 3  
17 years;

18 (2) for a Class 1 felony or a Class 2 felony except for  
19 the offense of criminal sexual assault if convicted on or  
20 after July 1, 2005, 2 years;

21 (3) for a Class 3 felony or a Class 4 felony, 1 year;

22 (4) for defendants convicted of predatory criminal  
23 sexual assault of a child, aggravated criminal sexual  
24 assault, or criminal sexual assault, on or after July 1,  
25 2005 if the offense was committed before the effective date  
26 of this amendatory Act of the 94th General Assembly, the  
27 term of mandatory supervised release shall range from a  
28 minimum of 3 years to a maximum of the natural life of the  
29 defendant;

30 (5) if the victim is under 18 years of age, for a  
31 second or subsequent offense of aggravated criminal sexual  
32 abuse or felony criminal sexual abuse, 4 years, at least  
33 the first 2 years of which the defendant shall serve in an  
34 electronic home detention program under Article 8A of  
35 Chapter V of this Code; and

36 (6) for a person convicted of a violation or attempted

1 violation of Section 12-13, 12-14, 12-14.1, or 12-16 of the  
2 Criminal Code of 1961 or a felony violation of Section  
3 12-15 of the Criminal Code of 1961, the conditional release  
4 period provided in Section 5-8B-15 of this Code.

5 (e) A defendant who has a previous and unexpired sentence  
6 of imprisonment imposed by another state or by any district  
7 court of the United States and who, after sentence for a crime  
8 in Illinois, must return to serve the unexpired prior sentence  
9 may have his sentence by the Illinois court ordered to be  
10 concurrent with the prior sentence in the other state. The  
11 court may order that any time served on the unexpired portion  
12 of the sentence in the other state, prior to his return to  
13 Illinois, shall be credited on his Illinois sentence. The other  
14 state shall be furnished with a copy of the order imposing  
15 sentence which shall provide that, when the offender is  
16 released from confinement of the other state, whether by parole  
17 or by termination of sentence, the offender shall be  
18 transferred by the Sheriff of the committing county to the  
19 Illinois Department of Corrections. The court shall cause the  
20 Department of Corrections to be notified of such sentence at  
21 the time of commitment and to be provided with copies of all  
22 records regarding the sentence.

23 (f) A defendant who has a previous and unexpired sentence  
24 of imprisonment imposed by an Illinois circuit court for a  
25 crime in this State and who is subsequently sentenced to a term  
26 of imprisonment by another state or by any district court of  
27 the United States and who has served a term of imprisonment  
28 imposed by the other state or district court of the United  
29 States, and must return to serve the unexpired prior sentence  
30 imposed by the Illinois Circuit Court may apply to the court  
31 which imposed sentence to have his sentence reduced.

32 The circuit court may order that any time served on the  
33 sentence imposed by the other state or district court of the  
34 United States be credited on his Illinois sentence. Such  
35 application for reduction of a sentence under this subsection  
36 (f) shall be made within 30 days after the defendant has

1 completed the sentence imposed by the other state or district  
2 court of the United States.

3 (Source: P.A. 94-165, eff. 7-11-05; 94-243, eff. 1-1-06;  
4 revised 8-19-05.)

5 (730 ILCS 5/Ch. V Art. 8B heading new)

6 ARTICLE 8B. INDETERMINATE SENTENCES FOR CERTAIN SEX OFFENSES

7 (730 ILCS 5/5-8B-5 new)

8 Sec. 5-8B-5. Legislative intent. The General Assembly  
9 finds that sex offenders pose a significant threat to public  
10 safety, are unique in their psychological makeup, and are  
11 particularly likely to continue to be dangerous after their  
12 release from imprisonment. The General Assembly also finds that  
13 sex offenders inflict long-standing psychological harm on  
14 their victims and significantly undermine victim and community  
15 safety to a greater extent than most other criminal offenses.  
16 Based on these findings, the General Assembly believes sex  
17 offenders need long-term supervision and treatment beyond that  
18 provided other offenders. The General Assembly further  
19 believes this type of supervision and treatment is best  
20 provided in a secure correctional facility and public safety  
21 warrants the use of State resources for this purpose. The  
22 General Assembly's purpose in enacting this legislation is to  
23 provide courts and corrections and treatment professionals  
24 with the tools necessary to protect public safety through use  
25 of longer, more flexible sentences than currently provided by  
26 law. The General Assembly intends that a sex offender's past  
27 and future dangerousness be considered both in sentencing and  
28 release decisions.

29 (730 ILCS 5/5-8B-10 new)

30 Sec. 5-8B-10. Definitions. In this Article:

31 "Conditional release" means the release of a committed  
32 person subject to conditions described in Section 5-8A-15.

33 "First eligible for release" means the day after the

1 committed person has served the entire minimum term of  
2 imprisonment, less good conduct credits received.

3 "Minimum term of imprisonment" means the minimum sentence  
4 that the court may impose for an offense.

5 "Maximum term of imprisonment" means the maximum sentence  
6 that the court may impose for an offense.

7 "Sex offender" means a person convicted of a violation or  
8 attempted violation of Section 12-13, 12-14, 12-14.1, or 12-16  
9 of the Criminal Code of 1961 or a felony violation of Section  
10 12-15 of the Criminal Code of 1961.

11 (730 ILCS 5/5-8B-15 new)

12 Sec. 5-8B-15. Indeterminate sentences; conditional  
13 release; sex offenses.

14 (a) Notwithstanding the statutory maximum sentence  
15 otherwise applicable to the offense when a court sentences a  
16 person to the custody of the Department of Corrections for a  
17 violation or attempted violation of Section 12-13, 12-14,  
18 12-14.1, or 12-16 of the Criminal Code of 1961 or a felony  
19 violation of Section 12-15 of the Criminal Code of 1961, the  
20 court shall provide that, upon the person's release from a  
21 Department of Corrections facility, the Director of  
22 Corrections shall place the person on conditional release.

23 (b) If the person was convicted for a violation or  
24 attempted violation of Section 12-13, 12-14, 12-14.1, or 12-16  
25 of the Criminal Code of 1961 or a felony violation of Section  
26 12-15 of the Criminal Code of 1961, and was not sentenced under  
27 Section 5-8B-20, the person shall be placed on conditional  
28 release for 5 years, minus the time the person served on  
29 mandatory supervised release.

30 (c) If the person was convicted for a violation or  
31 attempted violation of Section 12-13, 12-14, 12-14.1, or 12-16  
32 of the Criminal Code of 1961 or a felony violation of Section  
33 12-15 of the Criminal Code of 1961 after a previous conviction  
34 for a violation or attempted violation of Section 12-13, 12-14,  
35 12-14.1, or 12-16 of the Criminal Code of 1961 or a felony



1 violation of Section 12-15 of the Criminal Code of 1961, the  
2 person shall be placed on conditional release for 10 years,  
3 minus the time the person served on mandatory supervised  
4 release, unless the person was sentenced to a term of natural  
5 life imprisonment under paragraph (3) of subsection (b) of  
6 Section 12-13, paragraph (2) of subsection (d) of Section  
7 12-14, or paragraph (1.2) or (2) of subsection (b) of Section  
8 12-14.1 of the Criminal Code of 1961.

9 (d) If the person was convicted of a violation or attempted  
10 violation of Section 12-13, 12-14, 12-14.1, or 12-16 of the  
11 Criminal Code of 1961 or a felony violation of Section 12-15 of  
12 the Criminal Code of 1961 and sentenced under Section 5-8B-20,  
13 the person shall be subject to an indeterminate sentence and,  
14 if released from a correctional facility of the Department of  
15 Corrections, the person shall be placed on conditional release  
16 for a minimum period of 30 years and a maximum period of the  
17 person's natural life.

18 (730 ILCS 5/5-8B-20 new)

19 Sec. 5-8B-20. Indeterminate sentences for certain sex  
20 offenses. Notwithstanding the determinate sentences for  
21 felonies established in Section 5-8-1, a person convicted of a  
22 violation or attempted violation of Section 12-13, 12-14,  
23 12-14.1, or 12-16 of the Criminal Code of 1961 or a felony  
24 violation of Section 12-15 of the Criminal Code of 1961  
25 committed on or after the effective date of this amendatory Act  
26 of the 94th General Assembly shall be sentenced to an  
27 indeterminate sentence for which the minimum term of  
28 imprisonment shall be the minimum term provided for the Class  
29 of felony for which the defendant has been convicted and the  
30 maximum term of imprisonment shall be the maximum term provided  
31 for the Class of felony for which the defendant has been  
32 convicted plus any enhanced penalties provided by the statute  
33 defining the offense.

34 (730 ILCS 5/5-8B-25 new)

1       Sec. 5-8B-25. Conditions of conditional release.

2       (a) The conditions of release for a person convicted of a  
3 violation or attempted violation of Section 12-13, 12-14,  
4 12-14.1, or 12-16 of the Criminal Code of 1961 or a felony  
5 violation of Section 12-15 of the Criminal Code of 1961  
6 committed on or after the effective date of this amendatory Act  
7 of the 94th General Assembly may include successful completion  
8 of treatment and aftercare in a program approved by the  
9 Director of Corrections, the Prisoner Review Board, and the Sex  
10 Offender Management Board and satisfaction of the release  
11 conditions specified by the Prisoner Review Board and Sex  
12 Offender Management Board.

13       (b) Before the offender is released, the Director of  
14 Corrections shall notify the sentencing court, the State's  
15 Attorney in the jurisdiction where the offender was sentenced,  
16 and the victim of the offender's crime, whenever possible, of  
17 the terms of the offender's conditional release. If the  
18 offender fails to meet any condition of release, the Director  
19 of Corrections, upon the approval of the Prisoner Review Board,  
20 may revoke the offender's conditional release and order that  
21 the offender serve the remaining portion of the conditional  
22 release term in a Department of Corrections facility. For  
23 offenders subject to a conditional release period of a term of  
24 years, the Director of Corrections may not dismiss the offender  
25 from supervision before the conditional release term expires.  
26 For offenders subject to conditional release for life, the  
27 Director of Corrections may not dismiss the offender from  
28 supervision.

29       (c) Conditional release under this Section is governed by  
30 provisions relating to mandatory supervised release under  
31 Section 3-3-7, except as otherwise provided in this Section.

32       (d) The Director of Corrections with the approval of the  
33 Prisoner Review Board and the Sex Offender Management Board  
34 shall develop a plan to pay the cost of treatment of a person  
35 released under this Section. The plan may include various means  
36 of paying for this treatment, including co-payments from

1 offenders, payment or reimbursement from third parties,  
2 payments from local agencies, and funding from other sources,  
3 as these sources are identified. This Section does not require  
4 the Director to accept or retain an offender in a treatment  
5 program.

6 (730 ILCS 5/5-8B-30 new)

7 Sec. 5-8B-30. Criteria for conditional release; report to  
8 the General Assembly.

9 (a) The Prisoner Review Board in consultation with the  
10 Director of Corrections and the Sex Offender Management Board  
11 shall establish criteria and procedures to use in making  
12 release and revocation decisions on offenders sentenced under  
13 this Article. In establishing criteria and procedures, the  
14 Prisoner Review Board shall seek the input of the chief  
15 administrative officer of each Department of Corrections  
16 facility and at each State treatment facility where sexually  
17 violent persons are confined. The Board also shall seek input  
18 from individuals knowledgeable in health and human services;  
19 public safety; Illinois' sex offender treatment program;  
20 treatment of sex offenders; crime victim issues; criminal law;  
21 law enforcement; and probation, mandatory supervised release;  
22 and conditional release.

23 (b) The Prisoner Review Board shall establish criteria and  
24 procedures to govern the review and release of sex offenders  
25 subject to indeterminate sentences by December 31, 2007. These  
26 criteria and procedures will become effective on June 1, 2008,  
27 unless the General Assembly takes action before that time to  
28 modify or reject the criteria and procedures.

29 (c) By December 31, 2007, the Prisoner Review Board shall  
30 provide the General Assembly with a written report containing  
31 the criteria and procedures the Board proposes to use in  
32 deciding whether to release a sex offender subject to an  
33 indeterminate sentence. This report also shall include a  
34 summary of the input gathered under paragraph (a).