



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6116

Introduced 2/11/2016, by Rep. Terri Bryant

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.874 new
730 ILCS 5/3-3-7

from Ch. 38, par. 1003-3-7

Amends the Unified Code of Corrections. Provides that the Prisoner Review Board shall impose a \$20 monthly fee on a person released on parole, aftercare release, or mandatory supervised release unless exempt from the fee for specified statutory reasons. Provides that the fee imposed on a parolee or releasee shall be collected by the Department of Corrections if the parolee or releasee was confined in a facility of that Department or Department of Juvenile Justice if the releasee was confined in a facility of that Department. Provides that the respective Departments shall pay all moneys collected from this fee to the State Treasurer for deposit into the Parole, Aftercare Release, and Mandatory Supervised Release Fund, which is created in the State treasury. Amends the State Finance Act to make a conforming change.

LRB099 18678 RLC 43061 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Finance Act is amended by adding
5 Section 5.874 as follows:

6 (30 ILCS 105/5.874 new)

7 Sec. 5.874. The Parole, Aftercare Release, and Mandatory
8 Supervised Release Fund.

9 Section 10. The Unified Code of Corrections is amended by
10 changing Section 3-3-7 as follows:

11 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

12 Sec. 3-3-7. Conditions of Parole, Mandatory Supervised
13 Release, or Aftercare Release.

14 (a) The conditions of parole, aftercare release, or
15 mandatory supervised release shall be such as the Prisoner
16 Review Board deems necessary to assist the subject in leading a
17 law-abiding life. The conditions of every parole, aftercare
18 release, and mandatory supervised release are that the subject:

19 (1) not violate any criminal statute of any
20 jurisdiction during the parole, aftercare release, or
21 release term;

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

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

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

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

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

15 (7) report all arrests to an agent of the Department of
16 Corrections or to the Department of Juvenile Justice as
17 soon as permitted by the arresting authority but in no
18 event later than 24 hours after release from custody and
19 immediately report service or notification of an order of
20 protection, a civil no contact order, or a stalking no
21 contact order to an agent of the Department of Corrections;

22 (7.5) if convicted of a sex offense as defined in the
23 Sex Offender Management Board Act, the individual shall
24 undergo and successfully complete sex offender treatment
25 conducted in conformance with the standards developed by
26 the Sex Offender Management Board Act by a treatment

1 provider approved by the Board;

2 (7.6) if convicted of a sex offense as defined in the
3 Sex Offender Management Board Act, refrain from residing at
4 the same address or in the same condominium unit or
5 apartment unit or in the same condominium complex or
6 apartment complex with another person he or she knows or
7 reasonably should know is a convicted sex offender or has
8 been placed on supervision for a sex offense; the
9 provisions of this paragraph do not apply to a person
10 convicted of a sex offense who is placed in a Department of
11 Corrections licensed transitional housing facility for sex
12 offenders, or is in any facility operated or licensed by
13 the Department of Children and Family Services or by the
14 Department of Human Services, or is in any licensed medical
15 facility;

16 (7.7) if convicted for an offense that would qualify
17 the accused as a sexual predator under the Sex Offender
18 Registration Act on or after January 1, 2007 (the effective
19 date of Public Act 94-988), wear an approved electronic
20 monitoring device as defined in Section 5-8A-2 for the
21 duration of the person's parole, aftercare release,
22 mandatory supervised release term, or extended mandatory
23 supervised release term and if convicted for an offense of
24 criminal sexual assault, aggravated criminal sexual
25 assault, predatory criminal sexual assault of a child,
26 criminal sexual abuse, aggravated criminal sexual abuse,

1 or ritualized abuse of a child committed on or after August
2 11, 2009 (the effective date of Public Act 96-236) when the
3 victim was under 18 years of age at the time of the
4 commission of the offense and the defendant used force or
5 the threat of force in the commission of the offense wear
6 an approved electronic monitoring device as defined in
7 Section 5-8A-2 that has Global Positioning System (GPS)
8 capability for the duration of the person's parole,
9 aftercare release, mandatory supervised release term, or
10 extended mandatory supervised release term;

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

26 (7.9) if convicted under Section 11-6, 11-20.1,

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

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

14 (7.11) if convicted for an offense under Section 11-6,
15 11-9.1, 11-14.4 that involves soliciting for a juvenile
16 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
17 of the Criminal Code of 1961 or the Criminal Code of 2012,
18 or any attempt to commit any of these offenses, committed
19 on or after June 1, 2009 (the effective date of Public Act
20 95-983):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 or to his or her conduct while incarcerated, in response to
2 inquiries by his or her parole agent or of the Department
3 of Corrections or by his or her aftercare specialist or of
4 the Department of Juvenile Justice;

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

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

25 (17) if convicted of a violation of an order of
26 protection under Section 12-3.4 or Section 12-30 of the

1 Criminal Code of 1961 or the Criminal Code of 2012, be
2 placed under electronic surveillance as provided in
3 Section 5-8A-7 of this Code;

4 (18) comply with the terms and conditions of an order
5 of protection issued pursuant to the Illinois Domestic
6 Violence Act of 1986; an order of protection issued by the
7 court of another state, tribe, or United States territory;
8 a no contact order issued pursuant to the Civil No Contact
9 Order Act; or a no contact order issued pursuant to the
10 Stalking No Contact Order Act; and

11 (19) if convicted of a violation of the Methamphetamine
12 Control and Community Protection Act, the Methamphetamine
13 Precursor Control Act, or a methamphetamine related
14 offense, be:

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

18 (B) prohibited from purchasing, possessing, or
19 having under his or her control any product containing
20 ammonium nitrate.

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

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

25 (2) undergo medical or psychiatric treatment, or
26 treatment for drug addiction or alcoholism;

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

3 (4) support his or her dependents;

4 (5) (blank);

5 (6) (blank);

6 (7) (blank);

7 (7.5) if convicted for an offense committed on or after
8 the effective date of this amendatory Act of the 95th
9 General Assembly that would qualify the accused as a child
10 sex offender as defined in Section 11-9.3 or 11-9.4 of the
11 Criminal Code of 1961 or the Criminal Code of 2012, refrain
12 from communicating with or contacting, by means of the
13 Internet, a person who is related to the accused and whom
14 the accused reasonably believes to be under 18 years of
15 age; for purposes of this paragraph (7.5), "Internet" has
16 the meaning ascribed to it in Section 16-0.1 of the
17 Criminal Code of 2012; and a person is related to the
18 accused if the person is: (i) the spouse, brother, or
19 sister of the accused; (ii) a descendant of the accused;
20 (iii) a first or second cousin of the accused; or (iv) a
21 step-child or adopted child of the accused;

22 (7.6) if convicted for an offense committed on or after
23 June 1, 2009 (the effective date of Public Act 95-983) that
24 would qualify as a sex offense as defined in the Sex
25 Offender Registration Act:

26 (i) not access or use a computer or any other

1 device with Internet capability without the prior
2 written approval of the Department;

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

22 (8) in addition, if a minor:

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

25 (ii) attend school;

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

1 or

2 (iv) contribute to his or her own support at home

3 or in a foster home.

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

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

12 (2) comply with all requirements of the Sex Offender
13 Registration Act;

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

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

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

26 (6) be electronically monitored for a minimum of 12

1 months from the date of release as determined by the Board;

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

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 or
19 the Department of Juvenile Justice;

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

1 or electronic media, or any matter obtained through access
2 to any computer or material linked to computer access use;

3 (11) not patronize any business providing sexually
4 stimulating or sexually oriented entertainment nor utilize
5 "900" or adult telephone numbers;

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

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

18 (14) may be required to provide a written daily log of
19 activities if directed by an agent of the Department of
20 Corrections or the Department of Juvenile Justice;

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

25 (16) take an annual polygraph exam;

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

1 (18) obtain prior approval of his or her parole officer
2 or aftercare specialist before driving alone in a motor
3 vehicle.

4 (c) The conditions under which the parole, aftercare
5 release, or mandatory supervised release is to be served shall
6 be communicated to the person in writing prior to his or her
7 release, and he or she shall sign the same before release. A
8 signed copy of these conditions, including a copy of an order
9 of protection where one had been issued by the criminal court,
10 shall be retained by the person and another copy forwarded to
11 the officer or aftercare specialist in charge of his or her
12 supervision.

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

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

20 (f) (Blank).

21 (g) (1) As used in this subsection (g), "releasee" means a
22 person on parole, aftercare release, or mandatory supervised
23 release under the supervision of the Department of Corrections
24 or Department of Juvenile Justice.

25 (2) Unless the releasee is exempt under paragraph (4) of
26 this subsection (g), the Prisoner Review Board shall impose a

1 monthly fee of \$20 on the releasee.

2 (3) The fee imposed on a releasee under this subsection (g)
3 shall be collected by the Department of Corrections if the
4 releasee was confined in a facility of that Department or
5 Department of Juvenile Justice if the releasee was confined in
6 a facility of that Department. The respective Departments shall
7 pay all moneys collected from this fee to the State Treasurer
8 for deposit into the Parole, Aftercare Release, and Mandatory
9 Supervised Release Fund, which is created in the State
10 treasury. Moneys from the Fund shall be used by the Department
11 of Corrections to pay for the costs of supervising persons on
12 parole or mandatory supervised release and by the Department of
13 Juvenile Justice to pay for the costs of supervising persons on
14 aftercare release.

15 (4) The Prisoner Review Board may exempt a releasee as a
16 whole or in part from the fee imposed under this subsection (g)
17 if:

18 (A) the releasee has diligently tried but has been
19 unable to obtain employment that provides sufficient
20 income for the releasee to pay the fee;

21 (B) (i) the releasee is a student in a school, college,
22 or university or is enrolled in a course of vocational or
23 technical training designed to prepare the student for
24 gainful employment; and

25 (ii) certification of student status is supplied to the
26 Prisoner Review Board by the institution in which the

1 releasee is enrolled;

2 (C) the releasee has a disability limiting employment,
3 as determined by a physical or psychological examination
4 accepted or ordered by the Prisoner Review Board;

5 (D) the releasee is responsible for the support of
6 dependents and the payment of the fee is an undue hardship
7 on the releasee; or

8 (E) other extenuating circumstances exist.

9 (5) The fee imposed by this subsection (g) is in addition
10 to court costs, fines, and restitution.

11 (6) (A) The Prisoner Review Board may revoke parole,
12 aftercare release, or mandatory supervised release for failure
13 to make the required payment of the fee imposed under this
14 subsection (g).

15 (B) If the releasee does not comply with the fee
16 requirement, the Department shall notify the Prisoner Review
17 Board.

18 (C) The Prisoner Review Board shall hold a hearing to
19 determine if there are sufficient grounds to find the releasee
20 in violation of this subsection (g).

21 (D) At a hearing, the Prisoner Review Board may consider:

22 (i) any material change in the releasee's financial
23 status;

24 (ii) good faith efforts of the releasee to pay the fee;
25 and

26 (iii) alternative means to ensure payment of the fee

1 before the period of parole, aftercare release, or
2 mandatory supervised release ends.

3 (7) The Department of Corrections and the Department of
4 Juvenile Justice shall:

5 (A) adopt guidelines for collecting the supervision
6 fee;

7 (B) adopt guidelines for collecting the cost of drug
8 and alcohol testing;

9 (C) investigate requests for an exemption from
10 payment, if the Prisoner Review Board requests an
11 investigation;

12 (D) keep records of all payments by each releasee; and

13 (E) report delinquencies to the Prisoner Review Board.

14 (Source: P.A. 97-50, eff. 6-28-11; 97-531, eff. 1-1-12; 97-560,
15 eff. 1-1-12; 97-597, eff. 1-1-12; 97-1109, eff. 1-1-13;
16 97-1150, eff. 1-25-13; 98-558, eff. 1-1-14.)