

# SB2282



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB2282

Introduced 1/27/2016, by Sen. Jacqueline Y. Collins

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-7

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

Amends the Unified Code of Corrections. Provides that the condition of parole, aftercare release, or mandatory supervised release that the subject not knowingly associate with other persons on parole, aftercare release, or mandatory supervised release without prior written permission of his or her parole agent or aftercare specialist does not apply when the association involves activities concerning community activism or organizing with a not-for-profit organization, or both, which may include, but is not limited to, unscheduled meetings or demonstrations, or both. Effective immediately.

LRB099 18376 RLC 42751 b

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 Unified Code of Corrections is amended by  
5 changing Section 3-3-7 as follows:

6 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

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

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

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

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

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

21 (4) permit the agent or aftercare specialist to visit  
22 him or her at his or her home, employment, or elsewhere to  
23 the extent necessary for the agent or aftercare specialist

1 to discharge his or her duties;

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

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

8 (7) report all arrests to an agent of the Department of  
9 Corrections or to the Department of Juvenile Justice as  
10 soon as permitted by the arresting authority but in no  
11 event later than 24 hours after release from custody and  
12 immediately report service or notification of an order of  
13 protection, a civil no contact order, or a stalking no  
14 contact order to an agent of the Department of Corrections;

15 (7.5) if convicted of a sex offense as defined in the  
16 Sex Offender Management Board Act, the individual shall  
17 undergo and successfully complete sex offender treatment  
18 conducted in conformance with the standards developed by  
19 the Sex Offender Management Board Act by a treatment  
20 provider approved by the Board;

21 (7.6) if convicted of a sex offense as defined in the  
22 Sex Offender Management Board Act, refrain from residing at  
23 the same address or in the same condominium unit or  
24 apartment unit or in the same condominium complex or  
25 apartment complex with another person he or she knows or  
26 reasonably should know is a convicted sex offender or has

1           been placed on supervision for a sex offense; the  
2           provisions of this paragraph do not apply to a person  
3           convicted of a sex offense who is placed in a Department of  
4           Corrections licensed transitional housing facility for sex  
5           offenders, or is in any facility operated or licensed by  
6           the Department of Children and Family Services or by the  
7           Department of Human Services, or is in any licensed medical  
8           facility;

9           (7.7) if convicted for an offense that would qualify  
10          the accused as a sexual predator under the Sex Offender  
11          Registration Act on or after January 1, 2007 (the effective  
12          date of Public Act 94-988), wear an approved electronic  
13          monitoring device as defined in Section 5-8A-2 for the  
14          duration of the person's parole, aftercare release,  
15          mandatory supervised release term, or extended mandatory  
16          supervised release term and if convicted for an offense of  
17          criminal sexual assault, aggravated criminal sexual  
18          assault, predatory criminal sexual assault of a child,  
19          criminal sexual abuse, aggravated criminal sexual abuse,  
20          or ritualized abuse of a child committed on or after August  
21          11, 2009 (the effective date of Public Act 96-236) when the  
22          victim was under 18 years of age at the time of the  
23          commission of the offense and the defendant used force or  
24          the threat of force in the commission of the offense wear  
25          an approved electronic monitoring device as defined in  
26          Section 5-8A-2 that has Global Positioning System (GPS)

1 capability for the duration of the person's parole,  
2 aftercare release, mandatory supervised release term, or  
3 extended mandatory supervised release term;

4 (7.8) if convicted for an offense committed on or after  
5 June 1, 2008 (the effective date of Public Act 95-464) that  
6 would qualify the accused as a child sex offender as  
7 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
8 1961 or the Criminal Code of 2012, refrain from  
9 communicating with or contacting, by means of the Internet,  
10 a person who is not related to the accused and whom the  
11 accused reasonably believes to be under 18 years of age;  
12 for purposes of this paragraph (7.8), "Internet" has the  
13 meaning ascribed to it in Section 16-0.1 of the Criminal  
14 Code of 2012; and a person is not related to the accused if  
15 the person is not: (i) the spouse, brother, or sister of  
16 the accused; (ii) a descendant of the accused; (iii) a  
17 first or second cousin of the accused; or (iv) a step-child  
18 or adopted child of the accused;

19 (7.9) if convicted under Section 11-6, 11-20.1,  
20 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or  
21 the Criminal Code of 2012, consent to search of computers,  
22 PDAs, cellular phones, and other devices under his or her  
23 control that are capable of accessing the Internet or  
24 storing electronic files, in order to confirm Internet  
25 protocol addresses reported in accordance with the Sex  
26 Offender Registration Act and compliance with conditions

1 in this Act;

2 (7.10) if convicted for an offense that would qualify  
3 the accused as a sex offender or sexual predator under the  
4 Sex Offender Registration Act on or after June 1, 2008 (the  
5 effective date of Public Act 95-640), not possess  
6 prescription drugs for erectile dysfunction;

7 (7.11) if convicted for an offense under Section 11-6,  
8 11-9.1, 11-14.4 that involves soliciting for a juvenile  
9 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
10 of the Criminal Code of 1961 or the Criminal Code of 2012,  
11 or any attempt to commit any of these offenses, committed  
12 on or after June 1, 2009 (the effective date of Public Act  
13 95-983):

14 (i) not access or use a computer or any other  
15 device with Internet capability without the prior  
16 written approval of the Department;

17 (ii) submit to periodic unannounced examinations  
18 of the offender's computer or any other device with  
19 Internet capability by the offender's supervising  
20 agent, aftercare specialist, a law enforcement  
21 officer, or assigned computer or information  
22 technology specialist, including the retrieval and  
23 copying of all data from the computer or device and any  
24 internal or external peripherals and removal of such  
25 information, equipment, or device to conduct a more  
26 thorough inspection;

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

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

10 (7.12) if convicted of a sex offense as defined in the  
11 Sex Offender Registration Act committed on or after January  
12 1, 2010 (the effective date of Public Act 96-262), refrain  
13 from accessing or using a social networking website as  
14 defined in Section 17-0.5 of the Criminal Code of 2012;

15 (7.13) if convicted of a sex offense as defined in  
16 Section 2 of the Sex Offender Registration Act committed on  
17 or after January 1, 2010 (the effective date of Public Act  
18 96-362) that requires the person to register as a sex  
19 offender under that Act, may not knowingly use any computer  
20 scrub software on any computer that the sex offender uses;

21 (8) obtain permission of an agent of the Department of  
22 Corrections or the Department of Juvenile Justice before  
23 leaving the State of Illinois;

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

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

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

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

11           (13) not knowingly associate with other persons on  
12 parole, aftercare release, or mandatory supervised release  
13 without prior written permission of his or her parole agent  
14 or aftercare specialist, except when the association  
15 involves activities concerning community activism or  
16 organizing with a not-for-profit organization, or both,  
17 which may include, but is not limited to, unscheduled  
18 meetings or demonstrations, or both, and not associate with  
19 persons who are members of an organized gang as that term  
20 is defined in the Illinois Streetgang Terrorism Omnibus  
21 Prevention Act;

22           (14) provide true and accurate information, as it  
23 relates to his or her adjustment in the community while on  
24 parole, aftercare release, or mandatory supervised release  
25 or to his or her conduct while incarcerated, in response to  
26 inquiries by his or her parole agent or of the Department



1 of Corrections or by his or her aftercare specialist or of  
2 the Department of Juvenile Justice;

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

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

23 (17) if convicted of a violation of an order of  
24 protection under Section 12-3.4 or Section 12-30 of the  
25 Criminal Code of 1961 or the Criminal Code of 2012, be  
26 placed under electronic surveillance as provided in

1 Section 5-8A-7 of this Code;

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

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

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

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

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 or her dependents;

2 (5) (blank);

3 (6) (blank);

4 (7) (blank);

5 (7.5) if convicted for an offense committed on or after  
6 the effective date of this amendatory Act of the 95th  
7 General Assembly that would qualify the accused as a child  
8 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
9 Criminal Code of 1961 or the Criminal Code of 2012, refrain  
10 from communicating with or contacting, by means of the  
11 Internet, a person who is related to the accused and whom  
12 the accused reasonably believes to be under 18 years of  
13 age; for purposes of this paragraph (7.5), "Internet" has  
14 the meaning ascribed to it in Section 16-0.1 of the  
15 Criminal Code of 2012; and a person is related to the  
16 accused if the person is: (i) the spouse, brother, or  
17 sister of the accused; (ii) a descendant of the accused;  
18 (iii) a first or second cousin of the accused; or (iv) a  
19 step-child or adopted child of the accused;

20 (7.6) if convicted for an offense committed on or after  
21 June 1, 2009 (the effective date of Public Act 95-983) that  
22 would qualify as a sex offense as defined in the Sex  
23 Offender Registration Act:

24 (i) not access or use a computer or any other  
25 device with Internet capability without the prior  
26 written approval of the Department;

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

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

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

20       (8) in addition, if a minor:

21           (i) reside with his or her parents or in a foster  
22 home;

23           (ii) attend school;

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

25 or

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

1           or in a foster home.

2           (b-1) In addition to the conditions set forth in  
3 subsections (a) and (b), persons required to register as sex  
4 offenders pursuant to the Sex Offender Registration Act, upon  
5 release from the custody of the Illinois Department of  
6 Corrections or Department of Juvenile Justice, may be required  
7 by the Board to comply with the following specific conditions  
8 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 or the Department of Juvenile Justice prior  
16 to accepting employment or pursuing a course of study or  
17 vocational training and notify the Department prior to any  
18 change in employment, study, or 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 or the Department of  
23 Juvenile Justice;

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

26          (7) refrain from entering into a designated geographic

1 area except upon terms approved in advance by an agent of  
2 the Department of Corrections or the Department of Juvenile  
3 Justice. The terms may include consideration of the purpose  
4 of the entry, the time of day, and others accompanying the  
5 person;

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

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

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;

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

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

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

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

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

23           (16) take an annual polygraph exam;

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

25           (18) obtain prior approval of his or her parole officer  
26 or aftercare specialist before driving alone in a motor

1 vehicle.

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

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

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

18 (f) (Blank).

19 (Source: P.A. 97-50, eff. 6-28-11; 97-531, eff. 1-1-12; 97-560,  
20 eff. 1-1-12; 97-597, eff. 1-1-12; 97-1109, eff. 1-1-13;  
21 97-1150, eff. 1-25-13; 98-558, eff. 1-1-14.)

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.