

1 AN ACT in relation to 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 Sections 3-3-7 and 3-3-9 as follows:

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

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

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

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

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

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

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

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

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

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

1 after release from custody;

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

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

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

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

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

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

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

29 (15) follow any specific instructions provided by
30 the parole agent that are consistent with furthering
31 conditions set and approved by the Prisoner Review Board
32 or by law, exclusive of placement on electronic
33 detention, to achieve the goals and objectives of his or
34 her parole or mandatory supervised release or to protect

1 the public. These instructions by the parole agent may be
2 modified at any time, as the agent deems appropriate.

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

5 (1) work or pursue a course of study or vocational
6 training;

7 (2) undergo medical or psychiatric treatment, or
8 treatment for drug addiction or alcoholism;

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

12 (4) support his dependents;

13 (5) (blank); ~~report--to-an-agent-of-the-Department~~
14 ~~of-Corrections;~~

15 (6) (blank); ~~permit-the-agent-to-visit-him--at--his~~
16 ~~home--or--elsewhere--to-the-extent-necessary-to-discharge~~
17 ~~his-duties;~~

18 (7) comply with the terms and conditions of an
19 order of protection issued pursuant to the Illinois
20 Domestic Violence Act of 1986, enacted by the 84th
21 General Assembly, or an order of protection issued by the
22 court of another state, tribe, or United States
23 territory; and-

24 (8) and, in addition, if a minor:

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

27 (ii) attend school;

28 (iii) attend a non-residential program for
29 youth; or

30 (iv) contribute to his own support at home or
31 in a foster home.

32 (c) The conditions under which the parole or mandatory
33 supervised release is to be served shall be communicated to
34 the person in writing prior to his release, and he shall sign

1 the same before release. A signed copy of these conditions,
2 including a copy of an order of protection where one had been
3 issued by the criminal court, shall be retained by the person
4 and another copy forwarded to the officer in charge of his
5 supervision.

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

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

14 (Source: P.A. 91-903, eff. 1-1-01.)

15 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

16 Sec. 3-3-9. Violations; changes of conditions;
17 preliminary hearing; revocation of parole or mandatory
18 supervised release; revocation hearing.

19 (a) If prior to expiration or termination of the term of
20 parole or mandatory supervised release, a person violates a
21 condition set by the Prisoner Review Board or a condition of
22 parole or mandatory supervised release under Section 3-3-7 of
23 this Code to govern that term, the Board may:

24 (1) continue the existing term, with or without
25 modifying or enlarging the conditions; or

26 (2) parole or release the person to a half-way
27 house; or

28 (3) revoke the parole or mandatory supervised
29 release and reconfine the person for a term computed in
30 the following manner:

31 (i) (A) For those sentenced under the law in
32 effect prior to this amendatory Act of 1977, the
33 recommitment shall be for any portion of the imposed

1 maximum term of imprisonment or confinement which
 2 had not been served at the time of parole and the
 3 parole term, less the time elapsed between the
 4 parole of the person and the commission of the
 5 violation for which parole was revoked;

6 (B) For those subject to mandatory supervised
 7 release under paragraph (d) of Section 5-8-1 of this
 8 Code, the recommitment shall be for the total
 9 mandatory supervised release term, less the time
 10 elapsed between the release of the person and the
 11 commission of the violation for which mandatory
 12 supervised release is revoked. The Board may also
 13 order that a prisoner serve up to one year of the
 14 sentence imposed by the court which was not served
 15 due to the accumulation of good conduct credit.

16 (ii) the person shall be given credit against
 17 the term of reimprisonment or reconfinement for time
 18 spent in custody since he was paroled or released
 19 which has not been credited against another sentence
 20 or period of confinement;

21 (iii) persons committed under the Juvenile
 22 Court Act or the Juvenile Court Act of 1987 shall be
 23 recommitted until the age of 21;

24 (iv) this Section is subject to the release
 25 under supervision and the reparole and rerelease
 26 provisions of Section 3-3-10.

27 (b) The Board may revoke parole or mandatory supervised
 28 release for violation of a condition for the duration of the
 29 term and for any further period which is reasonably necessary
 30 for the adjudication of matters arising before its
 31 expiration. The issuance of a warrant of arrest for an
 32 alleged violation of the conditions of parole or mandatory
 33 supervised release shall toll the running of the term until
 34 the final determination of the charge, but where parole or

1 mandatory supervised release is not revoked that period shall
2 be credited to the term.

3 (c) A person charged with violating a condition of
4 parole or mandatory supervised release shall have a
5 preliminary hearing before a hearing officer designated by
6 the Board to determine if there is cause to hold the person
7 for a revocation hearing. However, no preliminary hearing
8 need be held when revocation is based upon new criminal
9 charges and a court finds probable cause on the new criminal
10 charges or when the revocation is based upon a new criminal
11 conviction and a certified copy of that conviction is
12 available.

13 (d) Parole or mandatory supervised release shall not be
14 revoked without written notice to the offender setting forth
15 the violation of parole or mandatory supervised release
16 charged against him.

17 (e) A hearing on revocation shall be conducted before at
18 least one member of the Prisoner Review Board. The Board may
19 meet and order its actions in panels of 3 or more members.
20 The action of a majority of the panel shall be the action of
21 the Board. In consideration of persons committed to the
22 Juvenile Division, the member hearing the matter and at least
23 a majority of the panel shall be experienced in juvenile
24 matters. A record of the hearing shall be made. At the
25 hearing the offender shall be permitted to:

- 26 (1) appear and answer the charge; and
27 (2) bring witnesses on his behalf.

28 (f) The Board shall either revoke parole or mandatory
29 supervised release or order the person's term continued with
30 or without modification or enlargement of the conditions.

31 (g) Parole or mandatory supervised release shall not be
32 revoked for failure to make payments under the conditions of
33 parole or release unless the Board determines that such
34 failure is due to the offender's willful refusal to pay.

1 (Source: P.A. 85-1209.)