

Information Sheet for Persons Under Supervision Southern District of Illinois

The information contained in this sheet addresses the questions asked most frequently by persons under supervision who have been convicted of a **felony**. It addresses some state and federal laws and policies governing persons with felony convictions, but is *not* the final authority. You may want to contact the appropriate state or federal agency for more information.

EMERGENCY PROTOCOL

In the event of a disaster (i.e. tornado, earthquake, etc.), it is your responsibility to contact the office to report in. Please call our Agency Recorded Message: (866) 638-2830 and select #, 3 for further instructions.

WEBSITE INFORMATION

The U.S. Probation Office for the Southern District of Illinois maintains several standardized forms on our website. Copies of this general information sheet, the district travel policy, travel request forms, monthly report forms, and other resources are available at the following internet address:

<http://www.ilsd.uscourts.gov/USPO/Default.html>

ACCESS TO EAST ST. LOUIS FEDERAL BUILDING AND THE BENTON FEDERAL BUILDING ANNEX

A valid picture identification card is required for anyone on supervision wishing to enter either the East St. Louis Federal Building or the Benton Federal Building Annex to conduct business with the U.S. Probation Office. Access will not be granted to those who do not possess appropriate identification. U.S. Probation staff does not have authority to allow access to the building should you not possess proper identification. Failure to gain access to the federal building will not excuse anyone from complying with their supervision requirements.

CIVIL RIGHTS

Persons convicted of a felony who **reside in Illinois**:

- lose the right to vote while imprisoned but that right is automatically restored upon release.
- are prohibited from holding a liquor license and/or managing a business that sells liquor.
- cannot hold public office until completion of the sentence.
- cannot serve as an executor of a will or administrator of an estate.
- cannot do business with the state until one year after the date of completion of the sentence.
- can normally have any licenses revoked as a result of the conviction automatically restored unless the state licensing board determines the restoration would not be in the public interest.

In Missouri, convicted felons may work (janitor, cook, etc) in an establishment that serves liquor but they are prohibited by state law from selling, serving or handling liquor in any manner. They cannot work as a bartender, waiter or sign for deliveries. Missouri employers must advise the Missouri Liquor Commission whenever they hire a felon to assure the Commission that the felon will not be handling liquor.

FHA/PUBLIC HOUSING

Convicted felons cannot reside in public housing without prior approval from the local housing authority. Felons must apply in writing to their respective county housing authority and, if deemed ineligible, may appeal the ineligibility notice in writing within 10 days.

GIFTS AND LOANS

Probation officers may not exchange gifts or loans with persons under supervision.

FIREARMS

Convicted felons are prohibited by law **for life** from owning, possessing, carrying or constructively possessing a firearm or explosive device, which also includes firearm ammunition. If you have an Illinois F.O.I. D. card you must surrender it to your probation officer immediately for return to the Illinois State Police.

EARLY TERMINATION OF SUPERVISION

Pursuant to 18 U.S.C. § 3564(c) or 18 U.S.C. § 3583(e)(1), the Court may terminate a term of supervised release and discharge a defendant at any time after one year of probation or supervised release if the Court is satisfied that such action is warranted by the conduct of the defendant and in the interest of justice.

REVISED DNA COLLECTION REQUIREMENTS

Pursuant to the Justice for All Act of 2004 (Public Law 108-405, October 30, 2004), Section 203 amends 42 U.S.C. § 14135a(d)(1) and 10 U.S.C. 1565(d) to expand the list of qualifying federal and military offenses that trigger the collection of a DNA sample from federal and military offenders. Under Section 203(b), qualifying Federal offenses are the following offenses, as determined by the Attorney General:

1. Any felony;
2. Any offense under chapter 109A of title 18, United States Code (i.e., 18 U.S.C. §§ 2241 - 2248);
3. Any crime of violence (as that term is defined in section 16 of title 18, United States Code); and
4. Any attempt or conspiracy to commit any of the offenses in paragraphs (1) through (3).

Under Section 203(c), qualifying military offenses are the following offenses, as determined by the Secretary of Defense, in consultation with the Attorney General:

1. Any offense under the Uniform Code of Military Justice for which a sentence of confinement for more than one year may be imposed; and
2. Any other offense under the Uniform Code of Military Justice that is comparable to a qualifying Federal offense (as determined under section 3(d) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(d)).

The new provisions became effective on October 30, 2004, and apply to both the instant offense of conviction as well as any previous federal or military conviction. All persons convicted of a felony or violent misdemeanor under a federal statute, qualifies for DNA collection. This bill is retroactive and applies to all offenders on supervision and incarcerated in the U.S. Bureau of Prisons. In order to comply with the new law, you will be required to provide a blood sample in the near future. Your supervising officer will contact you to schedule this DNA collection. If you have questions or concerns, please contact your supervising officer.

TREASURY OFFSET PROGRAM FOR COLLECTION OF CRIMINAL MONETARY PENALTIES

If a United States District Court entered a judgment that included a criminal monetary penalty, this judgment is the final decision that this debt is owed to the United States. The order requires that this debt be paid immediately, although the court may allow a specific payment plan if you are unable to pay the balance in full. The Department of Justice may refer the criminal monetary penalty to the Department of the Treasury and any and all payments due to you from the Federal government (i.e. Federal income tax refunds, Federal salaries, Federal retirement pay, vendor/contractor payments, and Social Security payments) will be offset to pay the amount of your judgment debt. If you fail to pay your debt, Federal law allows the Court to refer the debt to the United States Department of the Treasury for the purpose of collecting debts through the Treasury Offset Program. Under this program, the Department of the Treasury will reduce or withhold any of your eligible Federal payments by the amount of your debt. This "offset" process is authorized by the Debt Collection Act of 1982, as amended by the Debt Collection Improvement Act of 1996, and the Internal Revenue Code. **In addition to whatever monies are collected through the Treasury Offset Program, you are still responsible for maintaining compliance with any monthly payment plan established by the Court.**

FEDERAL EMPLOYEES, ACTIVE MEMBERS AND CIVILIAN EMPLOYEES OF THE ARMED FORCES

If you are a member of this group, amounts from your salary and retirement pay may be offset to satisfy your debt beginning in the pay period that your debt is submitted to the Department of the Treasury for offset, and continuing every pay period until your debt, including interest, penalties and other costs, is paid in full. In accordance with Section 5514 of Title 5, United States Code, you may be entitled to a hearing to dispute the amount of the payroll deduction.

MARRIED INDIVIDUALS

Your spouse may be eligible to receive a portion of a joint refund. To do this, the following must be true: 1) you must file a joint income tax return; 2) you must have incurred this debt separately from your spouse and your spouse must have no legal responsibility for the debt; and 3) your spouse must have income and withholding or estimated tax payments. Taxpayers filing joint returns should obtain Form 8379, Injured Spouse Claim and Allocation, before filing a return. The instructions will explain the steps your spouse may take to obtain his/her share of your joint income tax refund.

BANKRUPTCY FILERS

May not be subject to offset while the automatic stay remains in effect. However, you should notify the United States Attorney's Financial Litigation Unit and your probation officer of your bankruptcy.