



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3228

Introduced 2/15/2018, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-1	from Ch. 38, par. 1003-3-1
730 ILCS 5/3-3-2	from Ch. 38, par. 1003-3-2
730 ILCS 5/3-3-9	from Ch. 38, par. 1003-3-9
730 ILCS 5/5-4.5-20	
730 ILCS 5/5-4.5-25	
730 ILCS 5/5-4.5-30	
730 ILCS 5/5-4.5-111 new	
730 ILCS 5/5-8-1	from Ch. 38, par. 1005-8-1

Amends the Unified Code of Corrections. Provides that a person under 21 years of age at the time of the commission of an offense, other than first degree murder, and who is not serving a sentence for first degree murder and who is sentenced on or after the effective date of the amendatory Act shall be eligible for parole review by the Prisoner Review Board after serving 10 years or more of his or her sentence, except for those serving a sentence for: (1) aggravated criminal sexual assault who shall be eligible for parole review by the Prisoner Review Board after serving 20 years or more of his or her sentence or; (2) predatory criminal sexual assault of a child who shall not be eligible for parole review by the Prisoner Review Board. Provides that a person under 21 years of age at the time of the commission of first degree murder who is sentenced on or after the effective date of the amendatory Act shall be eligible for parole review by the Prisoner Review Board after serving 20 years or more of his or her sentence, except for those subject to a term of natural life imprisonment or any person subject to sentencing for certain types of first degree murder.

LRB100 17443 SLF 32611 b

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 Sections 3-3-1, 3-3-2, 3-3-9, 5-4.5-20, 5-4.5-25,
6 5-4.5-30, and 5-8-1 and by adding Section 5-4.5-111 as follows:

7 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

8 Sec. 3-3-1. Establishment and appointment of Prisoner
9 Review Board.

10 (a) There shall be a Prisoner Review Board independent of
11 the Department which shall be:

12 (1) the paroling authority for persons sentenced under
13 the law in effect prior to the effective date of this
14 amendatory Act of 1977;

15 (1.2) the paroling authority for persons eligible for
16 parole review under Section 5-4.5-111 of this Code;

17 (1.5) (blank);

18 (2) the board of review for cases involving the
19 revocation of sentence credits or a suspension or reduction
20 in the rate of accumulating the credit;

21 (3) the board of review and recommendation for the
22 exercise of executive clemency by the Governor;

23 (4) the authority for establishing release dates for

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

4 (5) the authority for setting conditions for parole and
5 mandatory supervised release under Section 5-8-1(a) of
6 this Code, and determining whether a violation of those
7 conditions warrant revocation of parole or mandatory
8 supervised release or the imposition of other sanctions;
9 and

10 (6) the authority for determining whether a violation
11 of aftercare release conditions warrant revocation of
12 aftercare release.

13 (b) The Board shall consist of 15 persons appointed by the
14 Governor by and with the advice and consent of the Senate. One
15 member of the Board shall be designated by the Governor to be
16 Chairman and shall serve as Chairman at the pleasure of the
17 Governor. The members of the Board shall have had at least 5
18 years of actual experience in the fields of penology,
19 corrections work, law enforcement, sociology, law, education,
20 social work, medicine, psychology, other behavioral sciences,
21 or a combination thereof. At least 6 members so appointed must
22 have ~~had~~ at least 3 years experience in the field of juvenile
23 matters. No more than 8 Board members may be members of the
24 same political party.

25 Each member of the Board shall serve on a full-time basis
26 and shall not hold any other salaried public office, whether

1 elective or appointive, nor any other office or position of
2 profit, nor engage in any other business, employment, or
3 vocation. The Chairman of the Board shall receive \$35,000 a
4 year, or an amount set by the Compensation Review Board,
5 whichever is greater, and each other member \$30,000, or an
6 amount set by the Compensation Review Board, whichever is
7 greater.

8 (c) Notwithstanding any other provision of this Section,
9 the term of each member of the Board who was appointed by the
10 Governor and is in office on June 30, 2003 shall terminate at
11 the close of business on that date or when all of the successor
12 members to be appointed pursuant to this amendatory Act of the
13 93rd General Assembly have been appointed by the Governor,
14 whichever occurs later. As soon as possible, the Governor shall
15 appoint persons to fill the vacancies created by this
16 amendatory Act.

17 Of the initial members appointed under this amendatory Act
18 of the 93rd General Assembly, the Governor shall appoint 5
19 members whose terms shall expire on the third Monday in January
20 2005, 5 members whose terms shall expire on the third Monday in
21 January 2007, and 5 members whose terms shall expire on the
22 third Monday in January 2009. Their respective successors shall
23 be appointed for terms of 6 years from the third Monday in
24 January of the year of appointment. Each member shall serve
25 until his or her successor is appointed and qualified.

26 Any member may be removed by the Governor for incompetence,

1 neglect of duty, malfeasance or inability to serve.

2 (d) The Chairman of the Board shall be its chief executive
3 and administrative officer. The Board may have an Executive
4 Director; if so, the Executive Director shall be appointed by
5 the Governor with the advice and consent of the Senate. The
6 salary and duties of the Executive Director shall be fixed by
7 the Board.

8 (Source: P.A. 98-558, eff. 1-1-14; 99-628, eff. 1-1-17.)

9 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

10 Sec. 3-3-2. Powers and duties.

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

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

24 (2) hear by at least one member and through a panel of
25 at least 3 members decide, the conditions of parole and the

1 time of discharge from parole, impose sanctions for
2 violations of parole, and revoke parole for those sentenced
3 under the law in effect prior to this amendatory Act of
4 1977; provided that the decision to parole and the
5 conditions of parole for all prisoners who were sentenced
6 for first degree murder or who received a minimum sentence
7 of 20 years or more under the law in effect prior to
8 February 1, 1978 shall be determined by a majority vote of
9 the Prisoner Review Board. One representative supporting
10 parole and one representative opposing parole will be
11 allowed to speak. Their comments shall be limited to making
12 corrections and filling in omissions to the Board's
13 presentation and discussion;

14 (3) hear by at least one member and through a panel of
15 at least 3 members decide, the conditions of mandatory
16 supervised release and the time of discharge from mandatory
17 supervised release, impose sanctions for violations of
18 mandatory supervised release, and revoke mandatory
19 supervised release for those sentenced under the law in
20 effect after the effective date of this amendatory Act of
21 1977;

22 (3.5) hear by at least one member and through a panel
23 of at least 3 members decide, the conditions of mandatory
24 supervised release and the time of discharge from mandatory
25 supervised release, to impose sanctions for violations of
26 mandatory supervised release and revoke mandatory

1 supervised release for those serving extended supervised
2 release terms pursuant to paragraph (4) of subsection (d)
3 of Section 5-8-1;

4 (3.6) hear by at least one member and through a panel
5 of at least 3 members decide whether to revoke aftercare
6 release for those committed to the Department of Juvenile
7 Justice under the Juvenile Court Act of 1987;

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

1 (5) hear by at least one member and through a panel of
2 at least 3 members decide, the release dates for certain
3 prisoners sentenced under the law in existence prior to the
4 effective date of this amendatory Act of 1977, in
5 accordance with Section 3-3-2.1 of this Code;

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

10 (6.5) hear, by at least one member who is qualified in
11 the field of juvenile matters and through a panel of at
12 least 3 members, 2 of whom are qualified in the field of
13 juvenile matters, decide parole review cases in accordance
14 with Section 5-4.5-111 of this Code and make release
15 determinations of persons under the age of 21 at the time
16 of the commission of an offense, other than those persons
17 servng sentences for first degree murder or aggravated
18 criminal sexual assault;

19 (6.6) hear by at least a quorum of the Prisoner Review
20 Board and decide by a majority of members present at the
21 hearing, in accordance with Section 5-4.5-111 of this Code,
22 release determinations of persons under the age of 21 at
23 the time of the commission of an offense of those persons
24 servng sentences for first degree murder or aggravated
25 criminal sexual assault;

26 (7) comply with the requirements of the Open Parole

1 Hearings Act;

2 (8) hear by at least one member and, through a panel of
3 at least 3 members, decide cases brought by the Department
4 of Corrections against a prisoner in the custody of the
5 Department for court dismissal of a frivolous lawsuit
6 pursuant to Section 3-6-3(d) of this Code in which the
7 Department seeks to revoke up to 180 days of sentence
8 credit, and if the prisoner has not accumulated 180 days of
9 sentence credit at the time of the dismissal, then all
10 sentence credit accumulated by the prisoner shall be
11 revoked;

12 (9) hear by at least 3 members, and, through a panel of
13 at least 3 members, decide whether to grant certificates of
14 relief from disabilities or certificates of good conduct as
15 provided in Article 5.5 of Chapter V;

16 (10) upon a petition by a person who has been convicted
17 of a Class 3 or Class 4 felony and who meets the
18 requirements of this paragraph, hear by at least 3 members
19 and, with the unanimous vote of a panel of 3 members, issue
20 a certificate of eligibility for sealing recommending that
21 the court order the sealing of all official records of the
22 arresting authority, the circuit court clerk, and the
23 Department of State Police concerning the arrest and
24 conviction for the Class 3 or 4 felony. A person may not
25 apply to the Board for a certificate of eligibility for
26 sealing:

1 (A) until 5 years have elapsed since the expiration
2 of his or her sentence;

3 (B) until 5 years have elapsed since any arrests or
4 detentions by a law enforcement officer for an alleged
5 violation of law, other than a petty offense, traffic
6 offense, conservation offense, or local ordinance
7 offense;

8 (C) if convicted of a violation of the Cannabis
9 Control Act, Illinois Controlled Substances Act, the
10 Methamphetamine Control and Community Protection Act,
11 the Methamphetamine Precursor Control Act, or the
12 Methamphetamine Precursor Tracking Act unless the
13 petitioner has completed a drug abuse program for the
14 offense on which sealing is sought and provides proof
15 that he or she has completed the program successfully;

16 (D) if convicted of:

17 (i) a sex offense described in Article 11 or
18 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
19 the Criminal Code of 1961 or the Criminal Code of
20 2012;

21 (ii) aggravated assault;

22 (iii) aggravated battery;

23 (iv) domestic battery;

24 (v) aggravated domestic battery;

25 (vi) violation of an order of protection;

26 (vii) an offense under the Criminal Code of

1 1961 or the Criminal Code of 2012 involving a
2 firearm;

3 (viii) driving while under the influence of
4 alcohol, other drug or drugs, intoxicating
5 compound or compounds or any combination thereof;

6 (ix) aggravated driving while under the
7 influence of alcohol, other drug or drugs,
8 intoxicating compound or compounds or any
9 combination thereof; or

10 (x) any crime defined as a crime of violence
11 under Section 2 of the Crime Victims Compensation
12 Act.

13 If a person has applied to the Board for a certificate
14 of eligibility for sealing and the Board denies the
15 certificate, the person must wait at least 4 years before
16 filing again or filing for pardon from the Governor unless
17 the Chairman of the Prisoner Review Board grants a waiver.

18 The decision to issue or refrain from issuing a
19 certificate of eligibility for sealing shall be at the
20 Board's sole discretion, and shall not give rise to any
21 cause of action against either the Board or its members.

22 The Board may only authorize the sealing of Class 3 and
23 4 felony convictions of the petitioner from one information
24 or indictment under this paragraph (10). A petitioner may
25 only receive one certificate of eligibility for sealing
26 under this provision for life; and

1 (11) upon a petition by a person who after having been
2 convicted of a Class 3 or Class 4 felony thereafter served
3 in the United States Armed Forces or National Guard of this
4 or any other state and had received an honorable discharge
5 from the United States Armed Forces or National Guard or
6 who at the time of filing the petition is enlisted in the
7 United States Armed Forces or National Guard of this or any
8 other state and served one tour of duty and who meets the
9 requirements of this paragraph, hear by at least 3 members
10 and, with the unanimous vote of a panel of 3 members, issue
11 a certificate of eligibility for expungement recommending
12 that the court order the expungement of all official
13 records of the arresting authority, the circuit court
14 clerk, and the Department of State Police concerning the
15 arrest and conviction for the Class 3 or 4 felony. A person
16 may not apply to the Board for a certificate of eligibility
17 for expungement:

18 (A) if convicted of:

19 (i) a sex offense described in Article 11 or
20 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
21 the Criminal Code of 1961 or Criminal Code of 2012;

22 (ii) an offense under the Criminal Code of 1961
23 or Criminal Code of 2012 involving a firearm; or

24 (iii) a crime of violence as defined in Section
25 2 of the Crime Victims Compensation Act; or

26 (B) if the person has not served in the United

1 States Armed Forces or National Guard of this or any
2 other state or has not received an honorable discharge
3 from the United States Armed Forces or National Guard
4 of this or any other state or who at the time of the
5 filing of the petition is serving in the United States
6 Armed Forces or National Guard of this or any other
7 state and has not completed one tour of duty.

8 If a person has applied to the Board for a certificate
9 of eligibility for expungement and the Board denies the
10 certificate, the person must wait at least 4 years before
11 filing again or filing for a pardon with authorization for
12 expungement from the Governor unless the Governor or
13 Chairman of the Prisoner Review Board grants a waiver.

14 (a-5) The Prisoner Review Board, with the cooperation of
15 and in coordination with the Department of Corrections and the
16 Department of Central Management Services, shall implement a
17 pilot project in 3 correctional institutions providing for the
18 conduct of hearings under paragraphs (1) and (4) of subsection
19 (a) of this Section through interactive video conferences. The
20 project shall be implemented within 6 months after the
21 effective date of this amendatory Act of 1996. Within 6 months
22 after the implementation of the pilot project, the Prisoner
23 Review Board, with the cooperation of and in coordination with
24 the Department of Corrections and the Department of Central
25 Management Services, shall report to the Governor and the
26 General Assembly regarding the use, costs, effectiveness, and

1 future viability of interactive video conferences for Prisoner
2 Review Board hearings.

3 (b) Upon recommendation of the Department the Board may
4 restore sentence credit previously revoked.

5 (c) The Board shall cooperate with the Department in
6 promoting an effective system of parole and mandatory
7 supervised release.

8 (d) The Board shall promulgate rules for the conduct of its
9 work, and the Chairman shall file a copy of such rules and any
10 amendments thereto with the Director and with the Secretary of
11 State.

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

15 (f) The Board or one who has allegedly violated the
16 conditions of his or her parole, aftercare release, or
17 mandatory supervised release may require by subpoena the
18 attendance and testimony of witnesses and the production of
19 documentary evidence relating to any matter under
20 investigation or hearing. The Chairman of the Board may sign
21 subpoenas which shall be served by any agent or public official
22 authorized by the Chairman of the Board, or by any person
23 lawfully authorized to serve a subpoena under the laws of the
24 State of Illinois. The attendance of witnesses, and the
25 production of documentary evidence, may be required from any
26 place in the State to a hearing location in the State before

1 the Chairman of the Board or his or her designated agent or
2 agents or any duly constituted Committee or Subcommittee of the
3 Board. Witnesses so summoned shall be paid the same fees and
4 mileage that are paid witnesses in the circuit courts of the
5 State, and witnesses whose depositions are taken and the
6 persons taking those depositions are each entitled to the same
7 fees as are paid for like services in actions in the circuit
8 courts of the State. Fees and mileage shall be vouchered for
9 payment when the witness is discharged from further attendance.

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

1 evidence, if so ordered, or to give evidence relative to the
2 subject matter of that investigation or hearing. Any failure to
3 obey such order of the circuit court may be punished by that
4 court as a contempt of court.

5 Each member of the Board and any hearing officer designated
6 by the Board shall have the power to administer oaths and to
7 take the testimony of persons under oath.

8 (g) Except under subsection (a) of this Section, a majority
9 of the members then appointed to the Prisoner Review Board
10 shall constitute a quorum for the transaction of all business
11 of the Board.

12 (h) The Prisoner Review Board shall annually transmit to
13 the Director a detailed report of its work for the preceding
14 calendar year. The annual report shall also be transmitted to
15 the Governor for submission to the Legislature.

16 (Source: P.A. 98-399, eff. 8-16-13; 98-558, eff. 1-1-14;
17 98-756, eff. 7-16-14; 99-628, eff. 1-1-17.)

18 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

19 Sec. 3-3-9. Violations; changes of conditions; preliminary
20 hearing; revocation of parole or mandatory supervised release;
21 revocation hearing.

22 (a) If prior to expiration or termination of the term of
23 parole or mandatory supervised release, a person violates a
24 condition set by the Prisoner Review Board or a condition of
25 parole or mandatory supervised release under Section 3-3-7 of

1 this Code to govern that term, the Board may:

2 (1) continue the existing term, with or without
3 modifying or enlarging the conditions; or

4 (1.5) for those released as a result of youthful
5 offender parole as set forth in Section 5-4.5-111 of this
6 Code, order that the inmate be subsequently rereleased to
7 serve a specified mandatory supervised release term not to
8 exceed the full term permitted under the provisions of
9 Section 5-4.5-111 and subsection (d) of Section 5-8-1 of
10 this Code and may modify or enlarge the conditions of the
11 release as the Board deems proper; or

12 (2) parole or release the person to a half-way house;
13 or

14 (3) revoke the parole or mandatory supervised release
15 and reconfine the person for a term computed in the
16 following manner:

17 (i) (A) For those sentenced under the law in effect
18 prior to this amendatory Act of 1977, the recommitment
19 shall be for any portion of the imposed maximum term of
20 imprisonment or confinement which had not been served
21 at the time of parole and the parole term, less the
22 time elapsed between the parole of the person and the
23 commission of the violation for which parole was
24 revoked;

25 (B) Except as set forth in paragraphs ~~paragraph~~ (C)
26 and (D), for those subject to mandatory supervised

1 release under paragraph (d) of Section 5-8-1 of this
2 Code, the recommitment shall be for the total mandatory
3 supervised release term, less the time elapsed between
4 the release of the person and the commission of the
5 violation for which mandatory supervised release is
6 revoked. The Board may also order that a prisoner serve
7 up to one year of the sentence imposed by the court
8 which was not served due to the accumulation of
9 sentence credit;

10 (C) For those subject to sex offender supervision
11 under clause (d) (4) of Section 5-8-1 of this Code, the
12 reconfinement period for violations of clauses (a) (3)
13 through (b-1) (15) of Section 3-3-7 shall not exceed 2
14 years from the date of reconfinement;

15 (D) For those released as a result of youthful
16 offender parole as set forth in Section 5-4.5-111 of
17 this Code, the reconfinement period shall be for the
18 total mandatory supervised release term, less the time
19 elapsed between the release of the person and the
20 commission of the violation for which mandatory
21 supervised release is revoked. The Board may also order
22 that a prisoner serve up to one year of the mandatory
23 supervised release term previously earned. The Board
24 may also order that the inmate be subsequently
25 rereleased to serve a specified mandatory supervised
26 release term not to exceed the full term permitted

1 under the provisions of Section 5-4.5-111 and
2 subsection (d) of Section 5-8-1 of this Code and may
3 modify or enlarge the conditions of the release as the
4 Board deems proper;

5 (ii) the person shall be given credit against the
6 term of reimprisonment or reconfinement for time spent
7 in custody since he or she was paroled or released
8 which has not been credited against another sentence or
9 period of confinement;

10 (iii) (blank);

11 (iv) this Section is subject to the release under
12 supervision and the reparole and rerelease provisions
13 of Section 3-3-10.

14 (b) The Board may revoke parole or mandatory supervised
15 release for violation of a condition for the duration of the
16 term and for any further period which is reasonably necessary
17 for the adjudication of matters arising before its expiration.
18 The issuance of a warrant of arrest for an alleged violation of
19 the conditions of parole or mandatory supervised release shall
20 toll the running of the term until the final determination of
21 the charge. When parole or mandatory supervised release is not
22 revoked that period shall be credited to the term, unless a
23 community-based sanction is imposed as an alternative to
24 revocation and reincarceration, including a diversion
25 established by the Illinois Department of Corrections Parole
26 Services Unit prior to the holding of a preliminary parole

1 revocation hearing. Parolees who are diverted to a
2 community-based sanction shall serve the entire term of parole
3 or mandatory supervised release, if otherwise appropriate.

4 (b-5) The Board shall revoke parole or mandatory supervised
5 release for violation of the conditions prescribed in paragraph
6 (7.6) of subsection (a) of Section 3-3-7.

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

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

20 (e) A hearing on revocation shall be conducted before at
21 least one member of the Prisoner Review Board. The Board may
22 meet and order its actions in panels of 3 or more members. The
23 action of a majority of the panel shall be the action of the
24 Board. A record of the hearing shall be made. At the hearing
25 the offender shall be permitted to:

26 (1) appear and answer the charge; and

1 (2) bring witnesses on his or her behalf.

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

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

9 (Source: P.A. 98-463, eff. 8-16-13; 98-558, eff. 1-1-14;
10 99-628, eff. 1-1-17.)

11 (730 ILCS 5/5-4.5-20)

12 Sec. 5-4.5-20. FIRST DEGREE MURDER; SENTENCE. For first
13 degree murder:

14 (a) TERM. The defendant shall be sentenced to imprisonment
15 or, if appropriate, death under Section 9-1 of the Criminal
16 Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/9-1).
17 Imprisonment shall be for a determinate term, subject to
18 Section 5-4.5-111 of this Code, of (1) not less than 20 years
19 and not more than 60 years; (2) not less than 60 years and not
20 more than 100 years when an extended term is imposed under
21 Section 5-8-2 (730 ILCS 5/5-8-2); or (3) natural life as
22 provided in Section 5-8-1 (730 ILCS 5/5-8-1).

23 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
24 shall not be imposed.

25 (c) IMPACT INCARCERATION. The impact incarceration program

1 or the county impact incarceration program is not an authorized
2 disposition.

3 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
4 probation or conditional discharge shall not be imposed.

5 (e) FINE. Fines may be imposed as provided in Section
6 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

7 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
8 concerning restitution.

9 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
10 be concurrent or consecutive as provided in Section 5-8-4 (730
11 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

12 (h) DRUG COURT. Drug court is not an authorized
13 disposition.

14 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
15 ILCS 5/5-4.5-100) concerning no credit for time spent in home
16 detention prior to judgment.

17 (j) SENTENCE CREDIT. See Section 3-6-3 (730 ILCS 5/3-6-3)
18 for rules and regulations for sentence credit.

19 (k) ELECTRONIC MONITORING AND HOME DETENTION. Electronic
20 monitoring and home detention are not authorized dispositions,
21 except in limited circumstances as provided in Section 5-8A-3
22 (730 ILCS 5/5-8A-3).

23 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
24 provided in Section 3-3-8 (730 ILCS 5/3-3-8), the parole or
25 mandatory supervised release term shall be 3 years upon release
26 from imprisonment.

1 (Source: P.A. 100-431, eff. 8-25-17.)

2 (730 ILCS 5/5-4.5-25)

3 Sec. 5-4.5-25. CLASS X FELONIES; SENTENCE. For a Class X
4 felony:

5 (a) TERM. The sentence of imprisonment shall be a
6 determinate sentence, subject to Section 5-4.5-111 of this
7 Code, of not less than 6 years and not more than 30 years. The
8 sentence of imprisonment for an extended term Class X felony,
9 as provided in Section 5-8-2 (730 ILCS 5/5-8-2), subject to
10 Section 5-4.5-111 of this Code, shall be not less than 30 years
11 and not more than 60 years.

12 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
13 shall not be imposed.

14 (c) IMPACT INCARCERATION. The impact incarceration program
15 or the county impact incarceration program is not an authorized
16 disposition.

17 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
18 probation or conditional discharge shall not be imposed.

19 (e) FINE. Fines may be imposed as provided in Section
20 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

21 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
22 concerning restitution.

23 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
24 be concurrent or consecutive as provided in Section 5-8-4 (730
25 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

1 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
2 Act (730 ILCS 166/20) concerning eligibility for a drug court
3 program.

4 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
5 ILCS 5/5-4.5-100) concerning no credit for time spent in home
6 detention prior to judgment.

7 (j) SENTENCE CREDIT. See Section 3-6-3 (730 ILCS 5/3-6-3)
8 for rules and regulations for sentence credit.

9 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
10 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
11 electronic monitoring and home detention.

12 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
13 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
14 5/5-8-1), the parole or mandatory supervised release term shall
15 be 3 years upon release from imprisonment.

16 (Source: P.A. 100-431, eff. 8-25-17.)

17 (730 ILCS 5/5-4.5-30)

18 Sec. 5-4.5-30. CLASS 1 FELONIES; SENTENCE. For a Class 1
19 felony:

20 (a) TERM. The sentence of imprisonment, other than for
21 second degree murder, shall be a determinate sentence of not
22 less than 4 years and not more than 15 years, subject to
23 Section 5-4.5-111 of this Code. The sentence of imprisonment
24 for second degree murder shall be a determinate sentence of not
25 less than 4 years and not more than 20 years, subject to

1 Section 5-4.5-111 of this Code. The sentence of imprisonment
2 for an extended term Class 1 felony, as provided in Section
3 5-8-2 (730 ILCS 5/5-8-2), subject to Section 5-4.5-111 of this
4 Code, shall be a term not less than 15 years and not more than
5 30 years.

6 (b) PERIODIC IMPRISONMENT. A sentence of periodic
7 imprisonment shall be for a definite term of from 3 to 4 years,
8 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
9 ILCS 5/5-5-3 or 5/5-7-1).

10 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
11 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
12 the impact incarceration program or the county impact
13 incarceration program.

14 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
15 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
16 period of probation or conditional discharge shall not exceed 4
17 years. The court shall specify the conditions of probation or
18 conditional discharge as set forth in Section 5-6-3 (730 ILCS
19 5/5-6-3). In no case shall an offender be eligible for a
20 disposition of probation or conditional discharge for a Class 1
21 felony committed while he or she was serving a term of
22 probation or conditional discharge for a felony.

23 (e) FINE. Fines may be imposed as provided in Section
24 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

25 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
26 concerning restitution.

1 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
2 be concurrent or consecutive as provided in Section 5-8-4 (730
3 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

4 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
5 Act (730 ILCS 166/20) concerning eligibility for a drug court
6 program.

7 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
8 ILCS 5/5-4.5-100) concerning credit for time spent in home
9 detention prior to judgment.

10 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
11 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
12 (730 ILCS 130/) for rules and regulations for sentence credit.

13 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
14 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
15 electronic monitoring and home detention.

16 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
17 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
18 5/5-8-1), the parole or mandatory supervised release term shall
19 be 2 years upon release from imprisonment.

20 (Source: P.A. 100-431, eff. 8-25-17.)

21 (730 ILCS 5/5-4.5-111 new)

22 Sec. 5-4.5-111. Parole review of persons under the age of
23 21 at the time of the commission of an offense.

24 (a) In this Section, "victim" means a victim of a violent
25 crime as defined in subsection (a) of Section 3 of the Rights

1 of Crime Victims and Witnesses Act including a witness as
2 defined in subsection (b) of Section 3 of the Rights of Crime
3 Victims and Witnesses Act; any person legally related to the
4 victim by blood, marriage, adoption, or guardianship; any
5 friend of the victim; or any concerned citizen.

6 (b) A person under 21 years of age at the time of the
7 commission of an offense, other than first degree murder, who
8 is not serving a sentence for first degree murder and who is
9 sentenced on or after the effective date of this amendatory Act
10 of the 100th General Assembly shall be eligible for parole
11 review by the Prisoner Review Board after serving 10 years or
12 more of his or her sentence, except for those serving a
13 sentence for: (1) aggravated criminal sexual assault who shall
14 be eligible for parole review by the Prisoner Review Board
15 after serving 20 years or more of his or her sentence or; (2)
16 predatory criminal sexual assault of a child who shall not be
17 eligible for parole review by the Prisoner Review Board under
18 this Section. A person under 21 years of age at the time of the
19 commission of first degree murder who is sentenced on or after
20 the effective date of this amendatory Act of the 100th General
21 Assembly shall be eligible for parole review by the Prisoner
22 Review Board after serving 20 years or more of his or her
23 sentence, except for those subject to a term of natural life
24 imprisonment under Section 5-8-1 of this Code or any person
25 subject to sentencing under subsection (c) of Section 5-4.5-105
26 of this Code.

1 (c) Three years prior to becoming eligible for parole
2 review, the eligible person may file his or her petition for
3 parole review with the Prisoner Review Board. The petition
4 shall include a copy of the order of commitment and sentence to
5 the Department of Corrections for the offense for which review
6 is sought. Within 30 days of receipt of this petition, the
7 Prisoner Review Board shall determine whether the petition is
8 appropriately filed, and if so, shall set a date for parole
9 review 3 years from receipt of the petition and notify the
10 Department of Corrections within 10 business days. If the
11 Prisoner Review Board determines that the petition is not
12 appropriately filed, it shall notify the petitioner in writing,
13 including a basis for its determination.

14 (d) Within 6 months of the Prisoner Review Board's
15 determination that the petition was appropriately filed, a
16 representative from the Department of Corrections shall meet
17 with the eligible person and provide the inmate information
18 about the parole hearing process and personalized
19 recommendations for the inmate regarding his or her work
20 assignments, rehabilitative programs, and institutional
21 behavior. Following this meeting, the eligible person has 7
22 calendar days to file a written request to the representative
23 from the Department of Corrections who met with the eligible
24 person of any additional programs and services which the
25 eligible person believes should be made available to prepare
26 the eligible person for return to the community.

1 (e) One year prior to the person being eligible for parole,
2 counsel shall be appointed by the Prisoner Review Board upon a
3 finding of indigency. The eligible person may waive appointed
4 counsel or retain his or her own counsel at his or her own
5 expense.

6 (f) Nine months prior to the hearing, the Prisoner Review
7 Board shall provide the eligible person, and his or her
8 counsel, any written documents or materials it will be
9 considering in making its decision unless the written documents
10 or materials are specifically found to: (1) include information
11 which, if disclosed, would damage the therapeutic relationship
12 between the inmate and a mental health professional; (2)
13 subject any person to the actual risk of physical harm; or (3)
14 threaten the safety or security of the Department or an
15 institution. In accordance with Section 35 of the Open Parole
16 Hearings Act, victim impact statements either oral, written,
17 video-taped, tape recorded, or made by other electronic means
18 shall not be considered public documents under the Freedom of
19 Information Act. The inmate or his or her attorney shall not be
20 given a copy of the statement, but shall be informed of the
21 existence of a victim impact statement and the position taken
22 by the victim on the inmate's request for parole. This shall
23 not be construed to permit disclosure to an inmate of any
24 information which might result in the risk of threats or
25 physical harm to a victim. The Prisoner Review Board shall have
26 an ongoing duty to provide the eligible person, and his or her

1 counsel, with any further documents or materials that come into
2 its possession prior to the hearing subject to the limitations
3 contained in this subsection (f).

4 (g) Not less than 12 months prior to the hearing, the
5 Prisoner Review Board shall provide notification to the State's
6 Attorney of the county from which the person was committed and
7 written notification to the victim or family of the victim of
8 the scheduled hearing place, date, and approximate time. The
9 written notification shall contain: (1) information about
10 their right to be present, appear in person at the parole
11 hearing, and their right to make an oral statement and submit
12 information in writing, by videotape, tape recording, or other
13 electronic means; (2) a toll-free number to call for further
14 information about the parole review process; and (3)
15 information regarding available resources, including
16 trauma-informed therapy, they may access. If the Board does not
17 have knowledge of the current address of the victim or family
18 of the victim, it shall notify the State's Attorney of the
19 county of commitment and request assistance in locating the
20 victim or family of the victim. Those victims or family of the
21 victims who advise the Board in writing that they no longer
22 wish to be notified shall not receive future notices. A victim
23 shall have the right to submit information by videotape, tape
24 recording, or other electronic means. The victim may submit
25 this material prior to or at the parole hearing. The victim
26 also has the right to be heard at the parole hearing.

1 (h) The hearing conducted by the Prisoner Review Board
2 shall be governed by Sections 15 and 20, subsection (f) of
3 Section 5, subsection (a) of Section 10, subsection (d) of
4 Section 25, and subsections (a), (b), and (e) of Section 35 of
5 the Open Parole Hearings Act and Part 1610 of Title 20 of the
6 Illinois Administrative Code. The eligible person has a right
7 to be present at the Prisoner Review Board hearing, unless the
8 Prisoner Review Board determines the eligible person's
9 presence is unduly burdensome when conducting a hearing under
10 paragraph (6.6) of subsection (a) of Section 3-3-2 of this
11 Code. If a psychological evaluation is submitted for the
12 Prisoner Review Board's consideration, it shall be prepared by
13 a person who has expertise in adolescent brain development and
14 behavior, and shall take into consideration the diminished
15 culpability of youthful offenders, the hallmark features of
16 youth, and any subsequent growth and increased maturity of the
17 person. At the hearing, the eligible person shall have the
18 right to make a statement on his or her own behalf.

19 (i) Only upon motion for good cause shall the date for the
20 Prisoner Review Board hearing, as set by subsection (b) of this
21 Section, be changed. No less than 15 days prior to the hearing,
22 the Prisoner Review Board shall notify the victim or victim
23 representative, the attorney, and the eligible person of the
24 exact date and time of the hearing. All hearings shall be open
25 to the public.

26 (j) The Prisoner Review Board shall not parole the eligible

1 person if it determines that:

2 (1) there is a substantial risk that the eligible
3 person will not conform to reasonable conditions of parole
4 or aftercare release; or

5 (2) the eligible person's release at that time would
6 deprecate the seriousness of his or her offense or promote
7 disrespect for the law; or

8 (3) the eligible person's release would have a
9 substantially adverse effect on institutional discipline.

10 In considering the factors affecting the release
11 determination under 20 Ill. Adm. Code 1610.50(b), the Prisoner
12 Review Board panel shall consider the diminished culpability of
13 youthful offenders, the hallmark features of youth, and any
14 subsequent growth and maturity of the youthful offender during
15 incarceration.

16 (k) Unless denied parole under subsection (j) of this
17 Section and subject to the provisions of Section 3-3-9 of this
18 Code: (1) the eligible person serving a sentence for any
19 non-first degree murder offense, shall be released on parole
20 which shall operate to discharge any remaining term of years
21 sentence imposed upon him or her, notwithstanding any required
22 mandatory supervised release period the eligible person is
23 required to serve; and (2) the eligible person serving a
24 sentence for first degree murder, shall be released on
25 mandatory supervised release for a period of 10 years subject
26 to Section 3-3-8 of this Code, which shall operate to discharge

1 any remaining term of years sentence imposed upon him or her,
2 however in no event shall the eligible person serve a period of
3 mandatory supervised release greater than the aggregate of the
4 discharged underlying sentence and the mandatory supervised
5 release period as set forth in Section 5-4.5-20 of this Code.

6 (l) If the Prisoner Review Board denies parole after
7 conducting the hearing under subsection (j) of this Section, it
8 shall issue a written decision which states the rationale for
9 denial, including the primary factors considered. This
10 decision shall be provided to the eligible person and his or
11 her counsel within 30 days.

12 (m) A person denied parole under subsection (j) of this
13 Section, who is not serving a sentence for either first degree
14 murder or aggravated criminal sexual assault, shall be eligible
15 for a second parole review by the Prisoner Review Board 5 years
16 after the written decision under subsection (l) of this
17 Section; a person denied parole under subsection (j) of this
18 Section, who is serving a sentence for first degree murder or
19 aggravated criminal sexual assault shall be eligible for a
20 second and final parole review by the Prisoner Review Board 10
21 years after the written decision under subsection (k) of this
22 Section. The procedures for a second parole review shall be
23 governed by subsections (c) through (k) of this Section.

24 (n) A person denied parole under subsection (m) of this
25 Section, who is not serving a sentence for either first degree
26 murder or aggravated criminal sexual assault, shall be eligible

1 for a third and final parole review by the Prisoner Review
2 Board 5 years after the written decision under subsection (l)
3 of this Section. The procedures for the third and final parole
4 review shall be governed by subsections (c) through (k) of this
5 Section.

6 (o) Notwithstanding anything else to the contrary in this
7 Section, nothing in this Section shall be construed to delay
8 parole or mandatory supervised release consideration for
9 petitioners who are or will be eligible for release earlier
10 than this Section provides. Nothing in this Section shall be
11 construed as a limit, substitution, or bar on a person's right
12 to sentencing relief, or any other manner of relief, obtained
13 by order of a court in proceedings other than as provided in
14 this Section.

15 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

16 Sec. 5-8-1. Natural life imprisonment; enhancements for
17 use of a firearm; mandatory supervised release terms.

18 (a) Except as otherwise provided in the statute defining
19 the offense or in Article 4.5 of Chapter V, a sentence of
20 imprisonment for a felony shall be a determinate sentence set
21 by the court under this Section, subject to Section 5-4.5-111
22 of this Code, according to the following limitations:

23 (1) for first degree murder,

24 (a) (blank),

25 (b) if a trier of fact finds beyond a reasonable

1 doubt that the murder was accompanied by exceptionally
2 brutal or heinous behavior indicative of wanton
3 cruelty or, except as set forth in subsection (a) (1) (c)
4 of this Section, that any of the aggravating factors
5 listed in subsection (b) or (b-5) of Section 9-1 of the
6 Criminal Code of 1961 or the Criminal Code of 2012 are
7 present, the court may sentence the defendant, subject
8 to Section 5-4.5-105, to a term of natural life
9 imprisonment, or

10 (c) the court shall sentence the defendant to a
11 term of natural life imprisonment if the defendant, at
12 the time of the commission of the murder, had attained
13 the age of 18, and

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

16 (ii) is found guilty of murdering more than one
17 victim, or

18 (iii) is found guilty of murdering a peace
19 officer, fireman, or emergency management worker
20 when the peace officer, fireman, or emergency
21 management worker was killed in the course of
22 performing his official duties, or to prevent the
23 peace officer or fireman from performing his
24 official duties, or in retaliation for the peace
25 officer, fireman, or emergency management worker
26 from performing his official duties, and the

1 defendant knew or should have known that the
2 murdered individual was a peace officer, fireman,
3 or emergency management worker, or

4 (iv) is found guilty of murdering an employee
5 of an institution or facility of the Department of
6 Corrections, or any similar local correctional
7 agency, when the employee was killed in the course
8 of performing his official duties, or to prevent
9 the employee from performing his official duties,
10 or in retaliation for the employee performing his
11 official duties, or

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

1 medical assistant or first aid personnel, or

2 (vi) (blank), or

3 (vii) is found guilty of first degree murder
4 and the murder was committed by reason of any
5 person's activity as a community policing
6 volunteer or to prevent any person from engaging in
7 activity as a community policing volunteer. For
8 the purpose of this Section, "community policing
9 volunteer" has the meaning ascribed to it in
10 Section 2-3.5 of the Criminal Code of 2012.

11 For purposes of clause (v), "emergency medical
12 technician - ambulance", "emergency medical technician
13 - intermediate", "emergency medical technician -
14 paramedic", have the meanings ascribed to them in the
15 Emergency Medical Services (EMS) Systems Act.

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

19 (ii) if, during the commission of the offense,
20 the person personally discharged a firearm, 20
21 years shall be added to the term of imprisonment
22 imposed by the court;

23 (iii) if, during the commission of the
24 offense, the person personally discharged a
25 firearm that proximately caused great bodily harm,
26 permanent disability, permanent disfigurement, or

1 death to another person, 25 years or up to a term
2 of natural life shall be added to the term of
3 imprisonment imposed by the court.

4 (2) (blank);

5 (2.5) for a person who has attained the age of 18 years
6 at the time of the commission of the offense and who is
7 convicted under the circumstances described in subdivision
8 (b) (1) (B) of Section 11-1.20 or paragraph (3) of subsection
9 (b) of Section 12-13, subdivision (d) (2) of Section 11-1.30
10 or paragraph (2) of subsection (d) of Section 12-14,
11 subdivision (b) (1.2) of Section 11-1.40 or paragraph (1.2)
12 of subsection (b) of Section 12-14.1, subdivision (b) (2) of
13 Section 11-1.40 or paragraph (2) of subsection (b) of
14 Section 12-14.1 of the Criminal Code of 1961 or the
15 Criminal Code of 2012, the sentence shall be a term of
16 natural life imprisonment.

17 (b) (Blank).

18 (c) (Blank).

19 (d) Subject to earlier termination under Section 3-3-8, the
20 parole or mandatory supervised release term shall be written as
21 part of the sentencing order and shall be as follows:

22 (1) for first degree murder or a Class X felony except
23 for the offenses of predatory criminal sexual assault of a
24 child, aggravated criminal sexual assault, and criminal
25 sexual assault if committed on or after the effective date
26 of this amendatory Act of the 94th General Assembly and

1 except for the offense of aggravated child pornography
2 under Section 11-20.1B, 11-20.3, or 11-20.1 with
3 sentencing under subsection (c-5) of Section 11-20.1 of the
4 Criminal Code of 1961 or the Criminal Code of 2012, if
5 committed on or after January 1, 2009, 3 years;

6 (2) for a Class 1 felony or a Class 2 felony except for
7 the offense of criminal sexual assault if committed on or
8 after the effective date of this amendatory Act of the 94th
9 General Assembly and except for the offenses of manufacture
10 and dissemination of child pornography under clauses
11 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code
12 of 1961 or the Criminal Code of 2012, if committed on or
13 after January 1, 2009, 2 years;

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

15 (4) for defendants who commit the offense of predatory
16 criminal sexual assault of a child, aggravated criminal
17 sexual assault, or criminal sexual assault, on or after the
18 effective date of this amendatory Act of the 94th General
19 Assembly, or who commit the offense of aggravated child
20 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
21 with sentencing under subsection (c-5) of Section 11-20.1
22 of the Criminal Code of 1961 or the Criminal Code of 2012,
23 manufacture of child pornography, or dissemination of
24 child pornography after January 1, 2009, the term of
25 mandatory supervised release shall range from a minimum of
26 3 years to a maximum of the natural life of the defendant;

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

7 (6) for a felony domestic battery, aggravated domestic
8 battery, stalking, aggravated stalking, and a felony
9 violation of an order of protection, 4 years.

10 (e) (Blank).

11 (f) (Blank).

12 (Source: P.A. 99-69, eff. 1-1-16; 99-875, eff. 1-1-17; 100-431,
13 eff. 8-25-17.)