



Rep. Jehan Gordon-Booth

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LRB101 07280 SLF 57525 a

1 AMENDMENT TO HOUSE BILL 917

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 917 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. This Act may be referred to as the Kayla Fannon  
5 Law.

6 Section 5. The Unified Code of Corrections is amended by  
7 changing Sections 3-3-2 and 3-14-2 as follows:

8 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

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

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

1 steps as may be necessary to effect an orderly transition and  
2 shall:

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

8 (2) hear by at least one member and through a panel of  
9 at least 3 members decide, the conditions of parole and the  
10 time of discharge from parole, impose sanctions for  
11 violations of parole, and revoke parole for those sentenced  
12 under the law in effect prior to this amendatory Act of  
13 1977; provided that the decision to parole and the  
14 conditions of parole for all prisoners who were sentenced  
15 for first degree murder or who received a minimum sentence  
16 of 20 years or more under the law in effect prior to  
17 February 1, 1978 shall be determined by a majority vote of  
18 the Prisoner Review Board. One representative supporting  
19 parole and one representative opposing parole will be  
20 allowed to speak. Their comments shall be limited to making  
21 corrections and filling in omissions to the Board's  
22 presentation and discussion;

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

1 mandatory supervised release, and revoke mandatory  
2 supervised release for those sentenced under the law in  
3 effect after the effective date of this amendatory Act of  
4 1977;

5 (3.5) hear by at least one member and through a panel  
6 of at least 3 members decide, the conditions of mandatory  
7 supervised release and the time of discharge from mandatory  
8 supervised release, to impose sanctions for violations of  
9 mandatory supervised release and revoke mandatory  
10 supervised release for those serving extended supervised  
11 release terms pursuant to paragraph (4) of subsection (d)  
12 of Section 5-8-1;

13 (3.6) hear by at least one member and through a panel  
14 of at least 3 members decide whether to revoke aftercare  
15 release for those committed to the Department of Juvenile  
16 Justice under the Juvenile Court Act of 1987;

17 (4) hear by at least one member and through a panel of  
18 at least 3 members, decide cases brought by the Department  
19 of Corrections against a prisoner in the custody of the  
20 Department for alleged violation of Department rules with  
21 respect to sentence credits under Section 3-6-3 of this  
22 Code in which the Department seeks to revoke sentence  
23 credits, if the amount of time at issue exceeds 30 days or  
24 when, during any 12 month period, the cumulative amount of  
25 credit revoked exceeds 30 days except where the infraction  
26 is committed or discovered within 60 days of scheduled

1 release. In such cases, the Department of Corrections may  
2 revoke up to 30 days of sentence credit. The Board may  
3 subsequently approve the revocation of additional sentence  
4 credit, if the Department seeks to revoke sentence credit  
5 in excess of thirty days. However, the Board shall not be  
6 empowered to review the Department's decision with respect  
7 to the loss of 30 days of sentence credit for any prisoner  
8 or to increase any penalty beyond the length requested by  
9 the Department;

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

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

19 (7) comply with the requirements of the Open Parole  
20 Hearings Act;

21 (8) hear by at least one member and, through a panel of  
22 at least 3 members, decide cases brought by the Department  
23 of Corrections against a prisoner in the custody of the  
24 Department for court dismissal of a frivolous lawsuit  
25 pursuant to Section 3-6-3(d) of this Code in which the  
26 Department seeks to revoke up to 180 days of sentence

1 credit, and if the prisoner has not accumulated 180 days of  
2 sentence credit at the time of the dismissal, then all  
3 sentence credit accumulated by the prisoner shall be  
4 revoked;

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

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

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

22 (B) until 5 years have elapsed since any arrests or  
23 detentions by a law enforcement officer for an alleged  
24 violation of law, other than a petty offense, traffic  
25 offense, conservation offense, or local ordinance  
26 offense;

1 (C) if convicted of a violation of the Cannabis  
2 Control Act, Illinois Controlled Substances Act, the  
3 Methamphetamine Control and Community Protection Act,  
4 the Methamphetamine Precursor Control Act, or the  
5 Methamphetamine Precursor Tracking Act unless the  
6 petitioner has completed a drug abuse program for the  
7 offense on which sealing is sought and provides proof  
8 that he or she has completed the program successfully;

9 (D) if convicted of:

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

14 (ii) aggravated assault;

15 (iii) aggravated battery;

16 (iv) domestic battery;

17 (v) aggravated domestic battery;

18 (vi) violation of an order of protection;

19 (vii) an offense under the Criminal Code of  
20 1961 or the Criminal Code of 2012 involving a  
21 firearm;

22 (viii) driving while under the influence of  
23 alcohol, other drug or drugs, intoxicating  
24 compound or compounds or any combination thereof;

25 (ix) aggravated driving while under the  
26 influence of alcohol, other drug or drugs,

1           intoxicating compound or compounds or any  
2           combination thereof; or

3                   (x) any crime defined as a crime of violence  
4           under Section 2 of the Crime Victims Compensation  
5           Act.

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

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

15          The Board may only authorize the sealing of Class 3 and  
16          4 felony convictions of the petitioner from one information  
17          or indictment under this paragraph (10). A petitioner may  
18          only receive one certificate of eligibility for sealing  
19          under this provision for life; and

20                   (11) upon a petition by a person who after having been  
21          convicted of a Class 3 or Class 4 felony thereafter served  
22          in the United States Armed Forces or National Guard of this  
23          or any other state and had received an honorable discharge  
24          from the United States Armed Forces or National Guard or  
25          who at the time of filing the petition is enlisted in the  
26          United States Armed Forces or National Guard of this or any

1 other state and served one tour of duty and who meets the  
2 requirements of this paragraph, hear by at least 3 members  
3 and, with the unanimous vote of a panel of 3 members, issue  
4 a certificate of eligibility for expungement recommending  
5 that the court order the expungement of all official  
6 records of the arresting authority, the circuit court  
7 clerk, and the Department of State Police concerning the  
8 arrest and conviction for the Class 3 or 4 felony. A person  
9 may not apply to the Board for a certificate of eligibility  
10 for expungement:

11 (A) if convicted of:

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

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

17 (iii) a crime of violence as defined in Section  
18 2 of the Crime Victims Compensation Act; or

19 (B) if the person has not served in the United  
20 States Armed Forces or National Guard of this or any  
21 other state or has not received an honorable discharge  
22 from the United States Armed Forces or National Guard  
23 of this or any other state or who at the time of the  
24 filing of the petition is serving in the United States  
25 Armed Forces or National Guard of this or any other  
26 state and has not completed one tour of duty.



1           If a person has applied to the Board for a certificate  
2           of eligibility for expungement and the Board denies the  
3           certificate, the person must wait at least 4 years before  
4           filing again or filing for a pardon with authorization for  
5           expungement from the Governor unless the Governor or  
6           Chairman of the Prisoner Review Board grants a waiver.

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

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

24          (c) The Board shall cooperate with the Department in  
25          promoting an effective system of parole and mandatory  
26          supervised release. The Board shall inform the Department of

1 any person that is subject to the data entry requirements under  
2 Section 3-14-2.

3 (d) The Board shall promulgate rules for the conduct of its  
4 work, and the Chairman shall file a copy of such rules and any  
5 amendments thereto with the Director and with the Secretary of  
6 State.

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

10 (f) The Board or one who has allegedly violated the  
11 conditions of his or her parole, aftercare release, or  
12 mandatory supervised release may require by subpoena the  
13 attendance and testimony of witnesses and the production of  
14 documentary evidence relating to any matter under  
15 investigation or hearing. The Chairman of the Board may sign  
16 subpoenas which shall be served by any agent or public official  
17 authorized by the Chairman of the Board, or by any person  
18 lawfully authorized to serve a subpoena under the laws of the  
19 State of Illinois. The attendance of witnesses, and the  
20 production of documentary evidence, may be required from any  
21 place in the State to a hearing location in the State before  
22 the Chairman of the Board or his or her designated agent or  
23 agents or any duly constituted Committee or Subcommittee of the  
24 Board. Witnesses so summoned shall be paid the same fees and  
25 mileage that are paid witnesses in the circuit courts of the  
26 State, and witnesses whose depositions are taken and the

1 persons taking those depositions are each entitled to the same  
2 fees as are paid for like services in actions in the circuit  
3 courts of the State. Fees and mileage shall be vouchered for  
4 payment when the witness is discharged from further attendance.

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

26 Each member of the Board and any hearing officer designated

1 by the Board shall have the power to administer oaths and to  
2 take the testimony of persons under oath.

3 (g) Except under subsection (a) of this Section, a majority  
4 of the members then appointed to the Prisoner Review Board  
5 shall constitute a quorum for the transaction of all business  
6 of the Board.

7 (h) The Prisoner Review Board shall annually transmit to  
8 the Director a detailed report of its work for the preceding  
9 calendar year. The annual report shall also be transmitted to  
10 the Governor for submission to the Legislature.

11 (Source: P.A. 98-399, eff. 8-16-13; 98-558, eff. 1-1-14;  
12 98-756, eff. 7-16-14; 99-628, eff. 1-1-17.)

13 (730 ILCS 5/3-14-2) (from Ch. 38, par. 1003-14-2)

14 Sec. 3-14-2. Supervision on Parole, Mandatory Supervised  
15 Release and Release by Statute.

16 (a) The Department shall retain custody of all persons  
17 placed on parole or mandatory supervised release or released  
18 pursuant to Section 3-3-10 of this Code and shall supervise  
19 such persons during their parole or release period in accord  
20 with the conditions set by the Prisoner Review Board. The  
21 Department shall enter into the Law Enforcement Agencies Data  
22 System (LEADS) any conditions of parole or mandatory supervised  
23 release imposed by the Prisoner Review Board or the Department  
24 that relate to a no contact order. Such conditions shall  
25 include referral to an alcohol or drug abuse treatment program,

1 as appropriate, if such person has previously been identified  
2 as having an alcohol or drug abuse problem. Such conditions may  
3 include that the person use an approved electronic monitoring  
4 device subject to Article 8A of Chapter V.

5 (b) The Department shall assign personnel to assist persons  
6 eligible for parole in preparing a parole plan. Such Department  
7 personnel shall make a report of their efforts and findings to  
8 the Prisoner Review Board prior to its consideration of the  
9 case of such eligible person.

10 (c) A copy of the conditions of his parole or release shall  
11 be signed by the parolee or releasee and given to him and to  
12 his supervising officer who shall report on his progress under  
13 the rules and regulations of the Prisoner Review Board. The  
14 supervising officer shall report violations to the Prisoner  
15 Review Board and shall have the full power of peace officers in  
16 the arrest and retaking of any parolees or releasees or the  
17 officer may request the Department to issue a warrant for the  
18 arrest of any parolee or releasee who has allegedly violated  
19 his parole or release conditions.

20 (c-1) The supervising officer shall request the Department  
21 to issue a parole violation warrant, and the Department shall  
22 issue a parole violation warrant, under the following  
23 circumstances:

24 (1) if the parolee or releasee commits an act that  
25 constitutes a felony using a firearm or knife,

26 (2) if applicable, fails to comply with the

1 requirements of the Sex Offender Registration Act,

2 (3) if the parolee or releasee is charged with:

3 (A) a felony offense of domestic battery under  
4 Section 12-3.2 of the Criminal Code of 1961 or the  
5 Criminal Code of 2012,

6 (B) aggravated domestic battery under Section  
7 12-3.3 of the Criminal Code of 1961 or the Criminal  
8 Code of 2012,

9 (C) stalking under Section 12-7.3 of the Criminal  
10 Code of 1961 or the Criminal Code of 2012,

11 (D) aggravated stalking under Section 12-7.4 of  
12 the Criminal Code of 1961 or the Criminal Code of 2012,

13 (E) violation of an order of protection under  
14 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or  
15 the Criminal Code of 2012, or

16 (F) any offense that would require registration as  
17 a sex offender under the Sex Offender Registration Act,  
18 or

19 (4) if the parolee or releasee is on parole or  
20 mandatory supervised release for a murder, a Class X felony  
21 or a Class 1 felony violation of the Criminal Code of 1961  
22 or the Criminal Code of 2012, or any felony that requires  
23 registration as a sex offender under the Sex Offender  
24 Registration Act and commits an act that constitutes first  
25 degree murder, a Class X felony, a Class 1 felony, a Class  
26 2 felony, or a Class 3 felony.

1           A sheriff or other peace officer may detain an alleged  
2 parole or release violator until a warrant for his return to  
3 the Department can be issued. The parolee or releasee may be  
4 delivered to any secure place until he can be transported to  
5 the Department. The officer or the Department shall file a  
6 violation report with notice of charges with the Prisoner  
7 Review Board.

8           (d) The supervising officer shall regularly advise and  
9 consult with the parolee or releasee, assist him in adjusting  
10 to community life, inform him of the restoration of his rights  
11 on successful completion of sentence under Section 5-5-5. If  
12 the parolee or releasee has been convicted of a sex offense as  
13 defined in the Sex Offender Management Board Act, the  
14 supervising officer shall periodically, but not less than once  
15 a month, verify that the parolee or releasee is in compliance  
16 with paragraph (7.6) of subsection (a) of Section 3-3-7.

17           (e) Supervising officers shall receive specialized  
18 training in the special needs of female releasees or parolees  
19 including the family reunification process.

20           (f) The supervising officer shall keep such records as the  
21 Prisoner Review Board or Department may require. All records  
22 shall be entered in the master file of the individual.

23           (Source: P.A. 96-282, eff. 1-1-10; 96-1447, eff. 8-20-10;  
24 97-389, eff. 8-15-11; 97-1150, eff. 1-25-13.)

25           Section 99. Effective date. This Act takes effect upon

1 becoming law.".