

1 AN ACT concerning parole.

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  
5 by changing Sections 3-3-2, 3-3-4, 3-3-5, 3-3-8, and 5-8-1 as  
6 follows:

7 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)  
8 Sec. 3-3-2. Powers and Duties.

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

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

23 (2) ~~hear by at least one member and through a panel~~  
24 ~~of at least 3 members decide,~~ the conditions of parole  
25 and the time of discharge from parole, impose sanctions  
26 for violations of parole, and revoke parole for those  
27 sentenced under the law in effect prior to this  
28 amendatory Act of 1977; ~~provided--that--the--decision--to~~  
29 ~~parole-and-the-conditions-of-parole-for-all-prisoners-who~~  
30 ~~were--sentenced-for-first-degree-murder-or-who-received-a~~  
31 ~~minimum-sentence-of-20-years-or-more--under--the--law--in~~

1 effect-prior-to-February-17-1978-shall-be-determined-by-a  
2 majority-vote-of-the-Prisoner-Review-Board;

3 (3) hear by at least one member and through a panel  
4 of at least 3 members decide, the conditions of mandatory  
5 supervised release and the time of discharge from  
6 mandatory supervised release, impose sanctions for  
7 violations of mandatory supervised release, and revoke  
8 mandatory supervised release for those sentenced under  
9 the law in effect after the effective date of this  
10 amendatory Act of 1977;

11 (4) hear by at least 1 member and through a panel  
12 of at least 3 members, decide cases brought by the  
13 Department of Corrections against a prisoner in the  
14 custody of the Department for alleged violation of  
15 Department rules with respect to good conduct credits  
16 pursuant to Section 3-6-3 of this Code in which the  
17 Department seeks to revoke good conduct credits, if the  
18 amount of time at issue exceeds 30 days or when, during  
19 any 12 month period, the cumulative amount of credit  
20 revoked exceeds 30 days except where the infraction is  
21 committed or discovered within 60 days of scheduled  
22 release. In such cases, the Department of Corrections may  
23 revoke up to 30 days of good conduct credit. The Board  
24 may subsequently approve the revocation of additional  
25 good conduct credit, if the Department seeks to revoke  
26 good conduct credit in excess of thirty days. However,  
27 the Board shall not be empowered to review the  
28 Department's decision with respect to the loss of 30 days  
29 of good conduct credit for any prisoner or to increase  
30 any penalty beyond the length requested by the  
31 Department;

32 (5) hear by at least one member and through a panel  
33 of at least 3 members decide, the release dates for  
34 certain prisoners sentenced under the law in existence

1 prior to the effective date of this amendatory Act of  
2 1977, in accordance with Section 3-3-2.1 of this Code;

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

7 (7) comply with the requirements of the Open Parole  
8 Hearings Act; and

9 (8) hear by at least one member and, through a  
10 panel of at least 3 members, decide cases brought by the  
11 Department of Corrections against a prisoner in the  
12 custody of the Department for court dismissal of a  
13 frivolous lawsuit pursuant to Section 3-6-3(d) of this  
14 Code in which the Department seeks to revoke up to 180  
15 days of good conduct credit, and if the prisoner has not  
16 accumulated 180 days of good conduct credit at the time  
17 of the dismissal, then all good conduct credit  
18 accumulated by the prisoner shall be revoked.

19 (a-5) The Prisoner Review Board, with the cooperation of  
20 and in coordination with the Department of Corrections and  
21 the Department of Central Management Services, shall  
22 implement a pilot project in 3 correctional institutions  
23 providing for the conduct of hearings under paragraphs (1)  
24 and (4) of subsection (a) of this Section through interactive  
25 video conferences. The project shall be implemented within 6  
26 months after the effective date of this amendatory Act of  
27 1996. Within 6 months after the implementation of the pilot  
28 project, the Prisoner Review Board, with the cooperation of  
29 and in coordination with the Department of Corrections and  
30 the Department of Central Management Services, shall report  
31 to the Governor and the General Assembly regarding the use,  
32 costs, effectiveness, and future viability of interactive  
33 video conferences for Prisoner Review Board hearings.

34 (b) Upon recommendation of the Department the Board may

1 restore good conduct credit previously revoked.

2 (c) The Board shall cooperate with the Department in  
3 promoting an effective system of parole and mandatory  
4 supervised release.

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

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

12 (f) The Board or one who has allegedly violated the  
13 conditions of his parole or mandatory supervised release may  
14 require by subpoena the attendance and testimony of witnesses  
15 and the production of documentary evidence relating to any  
16 matter under investigation or hearing. The Chairman of the  
17 Board may sign subpoenas which shall be served by any agent  
18 or public official authorized by the Chairman of the Board,  
19 or by any person lawfully authorized to serve a subpoena  
20 under the laws of the State of Illinois. The attendance of  
21 witnesses, and the production of documentary evidence, may be  
22 required from any place in the State to a hearing location in  
23 the State before the Chairman of the Board or his designated  
24 agent or agents or any duly constituted Committee or  
25 Subcommittee of the Board. Witnesses so summoned shall be  
26 paid the same fees and mileage that are paid witnesses in the  
27 circuit courts of the State, and witnesses whose depositions  
28 are taken and the persons taking those depositions are each  
29 entitled to the same fees as are paid for like services in  
30 actions in the circuit courts of the State. Fees and mileage  
31 shall be vouchered for payment when the witness is discharged  
32 from further attendance.

33 In case of disobedience to a subpoena, the Board may  
34 petition any circuit court of the State for an order

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

21 Each member of the Board and any hearing officer  
22 designated by the Board shall have the power to administer  
23 oaths and to take the testimony of persons under oath.

24 (g) Except under subsection (a) of this Section, a  
25 majority of the members then appointed to the Prisoner Review  
26 Board shall constitute a quorum for the transaction of all  
27 business of the Board.

28 (h) The Prisoner Review Board shall annually transmit to  
29 the Director a detailed report of its work for the preceding  
30 calendar year. The annual report shall also be transmitted to  
31 the Governor for submission to the Legislature.

32 (Source: P.A. 90-14, eff. 7-1-97; 91-798, eff. 7-9-00;  
33 91-946, eff. 2-9-01.)

1 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)  
2 Sec. 3-3-4. Preparation for Parole Hearing.

3 (a) The Prisoner Review Board shall consider the parole  
4 of each eligible person committed to the Adult Division at  
5 least 30 days prior to the date he shall first become  
6 eligible for parole, and shall consider the parole of each  
7 person committed to the Juvenile Division as a delinquent at  
8 least 30 days prior to the expiration of the first year of  
9 confinement.

10 (b) A person eligible for parole shall, in advance of  
11 his parole hearing, prepare a parole plan in accordance with  
12 the rules of the Prisoner Review Board. The person shall be  
13 assisted in preparing his parole plan by personnel of the  
14 Department and may, for this purpose, be released on furlough  
15 under Article 11 or on authorized absence under Section  
16 3-9-4. The Department shall also provide assistance in  
17 obtaining information and records helpful to the individual  
18 for his parole hearing.

19 (c) The members of the Board shall have access at all  
20 reasonable times to any committed person and to his master  
21 record file within the Department, and the Department shall  
22 furnish such reports to the Board as the Board may require  
23 concerning the conduct and character of any such person.

24 (d) In making its determination of parole, with use of  
25 the Parole Release Risk Assessment Instruments, the Board  
26 shall consider:

27 (1) material transmitted to the Department by the  
28 clerk of the committing court under Section 5-4-1 or  
29 Section 5-10 of the Juvenile Court Act or Section 5-750  
30 of the Juvenile Court Act of 1987;

31 (2) the report under Section 3-8-2 or 3-10-2;

32 (3) a report by the Department and any report by  
33 the chief administrative officer of the institution or  
34 facility;

1           (4) a parole progress report;

2           (5) a medical and psychological report, if  
3 requested by the Board;

4           (6) material in writing, or on film, video tape or  
5 other electronic means in the form of a recording  
6 submitted by the person whose parole is being considered;  
7 and

8           (7) material in writing, or on film, video tape or  
9 other electronic means in the form of a recording or  
10 testimony submitted by the State's Attorney and the  
11 victim pursuant to the Rights of Crime Victims and  
12 Witnesses Act.

13         (e) The prosecuting State's Attorney's office shall  
14 receive reasonable written notice not less than 15 days prior  
15 to the parole hearing and may submit relevant information in  
16 writing, or on film, video tape or other electronic means or  
17 in the form of a recording to the Board for its  
18 consideration. The State's Attorney may waive the written  
19 notice.

20         (f) The victim of the violent crime for which the  
21 prisoner has been sentenced shall receive notice of a parole  
22 hearing as provided in paragraph (4) of subsection (d) of  
23 Section 4.5 of the Rights of Crime Victims and Witnesses Act.

24         (g) Any recording considered under the provisions of  
25 subsection (d)(6), (d)(7) or (e) of this Section shall be in  
26 the form designated by the Board. Such recording shall be  
27 both visual and aural. Every voice on the recording and  
28 person present shall be identified and the recording shall  
29 contain either a visual or aural statement of the person  
30 submitting such recording, the date of the recording and the  
31 name of the person whose parole eligibility is being  
32 considered. Such recordings, if retained by the Board shall  
33 be deemed to be submitted at any subsequent parole hearing if  
34 the victim or State's Attorney submits in writing a

1 declaration clearly identifying such recording as  
2 representing the present position of the victim or State's  
3 Attorney regarding the issues to be considered at the parole  
4 hearing.

5 (Source: P.A. 92-651, eff. 7-11-02.)

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

7 Sec. 3-3-5. Hearing and Determination.

8 (a) The Prisoner Review Board shall meet as often as  
9 need requires to consider the cases of persons eligible for  
10 parole. ~~Except--as--otherwise--provided--in--paragraph--(2)--of~~  
11 ~~subsection--(a)--of--Section--3-3-2--of--this--Act,~~ The Prisoner  
12 Review Board may meet and order its actions in panels of 3 or  
13 more members. The action of a majority of the panel shall be  
14 the action of the Board. In consideration of persons  
15 committed to the Juvenile Division, the panel shall have at  
16 least a majority of members experienced in juvenile matters.

17 (b) If the person under consideration for parole is in  
18 the custody of the Department, a panel of 3 members at least  
19 ~~one member~~ of the Board shall interview him, and a report of  
20 that interview shall be available for the Board's  
21 consideration. However, in the discretion of the Board, the  
22 interview need not be conducted if a psychiatric examination  
23 determines that the person could not meaningfully contribute  
24 to the Board's consideration. The Board may in its discretion  
25 parole a person who is then outside the jurisdiction on his  
26 record without an interview. The Board need not hold a  
27 hearing or interview a person who is paroled under paragraphs  
28 (d) or (e) of this Section or released on Mandatory release  
29 under Section 3-3-10.

30 (c) Following the hearing the parole release panel shall  
31 adjourn into a conference. In conference the panel shall  
32 discuss all evidence and testimony received and shall  
33 exchange views concerning the weight and credibility to be



1 given the evidence considered before application of Parole  
 2 Release Risk Assessment Instruments. Following the  
 3 conference, the parole release panel shall total the scores  
 4 of the Parole Release Risk Assessment Instrument. A score of  
 5 39 or less classifies the parole applicant as an acceptable  
 6 risk, and parole shall be granted. A score of 40 or more  
 7 classifies the parole applicant as an unacceptable risk, and  
 8 parole shall be denied unless the score is overridden by a  
 9 majority vote of the panel. When parole is denied a  
 10 rationale shall be prepared by at least one member of the  
 11 panel that states which elements of the Parole Release Risk  
 12 Assessment Instruments serve as the basis for denial and that  
 13 must change so that the parole applicant becomes an  
 14 Acceptable Risk. The Board shall arrive at the parole release  
 15 decision based on use of objective risk assessment  
 16 instruments and as an exercise of grace and executing  
 17 discretion as limited and defined in subsection (b-5) of  
 18 Section 3-3-8. The Board shall parole persons receiving a  
 19 total score of 39 or less on the Parole Release Risk  
 20 Assessment Instrument, and shall not parole those receiving a  
 21 score of 40 or more unless the score is overridden by a  
 22 majority vote of the parole release panel.

23 In determining whether to grant or deny parole, the Board  
 24 shall determine whether the parole applicant is an Acceptable  
 25 Risk, and the Instrument it uses shall include factors  
 26 evident from the inmate's prior history, committing offense,  
 27 institutional adjustment, and parole plan, and  
 28 rehabilitation, as contained in the Parole Release Risk  
 29 Assessment Instrument as follows:

- 30 (1) Total number of adjudications as a delinquent minor.
- 31 (A) None..... Enter 0
- 32 (B) One..... Enter 1
- 33 Two or more..... Enter 3 .....
- 34 (2) Total number of prior probation/parole

- 1            /release revocations.
- 2            (A) one.....            Enter 0
- 3            (B) Two or more.....            Enter 2            .....
- 4    (3) Record of convictions or adjudications
- 5            for selected offenses (include current
- 6            offense).
- 7            (A) None of the below.....            Enter 0
- 8            (B) Forgery, deceptive practices.....            Enter 1
- 9            (C) Other property, assaultive, or
- 10            weapons offense.....            Enter 2
- 11            (D) Burglary.....            Enter 3            .....
- 12    (4) Age at first conviction or
- 13            adjudication.
- 14            (A) 19 years or less.....            Enter 0
- 15            (B) 20-23 years.....            Enter 1
- 16            (C) 24 years or older.....            Enter 2            .....
- 17    (5) Compliance with the conditions of
- 18            the institution (Last 15 years).
- 19            (A) Total major tickets 0-3.....            Enter 0
- 20            (B) Total major tickets 4-10.....            Enter 2
- 21            (C) Total tickets 11+ or any one of
- 22            these tickets (escape, gang
- 23            activity, murder/death,
- 24            dangerous disturbance, assault,
- 25            forced sexual, misconduct
- 26            or arson).....            Enter 4            .....
- 27    (6) Percent of time employed/in
- 28            training/in school-current (in
- 29            institution) or percent of time
- 30            employed/in training/in school
- 31            immediately prior to incarceration.
- 32            (A) 60% or more.....            Enter 0
- 33            (B) 40-59%.....            Enter 1
- 34            (C) Under 40%.....            Enter 2

- 1     (7) Interpersonal problems in current
- 2         and/or previous living situation.
- 3         (A) None..... Enter 0
- 4         (B) Few..... Enter 1
- 5         (C) Moderate..... Enter 3
- 6         (D) Severe..... Enter 5 .....
- 7     (8) Social interaction.
- 8         (A) Mainly with non-gang or
- 9             non-criminally oriented
- 10            groups/individuals..... Enter 0
- 11         (B) Mainly with gang or criminally
- 12            oriented groups/individuals Enter 3 .....
- 13     (9) Counselor's appraisal of inmate's
- 14         attitude.
- 15         (A) Sincere desire to behave
- 16            responsibly..... Enter 0
- 17         (B) Dependent or irresponsible..... Enter 3
- 18         (C) No indication of motivation to
- 19            behave responsibly..... Enter 5 .....
- 20     (10) Likelihood of basic human needs
- 21         after release.
- 22         (A) Adequate food, shelter, and
- 23            clothing for inmate and
- 24            dependents is likely..... Enter 0
- 25         (B) Appropriate referrals for
- 26            assistance in ensuring that basic
- 27            needs are satisfied will be needed
- 28            - follow-up will be necessary.... Enter 3
- 29         (C) Critical Problems - inmate and
- 30            dependents will lack basic life
- 31            essentials - urgent referral and
- 32            monitoring will be necessary..... Enter 7 .....
- 33     (11) Likelihood of living arrangements
- 34         after release.

1           (A) Stable and supportive relationships  
2               with family or others in living  
3               group is likely.....      Enter 0

4           (B) Inmate likely to live alone or  
5               independently within another  
6               household.....      Enter 1

7           (C) Inmate likely to experience  
8               occasional, moderate  
9               interpersonal problems with  
10              living group.....      Enter 3

11           (D) Inmate likely to experience  
12              frequent and serious interpersonal  
13              problems within living group.....      Enter 6      .....

14    (12) Emotional stability.

15           (A) no symptoms of emotional  
16               instability, appropriate  
17               emotional responses.....      Enter 0

18           (B) Symptoms limit, but do not  
19               prohibit adequate functions, e.g.,  
20               excessive anxiety.....      Enter 4      .....

21           (C) Symptoms prohibit adequate  
22               functioning, e.g., lashes out or  
23               retreats into self.....      Enter 8      .....

24    (13) Mental capacity.

25           (A) No documented mental retardation,  
26               learning disability, or other  
27               developmental disability.....      Enter 0

28           (B) Documented mental retardation,  
29               learning disability, or other  
30               developmental disability.....      Enter 6      .....

31    (14) History of and/or current substance  
32              abuse (alcohol or drugs).

33           (A) No evidence of problems related  
34              to substance abuse.....      Enter 0

1 (B) Evidence of a pattern of substance  
2 abuse indicates a counseling/monitoring  
3 and/or referral need required..... Enter 4 .....

4 (C) Evidence of serious substance  
5 abuse problems - intensive casework  
6 services..... Enter 7 .....

7 (15) Academic and/or vocational.

8 (A) Inmate likely to have stable  
9 employment and/or academic-  
10 vocational training, no apparent  
11 casework service need or inmate  
12 and dependents supported by other  
13 legitimate means (Social Security,  
14 Public Aid, etc.)..... Enter 0

15 (B) It is likely that vocational  
16 advancement and/or training referral  
17 assistance needs apparent and  
18 desired by inmate; brokerage  
19 services likely to be indicated  
20 and/or utilized..... Enter 3

21 (C) Inmate is likely to be resistant  
22 to vocational-academic case work  
23 services and/or to rely upon  
24 inappropriate or illegal means of  
25 support..... Enter 7 .....

26 (16) Counselor's impression of inmate needs.

27 (A) Low casework service needs..... Enter 1

28 (B) Medium casework service needs.... Enter 4

29 (C) High casework service needs..... Enter 7 .....

30 The-Board-shall-not-parole-a-person-eligible-for  
31 parole-if-it-determines-that:

32 (1)--there--is--a--substantial-risk-that-he-will-not  
33 conform-to-reasonable-conditions-of-parole;-or

34 (2)--his-release-at-that-time--would--depreceate--the

1           seriousness--of-his-offense-or-promote-disrespect-for-the  
2           law;-or

3           (3)--his-release-would-have-a-substantially--adverse  
4           effect-on-institutional-discipline-

5           (d) A person committed under the Juvenile Court Act or  
6           the Juvenile Court Act of 1987 who has not been sooner  
7           released shall be paroled on or before his 20th birthday to  
8           begin serving a period of parole under Section 3-3-8.

9           (e) A person who has served the maximum term of  
10           imprisonment imposed at the time of sentencing less time  
11           credit for good behavior shall be released on parole to serve  
12           a period of parole under Section 5-8-1.

13           (f) The Board shall render its decision within 21 days a  
14           reasonable-time after hearing and shall state the basis  
15           therefor both in the records of the Board and in written  
16           notice to the person on whose application it has acted. In  
17           its decision, the Board shall set the person's time for  
18           parole, or if it denies parole it shall provide for a  
19           rehearing not less frequently than once every year,--except  
20           that--the--Board--may,--after--denying--parole,--schedule--a  
21           rehearing--no--later--than--3--years--from--the--date--of--the--parole  
22           denial,--if--the--Board--finds--that--it--is--not--reasonable--to  
23           expect--that--parole--would--be--granted--at--a--hearing--prior--to--the  
24           scheduled-rehearing-date. If the Board shall parole a person,  
25           and, if he is not released within 90 days from the effective  
26           date of the order granting parole, the matter shall be  
27           returned to the Board for review.

28           (g) The Board shall maintain a registry of decisions in  
29           which parole has been granted, which shall include the name  
30           and case number of the prisoner, the highest charge for which  
31           the prisoner was sentenced, the length of sentence imposed,  
32           the date of the sentence, the date of the parole, the basis  
33           for the decision of the Board to grant parole and the vote of  
34           the Board on any such decisions. The registry shall be made

1 available for public inspection and copying during business  
2 hours and shall be a public record pursuant to the provisions  
3 of the Freedom of Information Act.

4 (h) The Board shall promulgate rules regarding the  
5 exercise of its discretion under this Section.

6 (Source: P.A. 91-798, eff. 7-9-00; 91-946, eff. 2-9-01.)

7 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

8 Sec. 3-3-8. Length of parole and mandatory supervised  
9 release; discharge.)

10 (a) The length of parole for a person sentenced under  
11 the law in effect prior to the effective date of this  
12 amendatory Act of 1977 and the length of mandatory supervised  
13 release for those sentenced under the law in effect on and  
14 after such effective date shall be as set out in Section  
15 5-8-1 unless sooner terminated under paragraph (b) of this  
16 Section. The term of parole or mandatory supervised release  
17 shall begin to run as of the date the Prisoner Review Board  
18 votes to release such person on parole or the date on which  
19 such person is no longer imprisoned, whichever is earlier.  
20 The parole period of a juvenile committed to the Department  
21 under the Juvenile Court Act or the Juvenile Court Act of  
22 1987 shall extend until he is 21 years of age unless sooner  
23 terminated under paragraph (b) of this Section.

24 (b) The Prisoner Review Board may enter an order  
25 releasing and discharging one from parole or mandatory  
26 supervised release, and his commitment to the Department,  
27 when it determines that he is likely to remain at liberty  
28 without committing another offense.

29 (b-5) The Prisoner Review Board shall enter an order  
30 releasing a person who is eligible for parole from  
31 confinement in a correctional institution or facility,  
32 regardless of the Parole Risk Assessment Instruments, if in  
33 the assessment of a physician licensed to practice medicine

1 in all of its branches the person is terminally ill and would  
 2 not pose a threat of causing death or great bodily injury to  
 3 another person if released.

4 (c) The order of discharge shall become effective upon  
 5 entry of the order of the Board. The Board shall notify the  
 6 clerk of the committing court of the order. Upon receipt of  
 7 such copy, the clerk shall make an entry on the record  
 8 judgment that the sentence or commitment has been satisfied  
 9 pursuant to the order.

10 (d) Rights of the person discharged under this Section  
 11 shall be restored under Section 5-5-5. This Section is  
 12 subject to Section 5-750 of the Juvenile Court Act of 1987.

13 (Source: P.A. 90-590, eff. 1-1-99.)

14 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

15 Sec. 5-8-1. Sentence of Imprisonment for Felony.

16 (a) Except as otherwise provided in the statute defining  
 17 the offense, a sentence of imprisonment for a felony shall be  
 18 a determinate sentence set by the court under this Section,  
 19 according to the following limitations:

20 (1) for first degree murder,

21 (a) a term shall be not less than 20 years and  
 22 not more than 60 years, or

23 (b) if a trier of fact finds beyond a  
 24 reasonable doubt that the murder was accompanied by  
 25 exceptionally brutal or heinous behavior indicative  
 26 of wanton cruelty or, except as set forth in  
 27 subsection (a)(1)(c) of this Section, that any of  
 28 the aggravating factors listed in subsection (b) of  
 29 Section 9-1 of the Criminal Code of 1961 are  
 30 present, the court may sentence the defendant to a  
 31 term of natural life imprisonment, or

32 (c) the court shall sentence the defendant to  
 33 a term of natural life imprisonment when the death



1 penalty is not imposed if the defendant,

2 (i) has previously been convicted of  
3 first degree murder under any state or federal  
4 law, or

5 (ii) is a person who, at the time of the  
6 commission of the murder, had attained the age  
7 of 17 or more and is found guilty of murdering  
8 an individual under 12 years of age; or,  
9 irrespective of the defendant's age at the time  
10 of the commission of the offense, is found  
11 guilty of murdering more than one victim, or

12 (iii) is found guilty of murdering a  
13 peace officer or fireman when the peace officer  
14 or fireman was killed in the course of  
15 performing his official duties, or to prevent  
16 the peace officer or fireman from performing  
17 his official duties, or in retaliation for the  
18 peace officer or fireman performing his  
19 official duties, and the defendant knew or  
20 should have known that the murdered individual  
21 was a peace officer or fireman, or

22 (iv) is found guilty of murdering an  
23 employee of an institution or facility of the  
24 Department of Corrections, or any similar local  
25 correctional agency, when the employee was  
26 killed in the course of performing his official  
27 duties, or to prevent the employee from  
28 performing his official duties, or in  
29 retaliation for the employee performing his  
30 official duties, or

31 (v) is found guilty of murdering an  
32 emergency medical technician - ambulance,  
33 emergency medical technician - intermediate,  
34 emergency medical technician - paramedic,

1 ambulance driver or other medical assistance or  
2 first aid person while employed by a  
3 municipality or other governmental unit when  
4 the person was killed in the course of  
5 performing official duties or to prevent the  
6 person from performing official duties or in  
7 retaliation for performing official duties and  
8 the defendant knew or should have known that  
9 the murdered individual was an emergency  
10 medical technician - ambulance, emergency  
11 medical technician - intermediate, emergency  
12 medical technician - paramedic, ambulance  
13 driver, or other medical assistant or first aid  
14 personnel, or

15 (vi) is a person who, at the time of the  
16 commission of the murder, had not attained the  
17 age of 17, and is found guilty of murdering a  
18 person under 12 years of age and the murder is  
19 committed during the course of aggravated  
20 criminal sexual assault, criminal sexual  
21 assault, or aggravated kidnaping, or

22 (vii) is found guilty of first degree  
23 murder and the murder was committed by reason  
24 of any person's activity as a community  
25 policing volunteer or to prevent any person  
26 from engaging in activity as a community  
27 policing volunteer. For the purpose of this  
28 Section, "community policing volunteer" has the  
29 meaning ascribed to it in Section 2-3.5 of the  
30 Criminal Code of 1961.

31 For purposes of clause (v), "emergency medical  
32 technician - ambulance", "emergency medical  
33 technician - intermediate", "emergency medical  
34 technician - paramedic", have the meanings ascribed

1 to them in the Emergency Medical Services (EMS)  
2 Systems Act.

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

7 (ii) if, during the commission of the  
8 offense, the person personally discharged a  
9 firearm, 20 years shall be added to the term of  
10 imprisonment imposed by the court;

11 (iii) if, during the commission of the  
12 offense, the person personally discharged a  
13 firearm that proximately caused great bodily  
14 harm, permanent disability, permanent  
15 disfigurement, or death to another person, 25  
16 years or up to a term of natural life shall be  
17 added to the term of imprisonment imposed by  
18 the court.

19 (1.5) for second degree murder, a term shall be not  
20 less than 4 years and not more than 20 years;

21 (2) for a person adjudged a habitual criminal under  
22 Article 33B of the Criminal Code of 1961, as amended, the  
23 sentence shall be a term of natural life imprisonment;

24 (2.5) for a person convicted under the  
25 circumstances described in paragraph (3) of subsection  
26 (b) of Section 12-13, paragraph (2) of subsection (d) of  
27 Section 12-14, paragraph (1.2) of subsection (b) of  
28 Section 12-14.1, or paragraph (2) of subsection (b) of  
29 Section 12-14.1 of the Criminal Code of 1961, the  
30 sentence shall be a term of natural life imprisonment;

31 (3) except as otherwise provided in the statute  
32 defining the offense, for a Class X felony, the sentence  
33 shall be not less than 6 years and not more than 30  
34 years;

1           (4) for a Class 1 felony, other than second degree  
2 murder, the sentence shall be not less than 4 years and  
3 not more than 15 years;

4           (5) for a Class 2 felony, the sentence shall be not  
5 less than 3 years and not more than 7 years;

6           (6) for a Class 3 felony, the sentence shall be not  
7 less than 2 years and not more than 5 years;

8           (7) for a Class 4 felony, the sentence shall be not  
9 less than 1 year and not more than 3 years.

10          (b) The sentencing judge in each felony conviction shall  
11 set forth his reasons for imposing the particular sentence he  
12 enters in the case, as provided in Section 5-4-1 of this  
13 Code. Those reasons may include any mitigating or  
14 aggravating factors specified in this Code, or the lack of  
15 any such circumstances, as well as any other such factors as  
16 the judge shall set forth on the record that are consistent  
17 with the purposes and principles of sentencing set out in  
18 this Code.

19          (c) A motion to reduce a sentence may be made, or the  
20 court may reduce a sentence without motion, within 30 days  
21 after the sentence is imposed. A defendant's challenge to  
22 the correctness of a sentence or to any aspect of the  
23 sentencing hearing shall be made by a written motion filed  
24 within 30 days following the imposition of sentence.  
25 However, the court may not increase a sentence once it is  
26 imposed.

27          If a motion filed pursuant to this subsection is timely  
28 filed within 30 days after the sentence is imposed, the  
29 proponent of the motion shall exercise due diligence in  
30 seeking a determination on the motion and the court shall  
31 thereafter decide such motion within a reasonable time.

32          If a motion filed pursuant to this subsection is timely  
33 filed within 30 days after the sentence is imposed, then for  
34 purposes of perfecting an appeal, a final judgment shall not

1 be considered to have been entered until the motion to reduce  
2 a sentence has been decided by order entered by the trial  
3 court.

4 A motion filed pursuant to this subsection shall not be  
5 considered to have been timely filed unless it is filed with  
6 the circuit court clerk within 30 days after the sentence is  
7 imposed together with a notice of motion, which notice of  
8 motion shall set the motion on the court's calendar on a date  
9 certain within a reasonable time after the date of filing.

10 (d) Except where a term of natural life is imposed,  
11 every sentence shall include as though written therein a term  
12 in addition to the term of imprisonment. For those sentenced  
13 under the law in effect prior to February 1, 1978, such term  
14 shall be identified as a parole term. For those sentenced on  
15 or after February 1, 1978, such term shall be identified as a  
16 mandatory supervised release term. Subject to earlier  
17 termination under Section 3-3-8, the parole or mandatory  
18 supervised release term shall be as follows:

19 (1) for first degree murder or a Class X felony, 3  
20 years;

21 (2) for a Class 1 felony or a Class 2 felony, 2  
22 years;

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

25 (4) if the victim is under 18 years of age, for a  
26 second or subsequent offense of criminal sexual assault  
27 or aggravated criminal sexual assault, 5 years, at least  
28 the first 2 years of which the defendant shall serve in  
29 an electronic home detention program under Article 8A of  
30 Chapter V of this Code;

31 (5) if the victim is under 18 years of age, for a  
32 second or subsequent offense of aggravated criminal  
33 sexual abuse or felony criminal sexual abuse, 4 years, at  
34 least the first 2 years of which the defendant shall

1           serve in an electronic home detention program under  
2           Article 8A of Chapter V of this Code.

3           The term of parole or mandatory supervised release shall  
4           begin to run as of the date the Prisoner Review Board votes  
5           to release such person on parole or the date on which such  
6           person is no longer imprisoned, which ever is earlier.

7           (e) A defendant who has a previous and unexpired  
8           sentence of imprisonment imposed by another state or by any  
9           district court of the United States and who, after sentence  
10          for a crime in Illinois, must return to serve the unexpired  
11          prior sentence may have his sentence by the Illinois court  
12          ordered to be concurrent with the prior sentence in the other  
13          state. The court may order that any time served on the  
14          unexpired portion of the sentence in the other state, prior  
15          to his return to Illinois, shall be credited on his Illinois  
16          sentence. The other state shall be furnished with a copy of  
17          the order imposing sentence which shall provide that, when  
18          the offender is released from confinement of the other state,  
19          whether by parole or by termination of sentence, the offender  
20          shall be transferred by the Sheriff of the committing county  
21          to the Illinois Department of Corrections. The court shall  
22          cause the Department of Corrections to be notified of such  
23          sentence at the time of commitment and to be provided with  
24          copies of all records regarding the sentence.

25          (f) A defendant who has a previous and unexpired  
26          sentence of imprisonment imposed by an Illinois circuit court  
27          for a crime in this State and who is subsequently sentenced  
28          to a term of imprisonment by another state or by any district  
29          court of the United States and who has served a term of  
30          imprisonment imposed by the other state or district court of  
31          the United States, and must return to serve the unexpired  
32          prior sentence imposed by the Illinois Circuit Court may  
33          apply to the court which imposed sentence to have his  
34          sentence reduced.

1           The circuit court may order that any time served on the  
2 sentence imposed by the other state or district court of the  
3 United States be credited on his Illinois sentence. Such  
4 application for reduction of a sentence under this  
5 subsection (f) shall be made within 30 days after the  
6 defendant has completed the sentence imposed by the other  
7 state or district court of the United States.

8           (Source: P.A. 91-279, eff. 1-1-00; 91-404, eff. 1-1-00;  
9 91-953, eff. 2-23-01; 92-16, eff. 6-28-01.)

10           Section 99. Effective date. This Act takes effect July  
11 1, 2003.