



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2254

Introduced 2/14/2008, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

725 ILCS 120/4.5	
725 ILCS 207/5	
730 ILCS 5/3-3-2	from Ch. 38, par. 1003-3-2
730 ILCS 5/3-3-4	from Ch. 38, par. 1003-3-4
730 ILCS 5/3-3-5	from Ch. 38, par. 1003-3-5
730 ILCS 5/3-3-8	from Ch. 38, par. 1003-3-8

Amends the Rights of Crime Victims and Witnesses Act. Provides that the victim of the crime for which the prisoner has been sentenced shall receive reasonable written notice not less than 30 (rather than 15) days prior to the parole hearing. Provides that if a victim or concerned citizen has registered an objection to parole of an inmate, the victim or concerned citizen may receive a copy of the most recent written submissions that the inmate filed in requesting parole. Amends the Sexually Violent Persons Commitment Act. Includes in the definition of sexually violent offense, first degree murder, if it is determined by the agency with jurisdiction that a sexually violent offense was committed during the same course of criminal conduct as the first degree murder and that relevant and reliable evidence shows that the sexually violent offense was committed by the inmate or by a person for whom the inmate was legally accountable if the inmate aided, encouraged, or abetted the sexually violent offense for the inmate's own personal sexual gratification. Amends the Unified Code of Corrections. Changes procedures relating to parole hearings. Effective immediately.

LRB095 15692 RLC 41699 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Rights of Crime Victims and Witnesses Act is
5 amended by changing Section 4.5 as follows:

6 (725 ILCS 120/4.5)

7 Sec. 4.5. Procedures to implement the rights of crime
8 victims. To afford crime victims their rights, law enforcement,
9 prosecutors, judges and corrections will provide information,
10 as appropriate of the following procedures:

11 (a) At the request of the crime victim, law enforcement
12 authorities investigating the case shall provide notice of the
13 status of the investigation, except where the State's Attorney
14 determines that disclosure of such information would
15 unreasonably interfere with the investigation, until such time
16 as the alleged assailant is apprehended or the investigation is
17 closed.

18 (b) The office of the State's Attorney:

19 (1) shall provide notice of the filing of information,
20 the return of an indictment by which a prosecution for any
21 violent crime is commenced, or the filing of a petition to
22 adjudicate a minor as a delinquent for a violent crime;

23 (2) shall provide notice of the date, time, and place

1 of trial;

2 (3) or victim advocate personnel shall provide
3 information of social services and financial assistance
4 available for victims of crime, including information of
5 how to apply for these services and assistance;

6 (4) shall assist in having any stolen or other personal
7 property held by law enforcement authorities for
8 evidentiary or other purposes returned as expeditiously as
9 possible, pursuant to the procedures set out in Section
10 115-9 of the Code of Criminal Procedure of 1963;

11 (5) or victim advocate personnel shall provide
12 appropriate employer intercession services to ensure that
13 employers of victims will cooperate with the criminal
14 justice system in order to minimize an employee's loss of
15 pay and other benefits resulting from court appearances;

16 (6) shall provide information whenever possible, of a
17 secure waiting area during court proceedings that does not
18 require victims to be in close proximity to defendant or
19 juveniles accused of a violent crime, and their families
20 and friends;

21 (7) shall provide notice to the crime victim of the
22 right to have a translator present at all court
23 proceedings;

24 (8) in the case of the death of a person, which death
25 occurred in the same transaction or occurrence in which
26 acts occurred for which a defendant is charged with an

1 offense, shall notify the spouse, parent, child or sibling
2 of the decedent of the date of the trial of the person or
3 persons allegedly responsible for the death;

4 (9) shall inform the victim of the right to have
5 present at all court proceedings, subject to the rules of
6 evidence, an advocate or other support person of the
7 victim's choice, and the right to retain an attorney, at
8 the victim's own expense, who, upon written notice filed
9 with the clerk of the court and State's Attorney, is to
10 receive copies of all notices, motions and court orders
11 filed thereafter in the case, in the same manner as if the
12 victim were a named party in the case; and

13 (10) at the sentencing hearing shall make a good faith
14 attempt to explain the minimum amount of time during which
15 the defendant may actually be physically imprisoned. The
16 Office of the State's Attorney shall further notify the
17 crime victim of the right to request from the Prisoner
18 Review Board information concerning the release of the
19 defendant under subparagraph (d) (1) of this Section; and

20 (11) shall request restitution at sentencing and shall
21 consider restitution in any plea negotiation, as provided
22 by law.

23 (c) At the written request of the crime victim, the office
24 of the State's Attorney shall:

25 (1) provide notice a reasonable time in advance of the
26 following court proceedings: preliminary hearing, any

1 hearing the effect of which may be the release of defendant
2 from custody, or to alter the conditions of bond and the
3 sentencing hearing. The crime victim shall also be notified
4 of the cancellation of the court proceeding in sufficient
5 time, wherever possible, to prevent an unnecessary
6 appearance in court;

7 (2) provide notice within a reasonable time after
8 receipt of notice from the custodian, of the release of the
9 defendant on bail or personal recognizance or the release
10 from detention of a minor who has been detained for a
11 violent crime;

12 (3) explain in nontechnical language the details of any
13 plea or verdict of a defendant, or any adjudication of a
14 juvenile as a delinquent for a violent crime;

15 (4) where practical, consult with the crime victim
16 before the Office of the State's Attorney makes an offer of
17 a plea bargain to the defendant or enters into negotiations
18 with the defendant concerning a possible plea agreement,
19 and shall consider the written victim impact statement, if
20 prepared prior to entering into a plea agreement;

21 (5) provide notice of the ultimate disposition of the
22 cases arising from an indictment or an information, or a
23 petition to have a juvenile adjudicated as a delinquent for
24 a violent crime;

25 (6) provide notice of any appeal taken by the defendant
26 and information on how to contact the appropriate agency

1 handling the appeal;

2 (7) provide notice of any request for post-conviction
3 review filed by the defendant under Article 122 of the Code
4 of Criminal Procedure of 1963, and of the date, time and
5 place of any hearing concerning the petition. Whenever
6 possible, notice of the hearing shall be given in advance;

7 (8) forward a copy of any statement presented under
8 Section 6 to the Prisoner Review Board to be considered by
9 the Board in making its determination under subsection (b)
10 of Section 3-3-8 of the Unified Code of Corrections.

11 (d) (1) The Prisoner Review Board shall inform a victim or
12 any other concerned citizen, upon written request, of the
13 prisoner's release on parole, mandatory supervised release,
14 electronic detention, work release, international transfer or
15 exchange, or by the custodian of the discharge of any
16 individual who was adjudicated a delinquent for a violent crime
17 from State custody and by the sheriff of the appropriate county
18 of any such person's final discharge from county custody. The
19 Prisoner Review Board, upon written request, shall provide to a
20 victim or any other concerned citizen a recent photograph of
21 any person convicted of a felony, upon his or her release from
22 custody. The Prisoner Review Board, upon written request, shall
23 inform a victim or any other concerned citizen when feasible at
24 least 7 days prior to the prisoner's release on furlough of the
25 times and dates of such furlough. Upon written request by the
26 victim or any other concerned citizen, the State's Attorney

1 shall notify the person once of the times and dates of release
2 of a prisoner sentenced to periodic imprisonment. Notification
3 shall be based on the most recent information as to victim's or
4 other concerned citizen's residence or other location
5 available to the notifying authority. For purposes of this
6 paragraph (1) of subsection (d), "concerned citizen" includes
7 relatives of the victim, friends of the victim, witnesses to
8 the crime, or any other person associated with the victim or
9 prisoner.

10 (2) When the defendant has been committed to the
11 Department of Human Services pursuant to Section 5-2-4 or
12 any other provision of the Unified Code of Corrections, the
13 victim may request to be notified by the releasing
14 authority of the defendant's discharge from State custody.

15 (3) In the event of an escape from State custody, the
16 Department of Corrections or the Department of Juvenile
17 Justice immediately shall notify the Prisoner Review Board
18 of the escape and the Prisoner Review Board shall notify
19 the victim. The notification shall be based upon the most
20 recent information as to the victim's residence or other
21 location available to the Board. When no such information
22 is available, the Board shall make all reasonable efforts
23 to obtain the information and make the notification. When
24 the escapee is apprehended, the Department of Corrections
25 or the Department of Juvenile Justice immediately shall
26 notify the Prisoner Review Board and the Board shall notify

1 the victim.

2 (4) The victim of the crime for which the prisoner has
3 been sentenced shall receive reasonable written notice not
4 less than 30 ~~15~~ days prior to the parole hearing and may
5 submit, in writing, on film, videotape or other electronic
6 means or in the form of a recording or in person at the
7 parole hearing or if a victim of a violent crime, by
8 calling the toll-free number established in subsection (f)
9 of this Section, information for consideration by the
10 Prisoner Review Board. The victim shall be notified within
11 7 business days after the prisoner has been granted parole
12 and shall be informed of the right to inspect the registry
13 of parole decisions, established under subsection (g) of
14 Section 3-3-5 of the Unified Code of Corrections. The
15 provisions of this paragraph (4) are subject to the Open
16 Parole Hearings Act. When the victim has opposed parole for
17 an inmate sentenced before February 1, 1978, the additional
18 provisions in paragraphs (5.1) through (5.3) apply.

19 (5) If a statement is presented under Section 6, the
20 Prisoner Review Board shall inform the victim of any order
21 of discharge entered by the Board pursuant to Section 3-3-8
22 of the Unified Code of Corrections.

23 (5.1) If a victim or concerned citizen has registered
24 an objection to parole of an inmate sentenced before
25 February 1, 1978, the victim or concerned citizen may
26 receive a copy of the most recent written submissions that

1 the inmate filed in requesting parole. The Prisoner Review
2 Board may satisfy this requirement by tendering these
3 documents to the State's Attorney's Office when the State's
4 Attorney's Office has submitted objections with the victim
5 or a concerned citizen or by mailing the written
6 submissions to the victims or concerned citizens who have
7 registered. Reasonable opportunity must be given to the
8 victims, concerned citizens, and the State's Attorney to
9 submit a written statement noting any errors or material
10 omissions in the inmate's submission before the final vote
11 by the Board is conducted.

12 (5.2) If the Prisoner Review Board grants parole to an
13 inmate sentenced before February 1, 1978, the victims,
14 concerned citizens, and the State's Attorney's Office who
15 opposed parole must be notified and tendered a copy of the
16 parole decision as well as the Board member affidavits
17 attesting that they reviewed all submitted material before
18 rendering the decision. The actual release of the inmate
19 shall not take place until these documents, as well as the
20 notifications in paragraphs (5.3) and (5.4), are tendered
21 to the parties registered as opposing parole.

22 (5.3) Victims and concerned citizens shall further be
23 notified of their right to seek a rehearing by submitting a
24 written request through the State's Attorney's Office
25 listing reasons as to why the parole decision was
26 erroneous. Requests for a rehearing shall be filed by the

1 7th business day after the State's Attorney has received
2 the parole decision documents.

3 (5.4) Victims and concerned citizens shall further be
4 notified of their right to suggest and request that certain
5 conditions of parole be imposed by either submitting a
6 written request through the State's Attorney or submitting
7 the requests directly to the Prisoner Review Board within 7
8 business days after receiving notification of the grant of
9 parole.

10 (6) At the written request of the victim of the crime
11 for which the prisoner was sentenced, the Prisoner Review
12 Board shall notify the victim of the death of the prisoner
13 if the prisoner died while on parole or mandatory
14 supervised release.

15 (7) When a defendant who has been committed to the
16 Department of Corrections, the Department of Juvenile
17 Justice, or the Department of Human Services is released or
18 discharged and subsequently committed to the Department of
19 Human Services as a sexually violent person and the victim
20 had requested to be notified by the releasing authority of
21 the defendant's discharge from State custody, the
22 releasing authority shall provide to the Department of
23 Human Services such information that would allow the
24 Department of Human Services to contact the victim.

25 (e) The officials named in this Section may satisfy some or
26 all of their obligations to provide notices and other

1 information through participation in a statewide victim and
2 witness notification system established by the Attorney
3 General under Section 8.5 of this Act.

4 (f) To permit a victim of a violent crime to provide
5 information to the Prisoner Review Board for consideration by
6 the Board at a parole hearing of a person who committed the
7 crime against the victim in accordance with clause (d)(4) of
8 this Section or at a proceeding to determine the conditions of
9 mandatory supervised release of a person sentenced to a
10 determinate sentence or at a hearing on revocation of mandatory
11 supervised release of a person sentenced to a determinate
12 sentence, the Board shall establish a toll-free number that may
13 be accessed by the victim of a violent crime to present that
14 information to the Board.

15 (Source: P.A. 94-696, eff. 6-1-06; 95-317, eff. 8-21-07.)

16 Section 10. The Sexually Violent Persons Commitment Act is
17 amended by changing Section 5 as follows:

18 (725 ILCS 207/5)

19 Sec. 5. Definitions. As used in this Act, the term:

20 (a) "Department" means the Department of Human Services.

21 (b) "Mental disorder" means a congenital or acquired
22 condition affecting the emotional or volitional capacity that
23 predisposes a person to engage in acts of sexual violence.

24 (c) "Secretary" means the Secretary of Human Services.

1 (d) "Sexually motivated" means that one of the purposes for
2 an act is for the actor's sexual arousal or gratification.

3 (e) "Sexually violent offense" means any of the following:

4 (1) Any crime specified in Section 11-6, 12-13, 12-14,
5 12-14.1, or 12-16 of the Criminal Code of 1961; ~~or~~

6 (1.5) Any former law of this State specified in Section
7 11-1 (rape), 11-3 (deviate sexual assault), 11-4 (indecent
8 liberties with a child) or 11-4 (aggravated indecent
9 liberties with a child) of the Criminal Code of 1961; ~~or~~

10 (2) First degree murder, if it is determined by the
11 agency with jurisdiction to have been sexually motivated;
12 ~~or~~

13 (2.5) First degree murder, if it is determined by the
14 agency with jurisdiction that a sexually violent offense
15 was committed during the same course of criminal conduct as
16 the first degree murder and that relevant and reliable
17 evidence shows that the sexually violent offense was
18 committed by the inmate or by a person for whom the inmate
19 was legally accountable if the inmate aided, encouraged, or
20 abetted the sexually violent offense for the inmate's own
21 personal sexual gratification; or

22 (3) Any solicitation, conspiracy or attempt to commit a
23 crime under paragraph (e) (1) or (e) (2) of this Section.

24 (f) "Sexually violent person" means a person who has been
25 convicted of a sexually violent offense, has been adjudicated
26 delinquent for a sexually violent offense, or has been found

1 not guilty of a sexually violent offense by reason of insanity
2 and who is dangerous because he or she suffers from a mental
3 disorder that makes it substantially probable that the person
4 will engage in acts of sexual violence.

5 (Source: P.A. 94-746, eff. 5-8-06.)

6 Section 15. The Unified Code of Corrections is amended by
7 changing Sections 3-3-2, 3-3-4, 3-3-5, and 3-3-8 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
16 steps as may be necessary to effect an orderly transition and
17 shall:

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

23 (2) hear by at least one member and through a panel of
24 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 after a panel of at least 3
10 members has heard presentations in support of and, if the
11 parole is opposed, in objection to the parole request;

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

20 (3.5) hear by at least one member and through a panel
21 of at least 3 members decide, the conditions of mandatory
22 supervised release and the time of discharge from mandatory
23 supervised release, to impose sanctions for violations of
24 mandatory supervised release and revoke mandatory
25 supervised release for those serving extended supervised
26 release terms pursuant to paragraph (4) of subsection (d)

1 of Section 5-8-1;

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

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

26 (6) hear by at least one member and through a panel of

1 at least 3 members decide, all requests for pardon,
2 reprieve or commutation, and make confidential
3 recommendations to the Governor;

4 (7) comply with the requirements of the Open Parole
5 Hearings Act;

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

16 (9) hear by at least 3 members, and, through a panel of
17 at least 3 members, decide whether to grant certificates of
18 relief from disabilities or certificates of good conduct as
19 provided in Article 5.5 of Chapter V.

20 (a-5) The Prisoner Review Board, with the cooperation of
21 and in coordination with the Department of Corrections and the
22 Department of Central Management Services, shall implement a
23 pilot project in 3 correctional institutions providing for the
24 conduct of hearings under paragraphs (1) and (4) of subsection
25 (a) of this Section through interactive video conferences. The
26 project shall be implemented within 6 months after the

1 effective date of this amendatory Act of 1996. Within 6 months
2 after the implementation of the pilot project, the Prisoner
3 Review Board, with the cooperation of and in coordination with
4 the Department of Corrections and the Department of Central
5 Management Services, shall report to the Governor and the
6 General Assembly regarding the use, costs, effectiveness, and
7 future viability of interactive video conferences for Prisoner
8 Review Board hearings.

9 (b) Upon recommendation of the Department the Board may
10 restore good conduct credit previously revoked.

11 (c) The Board shall cooperate with the Department in
12 promoting an effective system of parole and mandatory
13 supervised release.

14 (d) The Board shall promulgate rules for the conduct of its
15 work, and the Chairman shall file a copy of such rules and any
16 amendments thereto with the Director and with the Secretary of
17 State.

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

21 (f) The Board or one who has allegedly violated the
22 conditions of his parole or mandatory supervised release may
23 require by subpoena the attendance and testimony of witnesses
24 and the production of documentary evidence relating to any
25 matter under investigation or hearing. The Chairman of the
26 Board may sign subpoenas which shall be served by any agent or

1 public official authorized by the Chairman of the Board, or by
2 any person lawfully authorized to serve a subpoena under the
3 laws of the State of Illinois. The attendance of witnesses, and
4 the production of documentary evidence, may be required from
5 any place in the State to a hearing location in the State
6 before the Chairman of the Board or his designated agent or
7 agents or any duly constituted Committee or Subcommittee of the
8 Board. Witnesses so summoned shall be paid the same fees and
9 mileage that are paid witnesses in the circuit courts of the
10 State, and witnesses whose depositions are taken and the
11 persons taking those depositions are each entitled to the same
12 fees as are paid for like services in actions in the circuit
13 courts of the State. Fees and mileage shall be vouchered for
14 payment when the witness is discharged from further attendance.

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

1 the person at his last known address or after the personal
2 service of the copy of the notice and petition upon such
3 person. The court upon the filing of such a petition, may order
4 the person refusing to obey the subpoena to appear at an
5 investigation or hearing, or to there produce documentary
6 evidence, if so ordered, or to give evidence relative to the
7 subject matter of that investigation or hearing. Any failure to
8 obey such order of the circuit court may be punished by that
9 court as a contempt of court.

10 Each member of the Board and any hearing officer designated
11 by the Board shall have the power to administer oaths and to
12 take the testimony of persons under oath.

13 (g) Except under subsection (a) of this Section, a majority
14 of the members then appointed to the Prisoner Review Board
15 shall constitute a quorum for the transaction of all business
16 of the Board.

17 (h) The Prisoner Review Board shall annually transmit to
18 the Director a detailed report of its work for the preceding
19 calendar year. The annual report shall also be transmitted to
20 the Governor for submission to the Legislature.

21 (Source: P.A. 93-207, eff. 1-1-04; 94-165, eff. 7-11-05.)

22 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)

23 Sec. 3-3-4. Preparation for Parole Hearing.

24 (a) The Prisoner Review Board shall consider the parole of
25 each eligible person committed to the Adult Division at least

1 30 days prior to the date he shall first become eligible for
2 parole, and shall consider the parole of each person committed
3 to the Department of Juvenile Justice as a delinquent at least
4 30 days prior to the expiration of the first year of
5 confinement.

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

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

22 (d) In making its determination of parole, the Board shall
23 consider:

24 (1) material transmitted to the Department of Juvenile
25 Justice by the clerk of the committing court under Section
26 5-4-1 or Section 5-10 of the Juvenile Court Act or Section

- 1 5-750 of the Juvenile Court Act of 1987;
- 2 (2) the report under Section 3-8-2 or 3-10-2;
- 3 (3) a report by the Department and any report by the
4 chief administrative officer of the institution or
5 facility;
- 6 (4) a parole progress report;
- 7 (5) a medical and psychological report, if requested by
8 the Board;
- 9 (6) material in writing, or on film, video tape or
10 other electronic means in the form of a recording submitted
11 by the person whose parole is being considered; ~~and~~
- 12 (7) material in writing, or on film, video tape or
13 other electronic means in the form of a recording or
14 testimony submitted by the State's Attorney and the victim
15 or a concerned citizen pursuant to the Rights of Crime
16 Victims and Witnesses Act; ~~and~~ -
- 17 (8) the sentences that the inmate would be eligible for
18 under the current sentencing statutes.
- 19 (e) The prosecuting State's Attorney's office shall
20 receive reasonable written notice not less than 30 ~~15~~ days
21 prior to the parole hearing and may submit relevant information
22 by oral argument or testimony of concerned citizens, or both,
23 in writing, or on film, video tape or other electronic means or
24 in the form of a recording to the Board for its consideration.
25 The State's Attorney may waive the written notice or request
26 reasonable time to procure additional information.

1 (f) The victim and any registered concerned citizens of the
2 violent crime for which the prisoner has been sentenced shall
3 receive notice of a parole hearing as provided in paragraph (4)
4 of subsection (d) of Section 4.5 of the Rights of Crime Victims
5 and Witnesses Act.

6 (g) Any recording considered under the provisions of
7 subsection (d)(6), (d)(7) or (e) of this Section shall be in
8 the form designated by the Board. Such recording shall be both
9 visual and aural. Every voice on the recording and person
10 present shall be identified and the recording shall contain
11 either a visual or aural statement of the person submitting
12 such recording, the date of the recording and the name of the
13 person whose parole eligibility is being considered. Such
14 recordings shall be ~~if~~ retained by the Board and shall be
15 deemed to be submitted at any subsequent parole hearing if the
16 victim or State's Attorney submits in writing a declaration
17 clearly identifying such recording as representing the present
18 position of the victim or State's Attorney regarding the issues
19 to be considered at the parole hearing. Board members who
20 ultimately vote on the issue of parole shall sign an affidavit
21 attesting that they have personally reviewed the submissions of
22 the victim pursuant to the rights granted by the Illinois
23 Constitution and the Rights of Crime Victims and Witnesses Act.

24 (h) When an inmate who was sentenced before February 1,
25 1978 is seeking parole and has filed written submissions and
26 when the victims or the State's Attorney's Office, or both, is

1 opposing parole, a copy of the inmate's written submissions
2 shall be made available to the opposition so as to grant an
3 opportunity to review and, if desired, respond to the inmate's
4 contentions.

5 (Source: P.A. 94-696, eff. 6-1-06.)

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

17 (b) If the person under consideration for parole is in the
18 custody of the Department, at least 3 members ~~one member~~ of the
19 Board shall interview him, and a report of that interview shall
20 be available for the Board's consideration. However, in the
21 discretion of the Board, the interview need not be conducted if
22 a psychiatric examination determines that the person could not
23 meaningfully contribute to the Board's consideration. The
24 Board may in its discretion parole a person who is then outside
25 the jurisdiction on his record without an interview. The Board

1 need not hold a hearing or interview a person who is paroled
2 under paragraphs (d) or (e) of this Section or released on
3 Mandatory release under Section 3-3-10.

4 (b-1) When an inmate was sentenced before February 1, 1978,
5 3 members shall listen to opposition presented by the victim or
6 the State's Attorney, or both, and a copy of the presentation
7 or a summary prepared by the 3 Board members shall be
8 distributed to all voting Board members. If the 3-member panel
9 creates a summary of the victim's or State's Attorney's
10 presentation, or both, a copy of that summary shall be part of
11 the public record and, if parole is granted, shall be tendered
12 to the opposing parties, along with the written decision and
13 member affidavits. Voting Board members shall submit
14 affidavits attesting to the fact that they considered the
15 submissions of the inmate, the State's Attorney, concerned
16 citizens, and the victims. These affidavits shall be attached
17 to the written copy of the Board's parole decision.

18 (c) The Board shall not parole a person eligible for parole
19 if it determines that:

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

22 (2) his release at that time would deprecate the
23 seriousness of his offense or promote disrespect for the
24 law; or

25 (3) his release would have a substantially adverse
26 effect on institutional discipline.

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

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

9 (f) The Board shall render its decision within a reasonable
10 time after hearing and shall state the basis therefor both in
11 the records of the Board and in written notice to the person on
12 whose application it has acted. The Board shall also give
13 written notice to the parties opposing parole; that notice
14 shall include the written decision containing a factual summary
15 of the crime and reasons for granting parole, affidavits of
16 voting members attesting that they have reviewed submissions by
17 both sides, an explanation of the procedure to request a
18 rehearing, and an opportunity to request conditions of parole.

19 In its decision, the Board shall set the person's time for
20 parole, allowing sufficient time for notice to the opposing
21 parties of not less than 15 days, or if it denies parole it
22 shall provide for a rehearing not less frequently than once
23 every year, except that the Board may, after denying parole,
24 schedule a rehearing no later than 3 years from the date of the
25 parole denial, if the Board finds that it is not reasonable to
26 expect that parole would be granted at a hearing prior to the

1 scheduled rehearing date. If the Board shall parole a person,
2 and, if he is not released within 90 days from the effective
3 date of the order granting parole, the matter shall be returned
4 to the Board for review.

5 (g) The Board shall maintain a registry of decisions in
6 which parole has been granted, which shall include the name and
7 case number of the prisoner, the highest charge for which the
8 prisoner was sentenced, the length of sentence imposed, the
9 date of the sentence, the date of the parole, the affidavits of
10 voting Board members attesting that they reviewed submitted
11 materials, the written basis for the decision of the Board to
12 grant parole, including a summary of the facts of the crime and
13 factors considered, and the vote of the Board on any such
14 decisions. Any parties who submitted materials in opposition to
15 parole shall be notified of the Board's decision and
16 immediately sent a copy of the written basis for the Board's
17 decision, as well as materials listed in subsection (f). If
18 parole is granted, victims, concerned citizens, and the State's
19 Attorney's Office shall be given the opportunity to suggest
20 conditions and the length of parole; these suggestions must be
21 submitted in writing within 7 business days after receipt of
22 the Board's decision. The registry shall be made available for
23 public inspection and copying during business hours and shall
24 be a public record pursuant to the provisions of the Freedom of
25 Information Act.

26 (h) The Board shall promulgate rules regarding the exercise

1 of its discretion under this Section.

2 (i) The Board shall provide a rehearing procedure for the
3 victims, concerned citizens, and the State's Attorney's
4 Office, pursuant to the Rights of Crime Victims and Witnesses
5 Act, in accordance with that provided for the inmate under the
6 Illinois Administrative Code. The victims, concerned citizens,
7 or the State's Attorney's Office shall have 7 business days
8 after receipt of notice of the grant of parole to file a
9 request for rehearing. If a victim, concerned citizen, or the
10 State's Attorney's Office files a request for rehearing within
11 7 business days after receipt of notice of the grant of parole,
12 the order of release of the inmate shall be stayed pending the
13 outcome of the rehearing.

14 (Source: P.A. 94-696, eff. 6-1-06.)

15 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

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

18 (a) The length of parole for a person sentenced under the
19 law in effect prior to the effective date of this amendatory
20 Act of 1977 and the length of mandatory supervised release for
21 those sentenced under the law in effect on and after such
22 effective date shall be as set out in Section 5-8-1 unless
23 sooner terminated under paragraph (b) of this Section. The
24 parole period of a juvenile committed to the Department under
25 the Juvenile Court Act or the Juvenile Court Act of 1987 shall

1 extend until he is 21 years of age unless sooner terminated
2 under paragraph (b) of this Section.

3 (b) The Prisoner Review Board may enter an order releasing
4 and discharging one from parole or mandatory supervised
5 release, and his commitment to the Department, when it
6 determines that he is likely to remain at liberty without
7 committing another offense, but only after giving notice to the
8 victim and the State's Attorney allowing a reasonable
9 opportunity to file objections to the proposed early release.

10 (c) The order of discharge shall become effective upon
11 entry of the order of the Board. The Board shall notify the
12 clerk of the committing court of the order. Upon receipt of
13 such copy, the clerk shall make an entry on the record judgment
14 that the sentence or commitment has been satisfied pursuant to
15 the order.

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

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.