

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 Sections 3 and 4.5 as follows:

6 (725 ILCS 120/3) (from Ch. 38, par. 1403)

7 (Text of Section before amendment by P.A. 95-591)

8 Sec. 3. The terms used in this Act, unless the context  
9 clearly requires otherwise, shall have the following meanings:

10 (a) "Crime victim" and "victim" mean ~~means~~ (1) a person  
11 physically injured in this State as a result of a violent crime  
12 perpetrated or attempted against that person or (2) a person  
13 who suffers injury to or loss of property as a result of a  
14 violent crime perpetrated or attempted against that person or  
15 (3) a single representative who may be the spouse, parent,  
16 child or sibling of a person killed as a result of a violent  
17 crime perpetrated against the person killed or the spouse,  
18 parent, child or sibling of any person granted rights under  
19 this Act who is physically or mentally incapable of exercising  
20 such rights, except where the spouse, parent, child or sibling  
21 is also the defendant or prisoner or (4) any person against  
22 whom a violent crime has been committed or (5) any person who  
23 has suffered personal injury as a result of a violation of

1 Section 11-501 of the Illinois Vehicle Code, or of a similar  
2 provision of a local ordinance, or of Section 9-3 of the  
3 Criminal Code of 1961, as amended or (6) in proceedings under  
4 the Juvenile Court Act of 1987, both parents of a deceased  
5 minor who is a crime victim.†

6 (b) "Witness" means any person who personally observed the  
7 commission of a violent crime and who will testify on behalf of  
8 the State of Illinois in the criminal prosecution of the  
9 violent crime.†

10 (c) "Violent Crime" means any felony in which force or  
11 threat of force was used against the victim, or any offense  
12 involving sexual exploitation, sexual conduct or sexual  
13 penetration, domestic battery, violation of an order of  
14 protection, stalking, or any misdemeanor which results in death  
15 or great bodily harm to the victim or any violation of Section  
16 9-3 of the Criminal Code of 1961, or Section 11-501 of the  
17 Illinois Vehicle Code, or a similar provision of a local  
18 ordinance, if the violation resulted in personal injury or  
19 death, and includes any action committed by a juvenile that  
20 would be a violent crime if committed by an adult. For the  
21 purposes of this paragraph, "personal injury" shall include any  
22 Type A injury as indicated on the traffic accident report  
23 completed by a law enforcement officer that requires immediate  
24 professional attention in either a doctor's office or medical  
25 facility. A type A injury shall include severely bleeding  
26 wounds, distorted extremities, and injuries that require the

1 injured party to be carried from the scene.†

2 (d) "Sentencing Hearing" means any hearing where a sentence  
3 is imposed by the court on a convicted defendant and includes  
4 hearings conducted pursuant to Sections 5-6-4, 5-6-4.1, 5-7-2  
5 and 5-7-7 of the Unified Code of Corrections except those cases  
6 in which both parties have agreed to the imposition of a  
7 specific sentence.

8 (e) "Court proceedings" includes the preliminary hearing,  
9 any hearing the effect of which may be the release of the  
10 defendant from custody or to alter the conditions of bond, the  
11 trial, sentencing hearing, notice of appeal, any modification  
12 of sentence, probation revocation hearings or parole hearings.

13 (f) "Concerned citizen" includes relatives of the victim,  
14 friends of the victim, witnesses to the crime, or any other  
15 person associated with the victim or prisoner.

16 (Source: P.A. 94-271, eff. 1-1-06; revised 11-16-07.)

17 (Text of Section after amendment by P.A. 95-591)

18 Sec. 3. The terms used in this Act, unless the context  
19 clearly requires otherwise, shall have the following meanings:

20 (a) "Crime victim" and "victim" mean ~~means~~ (1) a person  
21 physically injured in this State as a result of a violent crime  
22 perpetrated or attempted against that person or (2) a person  
23 who suffers injury to or loss of property as a result of a  
24 violent crime perpetrated or attempted against that person or  
25 (3) a single representative who may be the spouse, parent,

1 child or sibling of a person killed as a result of a violent  
2 crime perpetrated against the person killed or the spouse,  
3 parent, child or sibling of any person granted rights under  
4 this Act who is physically or mentally incapable of exercising  
5 such rights, except where the spouse, parent, child or sibling  
6 is also the defendant or prisoner or (4) any person against  
7 whom a violent crime has been committed or (5) any person who  
8 has suffered personal injury as a result of a violation of  
9 Section 11-501 of the Illinois Vehicle Code, or of a similar  
10 provision of a local ordinance, or of Section 9-3 of the  
11 Criminal Code of 1961, as amended or (6) in proceedings under  
12 the Juvenile Court Act of 1987, both parents, legal guardians,  
13 foster parents, or a single adult representative of a minor or  
14 disabled person who is a crime victim.†

15 (b) "Witness" means any person who personally observed the  
16 commission of a violent crime and who will testify on behalf of  
17 the State of Illinois in the criminal prosecution of the  
18 violent crime.†

19 (c) "Violent Crime" means any felony in which force or  
20 threat of force was used against the victim, or any offense  
21 involving sexual exploitation, sexual conduct or sexual  
22 penetration, domestic battery, violation of an order of  
23 protection, stalking, or any misdemeanor which results in death  
24 or great bodily harm to the victim or any violation of Section  
25 9-3 of the Criminal Code of 1961, or Section 11-501 of the  
26 Illinois Vehicle Code, or a similar provision of a local

1 ordinance, if the violation resulted in personal injury or  
2 death, and includes any action committed by a juvenile that  
3 would be a violent crime if committed by an adult. For the  
4 purposes of this paragraph, "personal injury" shall include any  
5 Type A injury as indicated on the traffic accident report  
6 completed by a law enforcement officer that requires immediate  
7 professional attention in either a doctor's office or medical  
8 facility. A type A injury shall include severely bleeding  
9 wounds, distorted extremities, and injuries that require the  
10 injured party to be carried from the scene.†

11 (d) "Sentencing Hearing" means any hearing where a sentence  
12 is imposed by the court on a convicted defendant and includes  
13 hearings conducted pursuant to Sections 5-6-4, 5-6-4.1, 5-7-2  
14 and 5-7-7 of the Unified Code of Corrections except those cases  
15 in which both parties have agreed to the imposition of a  
16 specific sentence.

17 (e) "Court proceedings" includes the preliminary hearing,  
18 any hearing the effect of which may be the release of the  
19 defendant from custody or to alter the conditions of bond, the  
20 trial, sentencing hearing, notice of appeal, any modification  
21 of sentence, probation revocation hearings or parole hearings.

22 (f) "Concerned citizen" includes relatives of the victim,  
23 friends of the victim, witnesses to the crime, or any other  
24 person associated with the victim or prisoner.

25 (Source: P.A. 94-271, eff. 1-1-06; 95-591, eff. 6-1-08; revised  
26 11-16-07.)

1 (725 ILCS 120/4.5)

2 Sec. 4.5. Procedures to implement the rights of crime  
3 victims. To afford crime victims their rights, law enforcement,  
4 prosecutors, judges and corrections will provide information,  
5 as appropriate of the following procedures:

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

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

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

18 (2) shall provide notice of the date, time, and place  
19 of trial;

20 (3) or victim advocate personnel shall provide  
21 information of social services and financial assistance  
22 available for victims of crime, including information of  
23 how to apply for these services and assistance;

24 (4) shall assist in having any stolen or other personal  
25 property held by law enforcement authorities for

1           evidentiary or other purposes returned as expeditiously as  
2           possible, pursuant to the procedures set out in Section  
3           115-9 of the Code of Criminal Procedure of 1963;

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

9           (6) shall provide information whenever possible, of a  
10          secure waiting area during court proceedings that does not  
11          require victims to be in close proximity to defendant or  
12          juveniles accused of a violent crime, and their families  
13          and friends;

14          (7) shall provide notice to the crime victim of the  
15          right to have a translator present at all court  
16          proceedings;

17          (8) in the case of the death of a person, which death  
18          occurred in the same transaction or occurrence in which  
19          acts occurred for which a defendant is charged with an  
20          offense, shall notify the spouse, parent, child or sibling  
21          of the decedent of the date of the trial of the person or  
22          persons allegedly responsible for the death;

23          (9) shall inform the victim of the right to have  
24          present at all court proceedings, subject to the rules of  
25          evidence, an advocate or other support person of the  
26          victim's choice, and the right to retain an attorney, at

1 the victim's own expense, who, upon written notice filed  
2 with the clerk of the court and State's Attorney, is to  
3 receive copies of all notices, motions and court orders  
4 filed thereafter in the case, in the same manner as if the  
5 victim were a named party in the case; and

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

13 (11) shall request restitution at sentencing and shall  
14 consider restitution in any plea negotiation, as provided  
15 by law.

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

18 (1) provide notice a reasonable time in advance of the  
19 following court proceedings: preliminary hearing, any  
20 hearing the effect of which may be the release of defendant  
21 from custody, or to alter the conditions of bond and the  
22 sentencing hearing. The crime victim shall also be notified  
23 of the cancellation of the court proceeding in sufficient  
24 time, wherever possible, to prevent an unnecessary  
25 appearance in court;

26 (2) provide notice within a reasonable time after



1 receipt of notice from the custodian, of the release of the  
2 defendant on bail or personal recognizance or the release  
3 from detention of a minor who has been detained for a  
4 violent crime;

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

8 (4) where practical, consult with the crime victim  
9 before the Office of the State's Attorney makes an offer of  
10 a plea bargain to the defendant or enters into negotiations  
11 with the defendant concerning a possible plea agreement,  
12 and shall consider the written victim impact statement, if  
13 prepared prior to entering into a plea agreement;

14 (5) provide notice of the ultimate disposition of the  
15 cases arising from an indictment or an information, or a  
16 petition to have a juvenile adjudicated as a delinquent for  
17 a violent crime;

18 (6) provide notice of any appeal taken by the defendant  
19 and information on how to contact the appropriate agency  
20 handling the appeal;

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

26 (8) forward a copy of any statement presented under

1 Section 6 to the Prisoner Review Board to be considered by  
2 the Board in making its determination under subsection (b)  
3 of Section 3-3-8 of the Unified Code of Corrections.

4 (d) (1) The Prisoner Review Board shall inform a victim or  
5 any other concerned citizen, upon written request, of the  
6 prisoner's release on parole, mandatory supervised release,  
7 electronic detention, work release, international transfer or  
8 exchange, or by the custodian of the discharge of any  
9 individual who was adjudicated a delinquent for a violent crime  
10 from State custody and by the sheriff of the appropriate county  
11 of any such person's final discharge from county custody. The  
12 Prisoner Review Board, upon written request, shall provide to a  
13 victim or any other concerned citizen a recent photograph of  
14 any person convicted of a felony, upon his or her release from  
15 custody. The Prisoner Review Board, upon written request, shall  
16 inform a victim or any other concerned citizen when feasible at  
17 least 7 days prior to the prisoner's release on furlough of the  
18 times and dates of such furlough. Upon written request by the  
19 victim or any other concerned citizen, the State's Attorney  
20 shall notify the person once of the times and dates of release  
21 of a prisoner sentenced to periodic imprisonment. Notification  
22 shall be based on the most recent information as to victim's or  
23 other concerned citizen's residence or other location  
24 available to the notifying authority. ~~For purposes of this~~  
25 ~~paragraph (1) of subsection (d), "concerned citizen" includes~~  
26 ~~relatives of the victim, friends of the victim, witnesses to~~

1 ~~the crime, or any other person associated with the victim or~~  
2 ~~prisoner.~~

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

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

21 (4) The victim of the crime for which the prisoner has  
22 been sentenced shall receive reasonable written notice not  
23 less than 30 ~~15~~ days prior to the parole hearing and may  
24 submit, in writing, on film, videotape or other electronic  
25 means or in the form of a recording or in person at the  
26 parole hearing or if a victim of a violent crime, by

1 calling the toll-free number established in subsection (f)  
2 of this Section, information for consideration by the  
3 Prisoner Review Board. The victim shall be notified within  
4 7 days after the prisoner has been granted parole and shall  
5 be informed of the right to inspect the registry of parole  
6 decisions, established under subsection (g) of Section  
7 3-3-5 of the Unified Code of Corrections. The provisions of  
8 this paragraph (4) are subject to the Open Parole Hearings  
9 Act. When the victim, concerned citizens, or the State's  
10 Attorney has opposed parole for an inmate sentenced under  
11 the law in effect prior to February 1, 1978, the additional  
12 provision in paragraph (5.1) applies.

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

17 (5.1) If a victim or concerned citizen has registered  
18 an objection to parole of an inmate sentenced under the law  
19 in effect prior to February 1, 1978, the victim or  
20 concerned citizen shall receive a copy of the most recent  
21 written submissions that the inmate filed in requesting  
22 parole. The Prisoner Review Board may satisfy this  
23 requirement by tendering these documents to the State's  
24 Attorney's Office that has submitted objections.

25 (6) At the written request of the victim of the crime  
26 for which the prisoner was sentenced or the State's

1       Attorney of the county where the person seeking parole was  
2       prosecuted, the Prisoner Review Board shall notify the  
3       victim and the State's Attorney of the county where the  
4       person seeking parole was prosecuted of the death of the  
5       prisoner if the prisoner died while on parole or mandatory  
6       supervised release.

7           (7) When a defendant who has been committed to the  
8       Department of Corrections, the Department of Juvenile  
9       Justice, or the Department of Human Services is released or  
10      discharged and subsequently committed to the Department of  
11      Human Services as a sexually violent person and the victim  
12      had requested to be notified by the releasing authority of  
13      the defendant's discharge from State custody, the  
14      releasing authority shall provide to the Department of  
15      Human Services such information that would allow the  
16      Department of Human Services to contact the victim.

17           (e) The officials named in this Section may satisfy some or  
18      all of their obligations to provide notices and other  
19      information through participation in a statewide victim and  
20      witness notification system established by the Attorney  
21      General under Section 8.5 of this Act.

22           (f) To permit a victim of a violent crime to provide  
23      information to the Prisoner Review Board for consideration by  
24      the Board at a parole hearing of a person who committed the  
25      crime against the victim in accordance with clause (d)(4) of  
26      this Section or at a proceeding to determine the conditions of

1 mandatory supervised release of a person sentenced to a  
2 determinate sentence or at a hearing on revocation of mandatory  
3 supervised release of a person sentenced to a determinate  
4 sentence, the Board shall establish a toll-free number that may  
5 be accessed by the victim of a violent crime to present that  
6 information to the Board.

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

8 Section 10. The Unified Code of Corrections is amended by  
9 changing Sections 3-3-2, 3-3-4, 3-3-5, and 3-5-1 as follows:

10 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

11 Sec. 3-3-2. Powers and Duties.

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

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

1           (2) hear by at least one member and through a panel of  
2           at least 3 members decide, the conditions of parole and the  
3           time of discharge from parole, impose sanctions for  
4           violations of parole, and revoke parole for those sentenced  
5           under the law in effect prior to this amendatory Act of  
6           1977; provided that the decision to parole and the  
7           conditions of parole for all prisoners who were sentenced  
8           for first degree murder or who received a minimum sentence  
9           of 20 years or more under the law in effect prior to  
10          February 1, 1978 shall be determined by a majority vote of  
11          the Prisoner Review Board after the members present at the  
12          en banc have heard presentations in support of and, if the  
13          parole is opposed, in objection to the parole request;

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

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

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

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

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



1           accordance with Section 3-3-2.1 of this Code;

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

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

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

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

22          (a-5) The Prisoner Review Board, with the cooperation of  
23          and in coordination with the Department of Corrections and the  
24          Department of Central Management Services, shall implement a  
25          pilot project in 3 correctional institutions providing for the  
26          conduct of hearings under paragraphs (1) and (4) of subsection

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

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

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

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

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

23 (f) The Board or one who has allegedly violated the  
24 conditions of his parole or mandatory supervised release may  
25 require by subpoena the attendance and testimony of witnesses  
26 and the production of documentary evidence relating to any

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

17 In case of disobedience to a subpoena, the Board may  
18 petition any circuit court of the State for an order requiring  
19 the attendance and testimony of witnesses or the production of  
20 documentary evidence or both. A copy of such petition shall be  
21 served by personal service or by registered or certified mail  
22 upon the person who has failed to obey the subpoena, and such  
23 person shall be advised in writing that a hearing upon the  
24 petition will be requested in a court room to be designated in  
25 such notice before the judge hearing motions or extraordinary  
26 remedies at a specified time, on a specified date, not less

1 than 10 nor more than 15 days after the deposit of the copy of  
2 the written notice and petition in the U.S. mails addressed to  
3 the person at his last known address or after the personal  
4 service of the copy of the notice and petition upon such  
5 person. The court upon the filing of such a petition, may order  
6 the person refusing to obey the subpoena to appear at an  
7 investigation or hearing, or to there produce documentary  
8 evidence, if so ordered, or to give evidence relative to the  
9 subject matter of that investigation or hearing. Any failure to  
10 obey such order of the circuit court may be punished by that  
11 court as a contempt of court.

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

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

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

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

24 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)

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

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

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

26           (1) material transmitted to the Department of Juvenile

1 Justice by the clerk of the committing court under Section  
2 5-4-1 or Section 5-10 of the Juvenile Court Act or Section  
3 5-750 of the Juvenile Court Act of 1987;

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

5 (3) a report by the Department and any report by the  
6 chief administrative officer of the institution or  
7 facility;

8 (4) a parole progress report;

9 (5) a medical and psychological report, if requested by  
10 the Board;

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

14 (7) material in writing, or on film, video tape or  
15 other electronic means in the form of a recording or  
16 testimony submitted by the State's Attorney and the victim  
17 or a concerned citizen pursuant to the Rights of Crime  
18 Victims and Witnesses Act.

19 (e) The prosecuting State's Attorney's office shall  
20 receive from the Board reasonable written notice not less than  
21 60 ~~15~~ days prior to the ~~parole~~ hearing described in paragraph  
22 (b-2) of Section 3-3-5 of this Code the names of all inmates  
23 scheduled for said hearing and may submit relevant information  
24 by oral argument or testimony of victims and concerned  
25 citizens, or both, in writing, or on film, video tape or other  
26 electronic means or in the form of a recording to the Board for

1 its consideration. The State's Attorney may waive the written  
2 notice or request reasonable time to procure additional  
3 information.

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

8 (g) Any recording considered under the provisions of  
9 subsection (d)(6), (d)(7) or (e) of this Section shall be in  
10 the form designated by the Board. Such recording shall be both  
11 visual and aural. Every voice on the recording and person  
12 present shall be identified and the recording shall contain  
13 either a visual or aural statement of the person submitting  
14 such recording, the date of the recording and the name of the  
15 person whose parole eligibility is being considered. Such  
16 recordings shall be,~~if~~ retained by the Board and shall be  
17 deemed to be submitted at any subsequent parole hearing if the  
18 victim or State's Attorney submits in writing a declaration  
19 clearly identifying such recording as representing the present  
20 position of the victim or State's Attorney regarding the issues  
21 to be considered at the parole hearing.

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

23 (730 ILCS 5/3-3-5) (from Ch. 38, par. 1003-3-5)

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

25 (a) The Prisoner Review Board shall meet as often as need

1 requires to consider the cases of persons eligible for parole.  
2 Except as otherwise provided in paragraph (2) of subsection (a)  
3 of Section 3-3-2 of this Act, the Prisoner Review Board may  
4 meet and order its actions in panels of 3 or more members. The  
5 action of a majority of the panel shall be the action of the  
6 Board. In consideration of persons committed to the Department  
7 of Juvenile Justice, the panel shall have at least a majority  
8 of members experienced in juvenile matters.

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

21 (b-1) When an interview is conducted, the person seeking  
22 parole shall be interviewed at the penal institution where the  
23 person is confined and may receive additional testimony from  
24 the person seeking parole's attorney, family, and other persons  
25 in support of the Board granting parole. Upon the request of  
26 the State's Attorney and to the extent allowed by law, a copy



1 of the any written submissions by the person seeking parole and  
2 copies of the reports described in paragraph (c) of Section  
3 3-3-4 of this Act, documents in the possession of the Board  
4 reflecting the person seeking parole's current medical  
5 conditions and treatment, and the person seeking parole's  
6 mental health reports, shall be served upon the State's  
7 Attorney of the county that prosecuted the person by the  
8 Prisoner Review Board within 3 days of the Board's receipt of  
9 these documents. Upon the request of the State's Attorney, the  
10 Board shall make available for inspection and copying the file  
11 described in paragraph (c) of Section 3-3-4 of this Act.

12 Thereafter, the Board may upon the written request of the  
13 State's Attorney of the county where the person seeking parole  
14 was prosecuted conduct the State's Attorney's portion of the  
15 parole hearing within said county, or the judicial circuit  
16 within which the county rests. At the hearing, a State's  
17 Attorney's Office representative and all victims or concerned  
18 citizens may address the Board. These statements may be made in  
19 person, in writing, or by a recording or video recording. At  
20 least one member of the Board shall preside over this hearing.

21 (b-3) After the State's Attorney's portion of the parole  
22 hearing, the Board shall give all registered crime victims and  
23 the State's Attorney of the county where the person seeking  
24 parole was prosecuted 15 days' notice of an en banc hearing  
25 before the Board. Such hearing may be continued by the Board  
26 only if the persons objecting to and supporting parole are

1 given 5 days' notice of any hearing continuance unless there is  
2 an emergency declared by the Chairman of the Board. One Board  
3 member shall make a comprehensive presentation of the person  
4 seeking parole's case to the Board. The person seeking parole's  
5 attorney and one representative of the person seeking parole  
6 may address the Board. A representative of the Office of the  
7 State's Attorney and the victim or one representative of the  
8 victim may address the Board and request conditions of parole  
9 should the Board vote to parole the person seeking parole.  
10 Thereafter, the Board shall deliberate and vote on granting  
11 parole.

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

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

16 (2) his release at that time would deprecate the  
17 seriousness of his offense or promote disrespect for the  
18 law; or

19 (3) his release would have a substantially adverse  
20 effect on institutional discipline.

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

25 (e) A person who has served the maximum term of  
26 imprisonment imposed at the time of sentencing less time credit

1 for good behavior shall be released on parole to serve a period  
2 of parole under Section 5-8-1.

3 (f) The Board shall render its decision within a reasonable  
4 time after hearing and shall state the basis therefor both in  
5 the records of the Board and in written notice to the person on  
6 whose application it has acted. In its decision, the Board  
7 shall set the person's time for parole, or if it denies parole  
8 it shall provide for a rehearing not less frequently than once  
9 every year, except that the Board may, after denying parole,  
10 schedule a rehearing no later than 5 ~~3~~ years from the date of  
11 the parole denial, if the Board finds that it is not reasonable  
12 to expect that parole would be granted at a hearing prior to  
13 the scheduled rehearing date. If the Board shall parole a  
14 person, and, if he is not released within 90 days from the  
15 effective date of the order granting parole, the matter shall  
16 be returned to the Board for review.

17 (g) The Board shall maintain a registry of decisions in  
18 which parole has been granted, which shall include the name and  
19 case number of the prisoner, the highest charge for which the  
20 prisoner was sentenced, the length of sentence imposed, the  
21 date of the sentence, the date of the parole, and the basis for  
22 the decision of the Board to grant parole and the vote of the  
23 Board on any such decisions. The registry shall be made  
24 available for public inspection and copying during business  
25 hours and shall be a public record pursuant to the provisions  
26 of the Freedom of Information Act.

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

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

4 (730 ILCS 5/3-5-1) (from Ch. 38, par. 1003-5-1)  
5 Sec. 3-5-1. Master Record File.

6 (a) The Department of Corrections and the Department of  
7 Juvenile Justice shall maintain a master record file on each  
8 person committed to it, which shall contain the following  
9 information:

10 (1) all information from the committing court;

11 (2) reception summary;

12 (3) evaluation and assignment reports and  
13 recommendations;

14 (4) reports as to program assignment and progress;

15 (5) reports of disciplinary infractions and  
16 disposition;

17 (6) any parole plan;

18 (7) any parole reports;

19 (8) the date and circumstances of final discharge; and  
20 any other pertinent data concerning the person's  
21 background, conduct, associations and family relationships  
22 as may be required by the respective Department. A current  
23 summary index shall be maintained on each file which shall  
24 include the person's known active and past gang  
25 affiliations and ranks.

1           (b) All files shall be confidential and access shall be  
2 limited to authorized personnel of the respective Department.  
3 Personnel of other correctional, welfare or law enforcement  
4 agencies may have access to files under rules and regulations  
5 of the respective Department. The prosecuting State's  
6 Attorney's Office shall have access to the committed person's  
7 master record file whenever the Prisoner Review Board has  
8 scheduled a parole hearing for the committed person under  
9 Section 3-3-5 of this Code. The respective Department shall  
10 keep a record of all outside personnel who have access to  
11 files, the files reviewed, any file material copied, and the  
12 purpose of access. If the respective Department or the Prisoner  
13 Review Board makes a determination under this Code which  
14 affects the length of the period of confinement or commitment,  
15 the committed person and his counsel shall be advised of  
16 factual information relied upon by the respective Department or  
17 Board to make the determination, provided that the Department  
18 or Board shall not be required to advise a person committed to  
19 the Department of Juvenile Justice any such information which  
20 in the opinion of the Department of Juvenile Justice or Board  
21 would be detrimental to his treatment or rehabilitation.

22           (c) The master file shall be maintained at a place  
23 convenient to its use by personnel of the respective Department  
24 in charge of the person. When custody of a person is  
25 transferred from the Department to another department or  
26 agency, a summary of the file shall be forwarded to the

1 receiving agency with such other information required by law or  
2 requested by the agency under rules and regulations of the  
3 respective Department.

4 (d) The master file of a person no longer in the custody of  
5 the respective Department shall be placed on inactive status  
6 and its use shall be restricted subject to rules and  
7 regulations of the Department.

8 (e) All public agencies may make available to the  
9 respective Department on request any factual data not otherwise  
10 privileged as a matter of law in their possession in respect to  
11 individuals committed to the respective Department.

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

13 Section 95. No acceleration or delay. Where this Act makes  
14 changes in a statute that is represented in this Act by text  
15 that is not yet or no longer in effect (for example, a Section  
16 represented by multiple versions), the use of that text does  
17 not accelerate or delay the taking effect of (i) the changes  
18 made by this Act or (ii) provisions derived from any other  
19 Public Act.

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