

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

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

6 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)  
7 Sec. 3-3-2. Powers and Duties.

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

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

21 (2) hear by at least one member and through a panel of  
22 at least 3 members decide, the conditions of parole and the  
23 time of discharge from parole, impose sanctions for

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

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

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

1 release terms pursuant to paragraph (4) of subsection (d)  
2 of Section 5-8-1;

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

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

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

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

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

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

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

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

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

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

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

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

22 (f) The Board or one who has allegedly violated the  
23 conditions of his parole or mandatory supervised release may  
24 require by subpoena the attendance and testimony of witnesses  
25 and the production of documentary evidence, electronic  
26 evidence, computer files, DVDs, or audio or tape recordings

1 relating to any matter under investigation or hearing and may  
2 subpoena other physical evidence for the purpose of hearings  
3 specifically authorized under paragraph (3), (3.5), (4), or (8)  
4 of subsection (a) subject to the Board's maintenance of a  
5 continuous chain of custody. The Chairman of the Board may sign  
6 subpoenas which shall be served by any agent or public official  
7 authorized by the Chairman of the Board, or by any person  
8 lawfully authorized to serve a subpoena under the laws of the  
9 State of Illinois. The attendance of witnesses~~7~~ and the  
10 production of documentary evidence, physical evidence,  
11 electronic evidence, computer files, DVDs, or audio or tape  
12 recordings may be required from any place in the State to a  
13 hearing location in the State before the Chairman of the Board  
14 or his designated agent or agents or any duly constituted  
15 Committee or Subcommittee of the Board. Witnesses so summoned  
16 shall be paid the same fees and mileage that are paid witnesses  
17 in the circuit courts of the State, and witnesses whose  
18 depositions are taken and the persons taking those depositions  
19 are each entitled to the same fees as are paid for like  
20 services in actions in the circuit courts of the State. Fees  
21 and mileage shall be vouchered for payment when the witness is  
22 discharged from further attendance.

23 In case of disobedience to a subpoena, the Board may  
24 petition any circuit court of the State for an order requiring  
25 the attendance and testimony of witnesses or the production of  
26 documentary evidence, physical evidence, electronic evidence,

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

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

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

26 (h) The Prisoner Review Board shall annually transmit to

1 the Director a detailed report of its work for the preceding  
2 calendar year. The annual report shall also be transmitted to  
3 the Governor for submission to the Legislature.

4 (Source: P.A. 96-875, eff. 1-22-10.)

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

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

7 (a) The Prisoner Review Board shall consider the parole of  
8 each eligible person committed to the Adult Division at least  
9 30 days prior to the date he shall first become eligible for  
10 parole, and shall consider the parole of each person committed  
11 to the Department of Juvenile Justice as a delinquent at least  
12 30 days prior to the expiration of the first year of  
13 confinement.

14 (b) A person eligible for parole shall, no less than 15  
15 days in advance of his parole interview, prepare a parole plan  
16 in accordance with the rules of the Prisoner Review Board. The  
17 person shall be assisted in preparing his parole plan by  
18 personnel of the Department of Corrections, or the Department  
19 of Juvenile Justice in the case of a person committed to that  
20 Department, and may, for this purpose, be released on furlough  
21 under Article 11 or on authorized absence under Section 3-9-4.  
22 The appropriate Department shall also provide assistance in  
23 obtaining information and records helpful to the individual for  
24 his parole hearing. If the person eligible for parole has a  
25 petition or any written submissions prepared on his or her



1 behalf by an attorney or other representative, the attorney or  
2 representative for the person eligible for parole must serve by  
3 certified mail the State's Attorney of the county where he or  
4 she was prosecuted with the petition or any written submissions  
5 15 days after his or her parole interview. The State's Attorney  
6 shall provide the attorney for the person eligible for parole  
7 with a copy of his or her letter in opposition to parole via  
8 certified mail within 5 business days of the en banc hearing.

9 (c) Any member of the Board shall have access at all  
10 reasonable times to any committed person and to his master  
11 record file within the Department, and the Department shall  
12 furnish such a report to the Board concerning the conduct and  
13 character of any such person prior to his or her parole  
14 interview.

15 (d) In making its determination of parole, the Board shall  
16 consider:

17 (1) material transmitted to the Department of Juvenile  
18 Justice by the clerk of the committing court under Section  
19 5-4-1 or Section 5-10 of the Juvenile Court Act or Section  
20 5-750 of the Juvenile Court Act of 1987;

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

22 (3) a report by the Department and any report by the  
23 chief administrative officer of the institution or  
24 facility;

25 (4) a parole progress report;

26 (5) a medical and psychological report, if requested by

1 the Board;

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

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

10 (e) The prosecuting State's Attorney's office shall  
11 receive from the Board reasonable written notice not less than  
12 30 days prior to the parole interview and may submit relevant  
13 information by oral argument or testimony of victims and  
14 concerned citizens, or both, in writing, or on film, video tape  
15 or other electronic means or in the form of a recording to the  
16 Board for its consideration. Upon written request of the  
17 State's Attorney's office, the Prisoner Review Board shall hear  
18 protests to parole, except in counties of 1,500,000 or more  
19 inhabitants where there shall be standing objections to all  
20 such petitions. If a State's Attorney who represents a county  
21 of less than 1,500,000 inhabitants requests a protest hearing,  
22 the inmate's counsel or other representative shall also receive  
23 notice of such request. This hearing shall take place the month  
24 following the inmate's parole interview. If the inmate's parole  
25 interview is rescheduled then the Prisoner Review Board shall  
26 promptly notify the State's Attorney of the new date. The

1 person eligible for parole shall be heard at the next scheduled  
2 en banc hearing date. If the case is to be continued, the  
3 State's Attorney's office and the attorney or representative  
4 for the person eligible for parole will be notified of any  
5 continuance within 5 business days. The State's Attorney may  
6 waive the written notice.

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

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

25 (h) The Board shall not release any material to the inmate,  
26 the inmate's attorney, any third party, or any other person

1 containing any information from the victim or from a person  
2 related to the victim by blood, adoption, or marriage who has  
3 written objections, testified at any hearing, or submitted  
4 audio or visual objections to the inmate's parole, unless  
5 provided with a waiver from that objecting party.

6 (Source: P.A. 96-875, eff. 1-22-10.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.