



Sen. Kwame Raoul

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1 AMENDMENT TO SENATE BILL 2777

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2777, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Sex Offender Management Board Act is  
6 amended by changing Section 17 as follows:

7 (20 ILCS 4026/17)

8 Sec. 17. Sentencing of sex offenders; treatment based upon  
9 evaluation required.

10 (a) Each felony sex offender sentenced by the court for a  
11 sex offense shall be required as a part of any sentence to  
12 probation, conditional release, or periodic imprisonment to  
13 undergo treatment based upon the recommendations of the  
14 evaluation made pursuant to Section 16 or based upon any  
15 subsequent recommendations by the Administrative Office of the  
16 Illinois Courts or the county probation department, whichever

1 is appropriate. Beginning on January 1, 2014, the treatment  
2 shall be with a sex offender treatment provider or associate  
3 sex offender provider as defined in Section 10 of this Act and  
4 at the offender's own expense based upon the offender's ability  
5 to pay for such treatment.

6 (b) Beginning on January 1, 2004, each sex offender placed  
7 on parole, aftercare release, or mandatory supervised release  
8 ~~by the Prisoner Review Board~~ shall be required as a condition  
9 of parole or aftercare release to undergo treatment based upon  
10 any evaluation or subsequent reevaluation regarding such  
11 offender during the offender's incarceration or any period of  
12 parole or aftercare release. Beginning on January 1, 2014, the  
13 treatment shall be by a sex offender treatment provider or  
14 associate sex offender provider as defined in Section 10 of  
15 this Act and at the offender's expense based upon the  
16 offender's ability to pay for such treatment.

17 (Source: P.A. 97-1098, eff. 1-1-13; 98-558, eff. 1-1-14.)

18 Section 10. The Juvenile Court Act of 1987 is amended by  
19 changing Sections 5-710, 5-740, and 5-745 as follows:

20 (705 ILCS 405/5-710)

21 Sec. 5-710. Kinds of sentencing orders.

22 (1) The following kinds of sentencing orders may be made in  
23 respect of wards of the court:

24 (a) Except as provided in Sections 5-805, 5-810, 5-815,

1 a minor who is found guilty under Section 5-620 may be:

2 (i) put on probation or conditional discharge and  
3 released to his or her parents, guardian or legal  
4 custodian, provided, however, that any such minor who  
5 is not committed to the Department of Juvenile Justice  
6 under this subsection and who is found to be a  
7 delinquent for an offense which is first degree murder,  
8 a Class X felony, or a forcible felony shall be placed  
9 on probation;

10 (ii) placed in accordance with Section 5-740, with  
11 or without also being put on probation or conditional  
12 discharge;

13 (iii) required to undergo a substance abuse  
14 assessment conducted by a licensed provider and  
15 participate in the indicated clinical level of care;

16 (iv) on and after the effective date of this  
17 amendatory Act of the 98th General Assembly and before  
18 January 1, 2017, placed in the guardianship of the  
19 Department of Children and Family Services, but only if  
20 the delinquent minor is under 16 years of age or,  
21 pursuant to Article II of this Act, a minor for whom an  
22 independent basis of abuse, neglect, or dependency  
23 exists. On and after January 1, 2017, placed in the  
24 guardianship of the Department of Children and Family  
25 Services, but only if the delinquent minor is under 15  
26 years of age or, pursuant to Article II of this Act, a

1 minor for whom an independent basis of abuse, neglect,  
2 or dependency exists. An independent basis exists when  
3 the allegations or adjudication of abuse, neglect, or  
4 dependency do not arise from the same facts, incident,  
5 or circumstances which give rise to a charge or  
6 adjudication of delinquency;

7 (v) placed in detention for a period not to exceed  
8 30 days, either as the exclusive order of disposition  
9 or, where appropriate, in conjunction with any other  
10 order of disposition issued under this paragraph,  
11 provided that any such detention shall be in a juvenile  
12 detention home and the minor so detained shall be 10  
13 years of age or older. However, the 30-day limitation  
14 may be extended by further order of the court for a  
15 minor under age 15 committed to the Department of  
16 Children and Family Services if the court finds that  
17 the minor is a danger to himself or others. The minor  
18 shall be given credit on the sentencing order of  
19 detention for time spent in detention under Sections  
20 5-501, 5-601, 5-710, or 5-720 of this Article as a  
21 result of the offense for which the sentencing order  
22 was imposed. The court may grant credit on a sentencing  
23 order of detention entered under a violation of  
24 probation or violation of conditional discharge under  
25 Section 5-720 of this Article for time spent in  
26 detention before the filing of the petition alleging

1 the violation. A minor shall not be deprived of credit  
2 for time spent in detention before the filing of a  
3 violation of probation or conditional discharge  
4 alleging the same or related act or acts. The  
5 limitation that the minor shall only be placed in a  
6 juvenile detention home does not apply as follows:

7 Persons 18 years of age and older who have a  
8 petition of delinquency filed against them may be  
9 confined in an adult detention facility. In making a  
10 determination whether to confine a person 18 years of  
11 age or older who has a petition of delinquency filed  
12 against the person, these factors, among other  
13 matters, shall be considered:

14 (A) the age of the person;

15 (B) any previous delinquent or criminal  
16 history of the person;

17 (C) any previous abuse or neglect history of  
18 the person;

19 (D) any mental health history of the person;

20 and

21 (E) any educational history of the person;

22 (vi) ordered partially or completely emancipated  
23 in accordance with the provisions of the Emancipation  
24 of Minors Act;

25 (vii) subject to having his or her driver's license  
26 or driving privileges suspended for such time as

1           determined by the court but only until he or she  
2           attains 18 years of age;

3           (viii) put on probation or conditional discharge  
4           and placed in detention under Section 3-6039 of the  
5           Counties Code for a period not to exceed the period of  
6           incarceration permitted by law for adults found guilty  
7           of the same offense or offenses for which the minor was  
8           adjudicated delinquent, and in any event no longer than  
9           upon attainment of age 21; this subdivision (viii)  
10          notwithstanding any contrary provision of the law;

11          (ix) ordered to undergo a medical or other  
12          procedure to have a tattoo symbolizing allegiance to a  
13          street gang removed from his or her body; or

14          (x) placed in electronic home detention under Part  
15          7A of this Article.

16          (b) A minor found to be guilty may be committed to the  
17          Department of Juvenile Justice under Section 5-750 if the  
18          minor is at least 13 years and under 20 years of age,  
19          provided that the commitment to the Department of Juvenile  
20          Justice shall be made only if the minor was found guilty of  
21          a felony offense or first degree murder ~~a term of~~  
22          ~~imprisonment in the penitentiary system of the Department~~  
23          ~~of Corrections is permitted by law for adults found guilty~~  
24          ~~of the offense for which the minor was adjudicated~~  
25          ~~delinquent~~. The court shall include in the sentencing order  
26          any pre-custody credits the minor is entitled to under

1 Section 5-4.5-100 of the Unified Code of Corrections. The  
2 time during which a minor is in custody before being  
3 released upon the request of a parent, guardian or legal  
4 custodian shall also be considered as time spent in  
5 custody.

6 (c) When a minor is found to be guilty for an offense  
7 which is a violation of the Illinois Controlled Substances  
8 Act, the Cannabis Control Act, or the Methamphetamine  
9 Control and Community Protection Act and made a ward of the  
10 court, the court may enter a disposition order requiring  
11 the minor to undergo assessment, counseling or treatment in  
12 a substance abuse program approved by the Department of  
13 Human Services.

14 (2) Any sentencing order other than commitment to the  
15 Department of Juvenile Justice may provide for protective  
16 supervision under Section 5-725 and may include an order of  
17 protection under Section 5-730.

18 (3) Unless the sentencing order expressly so provides, it  
19 does not operate to close proceedings on the pending petition,  
20 but is subject to modification until final closing and  
21 discharge of the proceedings under Section 5-750.

22 (4) In addition to any other sentence, the court may order  
23 any minor found to be delinquent to make restitution, in  
24 monetary or non-monetary form, under the terms and conditions  
25 of Section 5-5-6 of the Unified Code of Corrections, except  
26 that the "presentencing hearing" referred to in that Section

1 shall be the sentencing hearing for purposes of this Section.  
2 The parent, guardian or legal custodian of the minor may be  
3 ordered by the court to pay some or all of the restitution on  
4 the minor's behalf, pursuant to the Parental Responsibility  
5 Law. The State's Attorney is authorized to act on behalf of any  
6 victim in seeking restitution in proceedings under this  
7 Section, up to the maximum amount allowed in Section 5 of the  
8 Parental Responsibility Law.

9 (5) Any sentencing order where the minor is committed or  
10 placed in accordance with Section 5-740 shall provide for the  
11 parents or guardian of the estate of the minor to pay to the  
12 legal custodian or guardian of the person of the minor such  
13 sums as are determined by the custodian or guardian of the  
14 person of the minor as necessary for the minor's needs. The  
15 payments may not exceed the maximum amounts provided for by  
16 Section 9.1 of the Children and Family Services Act.

17 (6) Whenever the sentencing order requires the minor to  
18 attend school or participate in a program of training, the  
19 truant officer or designated school official shall regularly  
20 report to the court if the minor is a chronic or habitual  
21 truant under Section 26-2a of the School Code. Notwithstanding  
22 any other provision of this Act, in instances in which  
23 educational services are to be provided to a minor in a  
24 residential facility where the minor has been placed by the  
25 court, costs incurred in the provision of those educational  
26 services must be allocated based on the requirements of the

1 School Code.

2 (7) In no event shall a guilty minor be committed to the  
3 Department of Juvenile Justice for a period of time in excess  
4 of that period for which an adult could be committed for the  
5 same act. The court shall include in the sentencing order a  
6 limitation on the period of confinement not to exceed the  
7 maximum period of imprisonment the court could impose under  
8 Article V of the Unified Code of Corrections.

9 (7.5) In no event shall a guilty minor be committed to the  
10 Department of Juvenile Justice or placed in detention when the  
11 act for which the minor was adjudicated delinquent would not be  
12 illegal if committed by an adult.

13 (7.6) In no event shall a guilty minor be committed to the  
14 Department of Juvenile Justice for an offense which is a Class  
15 4 felony under Section 19-4 (criminal trespass to a residence),  
16 21-1 (criminal damage to property), 21-1.01 (criminal damage to  
17 government supported property), 21-1.3 (criminal defacement of  
18 property), 26-1 (disorderly conduct), or 31-4 (obstructing  
19 justice), of the Criminal Code of 2012.

20 (8) A minor found to be guilty for reasons that include a  
21 violation of Section 21-1.3 of the Criminal Code of 1961 or the  
22 Criminal Code of 2012 shall be ordered to perform community  
23 service for not less than 30 and not more than 120 hours, if  
24 community service is available in the jurisdiction. The  
25 community service shall include, but need not be limited to,  
26 the cleanup and repair of the damage that was caused by the

1 violation or similar damage to property located in the  
2 municipality or county in which the violation occurred. The  
3 order may be in addition to any other order authorized by this  
4 Section.

5 (8.5) A minor found to be guilty for reasons that include a  
6 violation of Section 3.02 or Section 3.03 of the Humane Care  
7 for Animals Act or paragraph (d) of subsection (1) of Section  
8 21-1 of the Criminal Code of 1961 or paragraph (4) of  
9 subsection (a) of Section 21-1 of the Criminal Code of 2012  
10 shall be ordered to undergo medical or psychiatric treatment  
11 rendered by a psychiatrist or psychological treatment rendered  
12 by a clinical psychologist. The order may be in addition to any  
13 other order authorized by this Section.

14 (9) In addition to any other sentencing order, the court  
15 shall order any minor found to be guilty for an act which would  
16 constitute, predatory criminal sexual assault of a child,  
17 aggravated criminal sexual assault, criminal sexual assault,  
18 aggravated criminal sexual abuse, or criminal sexual abuse if  
19 committed by an adult to undergo medical testing to determine  
20 whether the defendant has any sexually transmissible disease  
21 including a test for infection with human immunodeficiency  
22 virus (HIV) or any other identified causative agency of  
23 acquired immunodeficiency syndrome (AIDS). Any medical test  
24 shall be performed only by appropriately licensed medical  
25 practitioners and may include an analysis of any bodily fluids  
26 as well as an examination of the minor's person. Except as

1 otherwise provided by law, the results of the test shall be  
2 kept strictly confidential by all medical personnel involved in  
3 the testing and must be personally delivered in a sealed  
4 envelope to the judge of the court in which the sentencing  
5 order was entered for the judge's inspection in camera. Acting  
6 in accordance with the best interests of the victim and the  
7 public, the judge shall have the discretion to determine to  
8 whom the results of the testing may be revealed. The court  
9 shall notify the minor of the results of the test for infection  
10 with the human immunodeficiency virus (HIV). The court shall  
11 also notify the victim if requested by the victim, and if the  
12 victim is under the age of 15 and if requested by the victim's  
13 parents or legal guardian, the court shall notify the victim's  
14 parents or the legal guardian, of the results of the test for  
15 infection with the human immunodeficiency virus (HIV). The  
16 court shall provide information on the availability of HIV  
17 testing and counseling at the Department of Public Health  
18 facilities to all parties to whom the results of the testing  
19 are revealed. The court shall order that the cost of any test  
20 shall be paid by the county and may be taxed as costs against  
21 the minor.

22 (10) When a court finds a minor to be guilty the court  
23 shall, before entering a sentencing order under this Section,  
24 make a finding whether the offense committed either: (a) was  
25 related to or in furtherance of the criminal activities of an  
26 organized gang or was motivated by the minor's membership in or

1 allegiance to an organized gang, or (b) involved a violation of  
2 subsection (a) of Section 12-7.1 of the Criminal Code of 1961  
3 or the Criminal Code of 2012, a violation of any Section of  
4 Article 24 of the Criminal Code of 1961 or the Criminal Code of  
5 2012, or a violation of any statute that involved the wrongful  
6 use of a firearm. If the court determines the question in the  
7 affirmative, and the court does not commit the minor to the  
8 Department of Juvenile Justice, the court shall order the minor  
9 to perform community service for not less than 30 hours nor  
10 more than 120 hours, provided that community service is  
11 available in the jurisdiction and is funded and approved by the  
12 county board of the county where the offense was committed. The  
13 community service shall include, but need not be limited to,  
14 the cleanup and repair of any damage caused by a violation of  
15 Section 21-1.3 of the Criminal Code of 1961 or the Criminal  
16 Code of 2012 and similar damage to property located in the  
17 municipality or county in which the violation occurred. When  
18 possible and reasonable, the community service shall be  
19 performed in the minor's neighborhood. This order shall be in  
20 addition to any other order authorized by this Section except  
21 for an order to place the minor in the custody of the  
22 Department of Juvenile Justice. For the purposes of this  
23 Section, "organized gang" has the meaning ascribed to it in  
24 Section 10 of the Illinois Streetgang Terrorism Omnibus  
25 Prevention Act.

26 (11) If the court determines that the offense was committed

1 in furtherance of the criminal activities of an organized gang,  
2 as provided in subsection (10), and that the offense involved  
3 the operation or use of a motor vehicle or the use of a  
4 driver's license or permit, the court shall notify the  
5 Secretary of State of that determination and of the period for  
6 which the minor shall be denied driving privileges. If, at the  
7 time of the determination, the minor does not hold a driver's  
8 license or permit, the court shall provide that the minor shall  
9 not be issued a driver's license or permit until his or her  
10 18th birthday. If the minor holds a driver's license or permit  
11 at the time of the determination, the court shall provide that  
12 the minor's driver's license or permit shall be revoked until  
13 his or her 21st birthday, or until a later date or occurrence  
14 determined by the court. If the minor holds a driver's license  
15 at the time of the determination, the court may direct the  
16 Secretary of State to issue the minor a judicial driving  
17 permit, also known as a JDP. The JDP shall be subject to the  
18 same terms as a JDP issued under Section 6-206.1 of the  
19 Illinois Vehicle Code, except that the court may direct that  
20 the JDP be effective immediately.

21 (12) If a minor is found to be guilty of a violation of  
22 subsection (a-7) of Section 1 of the Prevention of Tobacco Use  
23 by Minors Act, the court may, in its discretion, and upon  
24 recommendation by the State's Attorney, order that minor and  
25 his or her parents or legal guardian to attend a smoker's  
26 education or youth diversion program as defined in that Act if

1 that program is available in the jurisdiction where the  
2 offender resides. Attendance at a smoker's education or youth  
3 diversion program shall be time-credited against any community  
4 service time imposed for any first violation of subsection  
5 (a-7) of Section 1 of that Act. In addition to any other  
6 penalty that the court may impose for a violation of subsection  
7 (a-7) of Section 1 of that Act, the court, upon request by the  
8 State's Attorney, may in its discretion require the offender to  
9 remit a fee for his or her attendance at a smoker's education  
10 or youth diversion program.

11 For purposes of this Section, "smoker's education program"  
12 or "youth diversion program" includes, but is not limited to, a  
13 seminar designed to educate a person on the physical and  
14 psychological effects of smoking tobacco products and the  
15 health consequences of smoking tobacco products that can be  
16 conducted with a locality's youth diversion program.

17 In addition to any other penalty that the court may impose  
18 under this subsection (12):

19 (a) If a minor violates subsection (a-7) of Section 1  
20 of the Prevention of Tobacco Use by Minors Act, the court  
21 may impose a sentence of 15 hours of community service or a  
22 fine of \$25 for a first violation.

23 (b) A second violation by a minor of subsection (a-7)  
24 of Section 1 of that Act that occurs within 12 months after  
25 the first violation is punishable by a fine of \$50 and 25  
26 hours of community service.

1           (c) A third or subsequent violation by a minor of  
2           subsection (a-7) of Section 1 of that Act that occurs  
3           within 12 months after the first violation is punishable by  
4           a \$100 fine and 30 hours of community service.

5           (d) Any second or subsequent violation not within the  
6           12-month time period after the first violation is  
7           punishable as provided for a first violation.

8           (Source: P.A. 98-536, eff. 8-23-13; 98-803, eff. 1-1-15;  
9           99-268, eff. 1-1-16.)

10           (705 ILCS 405/5-740)

11           Sec. 5-740. Placement; legal custody or guardianship.

12           (1) If the court finds that the parents, guardian, or legal  
13           custodian of a minor adjudged a ward of the court are unfit or  
14           are unable, for some reason other than financial circumstances  
15           alone, to care for, protect, train or discipline the minor or  
16           are unwilling to do so, and that appropriate services aimed at  
17           family preservation and family reunification have been  
18           unsuccessful in rectifying the conditions which have led to a  
19           finding of unfitness or inability to care for, protect, train  
20           or discipline the minor, and that it is in the best interest of  
21           the minor to take him or her from the custody of his or her  
22           parents, guardian or custodian, the court may:

23           (a) place him or her in the custody of a suitable  
24           relative or other person;

25           (b) place him or her under the guardianship of a

1           probation officer;

2           (c) commit him or her to an agency for care or  
3 placement, except an institution under the authority of the  
4 Department of Juvenile Justice ~~Corrections~~ or of the  
5 Department of Children and Family Services;

6           (d) commit him or her to some licensed training school  
7 or industrial school; or

8           (e) commit him or her to any appropriate institution  
9 having among its purposes the care of delinquent children,  
10 including a child protective facility maintained by a child  
11 protection district serving the county from which  
12 commitment is made, but not including any institution under  
13 the authority of the Department of Juvenile Justice  
14 ~~Corrections~~ or of the Department of Children and Family  
15 Services.

16           (2) When making such placement, the court, wherever  
17 possible, shall select a person holding the same religious  
18 belief as that of the minor or a private agency controlled by  
19 persons of like religious faith of the minor and shall require  
20 the Department of Children and Family Services to otherwise  
21 comply with Section 7 of the Children and Family Services Act  
22 in placing the child. In addition, whenever alternative plans  
23 for placement are available, the court shall ascertain and  
24 consider, to the extent appropriate in the particular case, the  
25 views and preferences of the minor.

26           (3) When a minor is placed with a suitable relative or

1 other person, the court shall appoint him or her the legal  
2 custodian or guardian of the person of the minor. When a minor  
3 is committed to any agency, the court shall appoint the proper  
4 officer or representative of the proper officer as legal  
5 custodian or guardian of the person of the minor. Legal  
6 custodians and guardians of the person of the minor have the  
7 respective rights and duties set forth in subsection (9) of  
8 Section 5-105 except as otherwise provided by order of court;  
9 but no guardian of the person may consent to adoption of the  
10 minor. An agency whose representative is appointed guardian of  
11 the person or legal custodian of the minor may place him or her  
12 in any child care facility, but the facility must be licensed  
13 under the Child Care Act of 1969 or have been approved by the  
14 Department of Children and Family Services as meeting the  
15 standards established for such licensing. Like authority and  
16 restrictions shall be conferred by the court upon any probation  
17 officer who has been appointed guardian of the person of a  
18 minor.

19 (4) No placement by any probation officer or agency whose  
20 representative is appointed guardian of the person or legal  
21 custodian of a minor may be made in any out of State child care  
22 facility unless it complies with the Interstate Compact on the  
23 Placement of Children.

24 (5) The clerk of the court shall issue to the guardian or  
25 legal custodian of the person a certified copy of the order of  
26 court, as proof of his or her authority. No other process is

1 necessary as authority for the keeping of the minor.

2 (6) Legal custody or guardianship granted under this  
3 Section continues until the court otherwise directs, but not  
4 after the minor reaches the age of 21 years except as set forth  
5 in Section 5-750.

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

7 (705 ILCS 405/5-745)

8 Sec. 5-745. Court review.

9 (1) The court may require any legal custodian or guardian  
10 of the person appointed under this Act, including the  
11 Department of Juvenile Justice for youth committed under  
12 Section 5-750 of this Act, to report periodically to the court  
13 or may cite him or her into court and require him or her, or his  
14 or her agency, to make a full and accurate report of his or her  
15 or its doings in behalf of the minor, including efforts to  
16 secure post-release placement of the youth after release from  
17 the Department's facilities. The legal custodian or guardian,  
18 within 10 days after the citation, shall make the report,  
19 either in writing verified by affidavit or orally under oath in  
20 open court, or otherwise as the court directs. Upon the hearing  
21 of the report the court may remove the legal custodian or  
22 guardian and appoint another in his or her stead or restore the  
23 minor to the custody of his or her parents or former guardian  
24 or legal custodian.

25 (2) A guardian or legal custodian appointed by the court

1 under Section 5-740 of this Act shall file updated case plans  
2 with the court every 6 months. Every agency which has  
3 guardianship of a child shall file a supplemental petition for  
4 court review, or review by an administrative body appointed or  
5 approved by the court and further order within 18 months of the  
6 sentencing order and each 18 months thereafter. The petition  
7 shall state facts relative to the child's present condition of  
8 physical, mental and emotional health as well as facts relative  
9 to his or her present custodial or foster care. The petition  
10 shall be set for hearing and the clerk shall mail 10 days  
11 notice of the hearing by certified mail, return receipt  
12 requested, to the person or agency having the physical custody  
13 of the child, the minor and other interested parties unless a  
14 written waiver of notice is filed with the petition.

15 If the minor is in the custody of the Illinois Department  
16 of Children and Family Services, pursuant to an order entered  
17 under this Article, the court shall conduct permanency hearings  
18 as set out in subsections (1), (2), and (3) of Section 2-28 of  
19 Article II of this Act.

20 Rights of wards of the court under this Act are enforceable  
21 against any public agency by complaints for relief by mandamus  
22 filed in any proceedings brought under this Act.

23 (3) The minor or any person interested in the minor may  
24 apply to the court for a change in custody of the minor and the  
25 appointment of a new custodian or guardian of the person or for  
26 the restoration of the minor to the custody of his or her

1 parents or former guardian or custodian. In the event that the  
2 minor has attained 18 years of age and the guardian or  
3 custodian petitions the court for an order terminating his or  
4 her guardianship or custody, guardianship or legal custody  
5 shall terminate automatically 30 days after the receipt of the  
6 petition unless the court orders otherwise. No legal custodian  
7 or guardian of the person may be removed without his or her  
8 consent until given notice and an opportunity to be heard by  
9 the court.

10 (Source: P.A. 96-178, eff. 1-1-10; 97-518, eff. 1-1-12.)

11 Section 15. The Illinois Controlled Substances Act is  
12 amended by changing Section 509 as follows:

13 (720 ILCS 570/509) (from Ch. 56 1/2, par. 1509)

14 Sec. 509. Whenever any court in this State grants probation  
15 to any person that the court has reason to believe is or has  
16 been an addict or unlawful possessor of controlled substances,  
17 the court shall require, as a condition of probation, that the  
18 probationer submit to periodic tests by the Department of  
19 Corrections to determine by means of appropriate chemical  
20 detection tests whether the probationer is using controlled  
21 substances. The court may require as a condition of probation  
22 that the probationer enter an approved treatment program, if  
23 the court determines that the probationer is addicted to a  
24 controlled substance. Whenever the Prisoner Review ~~Parole and~~

1 ~~Pardon~~ Board grants parole or the Department of Juvenile  
2 Justice grants aftercare release to a person believed to have  
3 ~~whom the Board has reason to believe has~~ been an unlawful  
4 possessor or addict of controlled substances, the Board or  
5 Department shall require as a condition of parole or aftercare  
6 release that the parolee or aftercare releasee submit to  
7 appropriate periodic chemical tests by the Department of  
8 Corrections or the Department of Juvenile Justice to determine  
9 whether the parolee or aftercare releasee is using controlled  
10 substances.

11 (Source: P.A. 98-558, eff. 1-1-14.)

12 Section 20. The Rights of Crime Victims and Witnesses Act  
13 is amended by changing Sections 4.5 and 5 as follows:

14 (725 ILCS 120/4.5)

15 Sec. 4.5. Procedures to implement the rights of crime  
16 victims. To afford crime victims their rights, law enforcement,  
17 prosecutors, judges and corrections will provide information,  
18 as appropriate of the following procedures:

19 (a) At the request of the crime victim, law enforcement  
20 authorities investigating the case shall provide notice of the  
21 status of the investigation, except where the State's Attorney  
22 determines that disclosure of such information would  
23 unreasonably interfere with the investigation, until such time  
24 as the alleged assailant is apprehended or the investigation is

1 closed.

2 (a-5) When law enforcement authorities re-open a closed  
3 case to resume investigating, they shall provide notice of the  
4 re-opening of the case, except where the State's Attorney  
5 determines that disclosure of such information would  
6 unreasonably interfere with the investigation.

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

8 (1) shall provide notice of the filing of an  
9 information, the return of an indictment, or the filing of  
10 a petition to adjudicate a minor as a delinquent for a  
11 violent crime;

12 (2) shall provide timely notice of the date, time, and  
13 place of court proceedings; of any change in the date,  
14 time, and place of court proceedings; and of any  
15 cancellation of court proceedings. Notice shall be  
16 provided in sufficient time, wherever possible, for the  
17 victim to make arrangements to attend or to prevent an  
18 unnecessary appearance at court proceedings;

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

23 (3.5) or victim advocate personnel shall provide  
24 information about available victim services, including  
25 referrals to programs, counselors, and agencies that  
26 assist a victim to deal with trauma, loss, and grief;

1           (4) shall assist in having any stolen or other personal  
2 property held by law enforcement authorities for  
3 evidentiary or other purposes returned as expeditiously as  
4 possible, pursuant to the procedures set out in Section  
5 115-9 of the Code of Criminal Procedure of 1963;

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

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

15           (7) shall provide notice to the crime victim of the  
16 right to have a translator present at all court proceedings  
17 and, in compliance with the federal Americans with  
18 Disabilities Act of 1990, the right to communications  
19 access through a sign language interpreter or by other  
20 means;

21           (8) (blank);

22           (8.5) shall inform the victim of the right to be  
23 present at all court proceedings, unless the victim is to  
24 testify and the court determines that the victim's  
25 testimony would be materially affected if the victim hears  
26 other testimony at trial;

1           (9) shall inform the victim of the right to have  
2 present at all court proceedings, subject to the rules of  
3 evidence and confidentiality, an advocate and other  
4 support person of the victim's choice;

5           (9.3) shall inform the victim of the right to retain an  
6 attorney, at the victim's own expense, who, upon written  
7 notice filed with the clerk of the court and State's  
8 Attorney, is to receive copies of all notices, motions and  
9 court orders filed thereafter in the case, in the same  
10 manner as if the victim were a named party in the case;

11           (9.5) shall inform the victim of (A) the victim's right  
12 under Section 6 of this Act to make a victim impact  
13 statement at the sentencing hearing; (B) the right of the  
14 victim's spouse, guardian, parent, grandparent and other  
15 immediate family and household members under Section 6 of  
16 this Act to present an impact statement at sentencing; and  
17 (C) if a presentence report is to be prepared, the right of  
18 the victim's spouse, guardian, parent, grandparent and  
19 other immediate family and household members to submit  
20 information to the preparer of the presentence report about  
21 the effect the offense has had on the victim and the  
22 person;

23           (10) at the sentencing shall make a good faith attempt  
24 to explain the minimum amount of time during which the  
25 defendant may actually be physically imprisoned. The  
26 Office of the State's Attorney shall further notify the

1 crime victim of the right to request from the Prisoner  
2 Review Board or Department of Juvenile Justice information  
3 concerning the release of the defendant ~~under subparagraph~~  
4 ~~(d)(1) of this Section;~~

5 (11) shall request restitution at sentencing and as  
6 part of a plea agreement if the victim requests  
7 restitution;

8 (12) shall, upon the court entering a verdict of not  
9 guilty by reason of insanity, inform the victim of the  
10 notification services available from the Department of  
11 Human Services, including the statewide telephone number,  
12 under subparagraph (d)(2) of this Section;

13 (13) shall provide notice within a reasonable time  
14 after receipt of notice from the custodian, of the release  
15 of the defendant on bail or personal recognizance or the  
16 release from detention of a minor who has been detained;

17 (14) shall explain in nontechnical language the  
18 details of any plea or verdict of a defendant, or any  
19 adjudication of a juvenile as a delinquent;

20 (15) shall make all reasonable efforts to consult with  
21 the crime victim before the Office of the State's Attorney  
22 makes an offer of a plea bargain to the defendant or enters  
23 into negotiations with the defendant concerning a possible  
24 plea agreement, and shall consider the written victim  
25 impact statement, if prepared prior to entering into a plea  
26 agreement. The right to consult with the prosecutor does

1 not include the right to veto a plea agreement or to insist  
2 the case go to trial. If the State's Attorney has not  
3 consulted with the victim prior to making an offer or  
4 entering into plea negotiations with the defendant, the  
5 Office of the State's Attorney shall notify the victim of  
6 the offer or the negotiations within 2 business days and  
7 confer with the victim;

8 (16) shall provide notice of the ultimate disposition  
9 of the cases arising from an indictment or an information,  
10 or a petition to have a juvenile adjudicated as a  
11 delinquent for a violent crime;

12 (17) shall provide notice of any appeal taken by the  
13 defendant and information on how to contact the appropriate  
14 agency handling the appeal, and how to request notice of  
15 any hearing, oral argument, or decision of an appellate  
16 court;

17 (18) shall provide timely notice of any request for  
18 post-conviction review filed by the defendant under  
19 Article 122 of the Code of Criminal Procedure of 1963, and  
20 of the date, time and place of any hearing concerning the  
21 petition. Whenever possible, notice of the hearing shall be  
22 given within 48 hours of the court's scheduling of the  
23 hearing; and

24 (19) shall forward a copy of any statement presented  
25 under Section 6 to the Prisoner Review Board or Department  
26 of Juvenile Justice to be considered ~~by the Board~~ in making

1 a ~~its~~ determination under Section 3-2.5-85 or subsection  
2 (b) of Section 3-3-8 of the Unified Code of Corrections.

3 (c) The court shall ensure that the rights of the victim  
4 are afforded.

5 (c-5) The following procedures shall be followed to afford  
6 victims the rights guaranteed by Article I, Section 8.1 of the  
7 Illinois Constitution:

8 (1) Written notice. A victim may complete a written  
9 notice of intent to assert rights on a form prepared by the  
10 Office of the Attorney General and provided to the victim  
11 by the State's Attorney. The victim may at any time provide  
12 a revised written notice to the State's Attorney. The  
13 State's Attorney shall file the written notice with the  
14 court. At the beginning of any court proceeding in which  
15 the right of a victim may be at issue, the court and  
16 prosecutor shall review the written notice to determine  
17 whether the victim has asserted the right that may be at  
18 issue.

19 (2) Victim's retained attorney. A victim's attorney  
20 shall file an entry of appearance limited to assertion of  
21 the victim's rights. Upon the filing of the entry of  
22 appearance and service on the State's Attorney and the  
23 defendant, the attorney is to receive copies of all  
24 notices, motions and court orders filed thereafter in the  
25 case.

26 (3) Standing. The victim has standing to assert the

1 rights enumerated in subsection (a) of Article I, Section  
2 8.1 of the Illinois Constitution and the statutory rights  
3 under Section 4 of this Act in any court exercising  
4 jurisdiction over the criminal case. The prosecuting  
5 attorney, a victim, or the victim's retained attorney may  
6 assert the victim's rights. The defendant in the criminal  
7 case has no standing to assert a right of the victim in any  
8 court proceeding, including on appeal.

9 (4) Assertion of and enforcement of rights.

10 (A) The prosecuting attorney shall assert a  
11 victim's right or request enforcement of a right by  
12 filing a motion or by orally asserting the right or  
13 requesting enforcement in open court in the criminal  
14 case outside the presence of the jury. The prosecuting  
15 attorney shall consult with the victim and the victim's  
16 attorney regarding the assertion or enforcement of a  
17 right. If the prosecuting attorney decides not to  
18 assert or enforce a victim's right, the prosecuting  
19 attorney shall notify the victim or the victim's  
20 attorney in sufficient time to allow the victim or the  
21 victim's attorney to assert the right or to seek  
22 enforcement of a right.

23 (B) If the prosecuting attorney elects not to  
24 assert a victim's right or to seek enforcement of a  
25 right, the victim or the victim's attorney may assert  
26 the victim's right or request enforcement of a right by

1 filing a motion or by orally asserting the right or  
2 requesting enforcement in open court in the criminal  
3 case outside the presence of the jury.

4 (C) If the prosecuting attorney asserts a victim's  
5 right or seeks enforcement of a right, and the court  
6 denies the assertion of the right or denies the request  
7 for enforcement of a right, the victim or victim's  
8 attorney may file a motion to assert the victim's right  
9 or to request enforcement of the right within 10 days  
10 of the court's ruling. The motion need not demonstrate  
11 the grounds for a motion for reconsideration. The court  
12 shall rule on the merits of the motion.

13 (D) The court shall take up and decide any motion  
14 or request asserting or seeking enforcement of a  
15 victim's right without delay, unless a specific time  
16 period is specified by law or court rule. The reasons  
17 for any decision denying the motion or request shall be  
18 clearly stated on the record.

19 (5) Violation of rights and remedies.

20 (A) If the court determines that a victim's right  
21 has been violated, the court shall determine the  
22 appropriate remedy for the violation of the victim's  
23 right by hearing from the victim and the parties,  
24 considering all factors relevant to the issue, and then  
25 awarding appropriate relief to the victim.

26 (B) The appropriate remedy shall include only

1 actions necessary to provide the victim the right to  
2 which the victim was entitled and may include reopening  
3 previously held proceedings; however, in no event  
4 shall the court vacate a conviction. Any remedy shall  
5 be tailored to provide the victim an appropriate remedy  
6 without violating any constitutional right of the  
7 defendant. In no event shall the appropriate remedy be  
8 a new trial, damages, or costs.

9 (6) Right to be heard. Whenever a victim has the right  
10 to be heard, the court shall allow the victim to exercise  
11 the right in any reasonable manner the victim chooses.

12 (7) Right to attend trial. A party must file a written  
13 motion to exclude a victim from trial at least 60 days  
14 prior to the date set for trial. The motion must state with  
15 specificity the reason exclusion is necessary to protect a  
16 constitutional right of the party, and must contain an  
17 offer of proof. The court shall rule on the motion within  
18 30 days. If the motion is granted, the court shall set  
19 forth on the record the facts that support its finding that  
20 the victim's testimony will be materially affected if the  
21 victim hears other testimony at trial.

22 (8) Right to have advocate present. A party who intends  
23 to call an advocate as a witness must seek permission of  
24 the court before the subpoena is issued. The party must  
25 file a written motion and offer of proof regarding the  
26 anticipated testimony of the advocate in sufficient time to

1 allow the court to rule and the victim to seek appellate  
2 review. The court shall rule on the motion without delay.

3 (9) Right to notice and hearing before disclosure of  
4 confidential or privileged information or records. A  
5 defendant who seeks to subpoena records of or concerning  
6 the victim that are confidential or privileged by law must  
7 seek permission of the court before the subpoena is issued.  
8 The defendant must file a written motion and an offer of  
9 proof regarding the relevance, admissibility and  
10 materiality of the records. If the court finds by a  
11 preponderance of the evidence that: (A) the records are not  
12 protected by an absolute privilege and (B) the records  
13 contain relevant, admissible, and material evidence that  
14 is not available through other witnesses or evidence, the  
15 court shall issue a subpoena requiring a sealed copy of the  
16 records be delivered to the court to be reviewed in camera.  
17 If, after conducting an in camera review of the records,  
18 the court determines that due process requires disclosure  
19 of any portion of the records, the court shall provide  
20 copies of what it intends to disclose to the prosecuting  
21 attorney and the victim. The prosecuting attorney and the  
22 victim shall have 30 days to seek appellate review before  
23 the records are disclosed to the defendant. The disclosure  
24 of copies of any portion of the records to the prosecuting  
25 attorney does not make the records subject to discovery.

26 (10) Right to notice of court proceedings. If the

1 victim is not present at a court proceeding in which a  
2 right of the victim is at issue, the court shall ask the  
3 prosecuting attorney whether the victim was notified of the  
4 time, place, and purpose of the court proceeding and that  
5 the victim had a right to be heard at the court proceeding.  
6 If the court determines that timely notice was not given or  
7 that the victim was not adequately informed of the nature  
8 of the court proceeding, the court shall not rule on any  
9 substantive issues, accept a plea, or impose a sentence and  
10 shall continue the hearing for the time necessary to notify  
11 the victim of the time, place and nature of the court  
12 proceeding. The time between court proceedings shall not be  
13 attributable to the State under Section 103-5 of the Code  
14 of Criminal Procedure of 1963.

15 (11) Right to timely disposition of the case. A victim  
16 has the right to timely disposition of the case so as to  
17 minimize the stress, cost, and inconvenience resulting  
18 from the victim's involvement in the case. Before ruling on  
19 a motion to continue trial or other court proceeding, the  
20 court shall inquire into the circumstances for the request  
21 for the delay and, if the victim has provided written  
22 notice of the assertion of the right to a timely  
23 disposition, and whether the victim objects to the delay.  
24 If the victim objects, the prosecutor shall inform the  
25 court of the victim's objections. If the prosecutor has not  
26 conferred with the victim about the continuance, the

1 prosecutor shall inform the court of the attempts to  
2 confer. If the court finds the attempts of the prosecutor  
3 to confer with the victim were inadequate to protect the  
4 victim's right to be heard, the court shall give the  
5 prosecutor at least 3 but not more than 5 business days to  
6 confer with the victim. In ruling on a motion to continue,  
7 the court shall consider the reasons for the requested  
8 continuance, the number and length of continuances that  
9 have been granted, the victim's objections and procedures  
10 to avoid further delays. If a continuance is granted over  
11 the victim's objection, the court shall specify on the  
12 record the reasons for the continuance and the procedures  
13 that have been or will be taken to avoid further delays.

14 (12) Right to Restitution.

15 (A) If the victim has asserted the right to  
16 restitution and the amount of restitution is known at  
17 the time of sentencing, the court shall enter the  
18 judgment of restitution at the time of sentencing.

19 (B) If the victim has asserted the right to  
20 restitution and the amount of restitution is not known  
21 at the time of sentencing, the prosecutor shall, within  
22 5 days after sentencing, notify the victim what  
23 information and documentation related to restitution  
24 is needed and that the information and documentation  
25 must be provided to the prosecutor within 45 days after  
26 sentencing. Failure to timely provide information and

1 documentation related to restitution shall be deemed a  
2 waiver of the right to restitution. The prosecutor  
3 shall file and serve within 60 days after sentencing a  
4 proposed judgment for restitution and a notice that  
5 includes information concerning the identity of any  
6 victims or other persons seeking restitution, whether  
7 any victim or other person expressly declines  
8 restitution, the nature and amount of any damages  
9 together with any supporting documentation, a  
10 restitution amount recommendation, and the names of  
11 any co-defendants and their case numbers. Within 30  
12 days after receipt of the proposed judgment for  
13 restitution, the defendant shall file any objection to  
14 the proposed judgment, a statement of grounds for the  
15 objection, and a financial statement. If the defendant  
16 does not file an objection, the court may enter the  
17 judgment for restitution without further proceedings.  
18 If the defendant files an objection and either party  
19 requests a hearing, the court shall schedule a hearing.  
20 (13) Access to presentence reports.

21 (A) The victim may request a copy of the  
22 presentence report prepared under the Unified Code of  
23 Corrections from the State's Attorney. The State's  
24 Attorney shall redact the following information before  
25 providing a copy of the report:

26 (i) the defendant's mental history and

1 condition;

2 (ii) any evaluation prepared under subsection  
3 (b) or (b-5) of Section 5-3-2; and

4 (iii) the name, address, phone number, and  
5 other personal information about any other victim.

6 (B) The State's Attorney or the defendant may  
7 request the court redact other information in the  
8 report that may endanger the safety of any person.

9 (C) The State's Attorney may orally disclose to the  
10 victim any of the information that has been redacted if  
11 there is a reasonable likelihood that the information  
12 will be stated in court at the sentencing.

13 (D) The State's Attorney must advise the victim  
14 that the victim must maintain the confidentiality of  
15 the report and other information. Any dissemination of  
16 the report or information that was not stated at a  
17 court proceeding constitutes indirect criminal  
18 contempt of court.

19 (14) Appellate relief. If the trial court denies the  
20 relief requested, the victim, the victim's attorney or the  
21 prosecuting attorney may file an appeal within 30 days of  
22 the trial court's ruling. The trial or appellate court may  
23 stay the court proceedings if the court finds that a stay  
24 would not violate a constitutional right of the defendant.  
25 If the appellate court denies the relief sought, the  
26 reasons for the denial shall be clearly stated in a written

1 opinion. In any appeal in a criminal case, the State may  
2 assert as error the court's denial of any crime victim's  
3 right in the proceeding to which the appeal relates.

4 (15) Limitation on appellate relief. In no case shall  
5 an appellate court provide a new trial to remedy the  
6 violation of a victim's right.

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

1 other concerned citizen's residence or other location  
2 available to the notifying authority.

3 (2) When the defendant has been committed to the Department  
4 of Human Services pursuant to Section 5-2-4 or any other  
5 provision of the Unified Code of Corrections, the victim may  
6 request to be notified by the releasing authority of the  
7 approval by the court of an on-grounds pass, a supervised  
8 off-grounds pass, an unsupervised off-grounds pass, or  
9 conditional release; the release on an off-grounds pass; the  
10 return from an off-grounds pass; transfer to another facility;  
11 conditional release; escape; death; or final discharge from  
12 State custody. The Department of Human Services shall establish  
13 and maintain a statewide telephone number to be used by victims  
14 to make notification requests under these provisions and shall  
15 publicize this telephone number on its website and to the  
16 State's Attorney of each county.

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

1 Juvenile Justice immediately shall notify the Prisoner Review  
2 Board and the Board shall notify the victim.

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

20 (5) If a statement is presented under Section 6, the  
21 Prisoner Review Board or Department of Juvenile Justice shall  
22 inform the victim of any order of discharge ~~entered by the~~  
23 ~~Board~~ pursuant to Section 3-2.5-85 or 3-3-8 of the Unified Code  
24 of Corrections.

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

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

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

18 (8) When a defendant has been convicted of a sex offense as  
19 defined in Section 2 of the Sex Offender Registration Act and  
20 has been sentenced to the Department of Corrections or the  
21 Department of Juvenile Justice, the Prisoner Review Board or  
22 the Department of Juvenile Justice shall notify the victim of  
23 the sex offense of the prisoner's eligibility for release on  
24 parole, aftercare release, mandatory supervised release,  
25 electronic detention, work release, international transfer or  
26 exchange, or by the custodian of the discharge of any

1 individual who was adjudicated a delinquent for a sex offense  
2 from State custody and by the sheriff of the appropriate county  
3 of any such person's final discharge from county custody. The  
4 notification shall be made to the victim at least 30 days,  
5 whenever possible, before release of the sex offender.

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

11 (f) To permit a crime victim of a violent crime to provide  
12 information to the Prisoner Review Board or the Department of  
13 Juvenile Justice for consideration by the Board or Department  
14 at a parole hearing or before an aftercare release decision  
15 ~~hearing~~ of a person who committed the crime against the victim  
16 in accordance with clause (d)(4) of this Section or at a  
17 proceeding to determine the conditions of mandatory supervised  
18 release of a person sentenced to a determinate sentence or at a  
19 hearing on revocation of mandatory supervised release of a  
20 person sentenced to a determinate sentence, the Board shall  
21 establish a toll-free number that may be accessed by the victim  
22 of a violent crime to present that information to the Board.

23 (Source: P.A. 98-372, eff. 1-1-14; 98-558, eff. 1-1-14; 98-756,  
24 eff. 7-16-14; 99-413, eff. 8-20-15.)

1           Sec. 5. Rights of Witnesses.

2           (a) Witnesses as defined in subsection (b) of Section 3 of  
3 this Act shall have the following rights:

4           (1) to be notified by the Office of the State's  
5 Attorney of all court proceedings at which the witness'  
6 presence is required in a reasonable amount of time prior  
7 to the proceeding, and to be notified of the cancellation  
8 of any scheduled court proceeding in sufficient time to  
9 prevent an unnecessary appearance in court, where  
10 possible;

11           (2) to be provided with appropriate employer  
12 intercession services by the Office of the State's Attorney  
13 or the victim advocate personnel to ensure that employers  
14 of witnesses will cooperate with the criminal justice  
15 system in order to minimize an employee's loss of pay and  
16 other benefits resulting from court appearances;

17           (3) to be provided, whenever possible, a secure waiting  
18 area during court proceedings that does not require  
19 witnesses to be in close proximity to defendants and their  
20 families and friends;

21           (4) to be provided with notice by the Office of the  
22 State's Attorney, where necessary, of the right to have a  
23 translator present whenever the witness' presence is  
24 required and, in compliance with the federal Americans with  
25 Disabilities Act of 1990, to be provided with notice of the  
26 right to communications access through a sign language

1 interpreter or by other means.

2 (b) At the written request of the witness, the witness  
3 shall:

4 (1) receive notice from the office of the State's  
5 Attorney of any request for post-conviction review filed by  
6 the defendant under Article 122 of the Code of Criminal  
7 Procedure of 1963, and of the date, time, and place of any  
8 hearing concerning the petition for post-conviction  
9 review; whenever possible, notice of the hearing on the  
10 petition shall be given in advance;

11 (2) receive notice by the releasing authority of the  
12 defendant's discharge from State custody if the defendant  
13 was committed to the Department of Human Services under  
14 Section 5-2-4 or any other provision of the Unified Code of  
15 Corrections;

16 (3) receive notice from the Prisoner Review Board of  
17 the prisoner's escape from State custody, after the Board  
18 has been notified of the escape by the Department of  
19 Corrections or the Department of Juvenile Justice; when the  
20 escapee is apprehended, the Department of Corrections or  
21 the Department of Juvenile Justice shall immediately  
22 notify the Prisoner Review Board and the Board shall notify  
23 the witness;

24 (4) receive notice from the Prisoner Review Board or  
25 the Department of Juvenile Justice of the prisoner's  
26 release on parole, aftercare release, electronic

1           detention, work release or mandatory supervised release  
2           and of the prisoner's final discharge from parole,  
3           aftercare release, electronic detention, work release, or  
4           mandatory supervised release.

5           (Source: P.A. 98-558, eff. 1-1-14.)

6           Section 25. The Sexually Violent Persons Commitment Act is  
7           amended by changing Section 15 as follows:

8           (725 ILCS 207/15)

9           Sec. 15. Sexually violent person petition; contents;  
10          filing.

11          (a) A petition alleging that a person is a sexually violent  
12          person must be filed before the release or discharge of the  
13          person or within 30 days of placement onto parole, aftercare  
14          release, or mandatory supervised release for an offense  
15          enumerated in paragraph (e) of Section 5 of this Act. A  
16          petition may be filed by the following:

17                 (1) The Attorney General on his or her own motion,  
18                 after consulting with and advising the State's Attorney of  
19                 the county in which the person was convicted of a sexually  
20                 violent offense, adjudicated delinquent for a sexually  
21                 violent offense or found not guilty of or not responsible  
22                 for a sexually violent offense by reason of insanity,  
23                 mental disease, or mental defect; or

24                 (2) The State's Attorney of the county referenced in

1 paragraph (1)(a)(1) of this Section, on his or her own  
2 motion; or

3 (3) The Attorney General and the State's Attorney of  
4 the county referenced in paragraph (1)(a)(1) of this  
5 Section may jointly file a petition on their own motion; or

6 (4) A petition may be filed at the request of the  
7 agency with jurisdiction over the person, as defined in  
8 subsection (a) of Section 10 of this Act, by:

9 (a) the Attorney General;

10 (b) the State's Attorney of the county referenced  
11 in paragraph (1)(a)(1) of this Section; or

12 (c) the Attorney General and the State's Attorney  
13 jointly.

14 (b) A petition filed under this Section shall allege that  
15 all of the following apply to the person alleged to be a  
16 sexually violent person:

17 (1) The person satisfies any of the following criteria:

18 (A) The person has been convicted of a sexually  
19 violent offense;

20 (B) The person has been found delinquent for a  
21 sexually violent offense; or

22 (C) The person has been found not guilty of a  
23 sexually violent offense by reason of insanity, mental  
24 disease, or mental defect.

25 (2) (Blank).

26 (3) (Blank).

1 (4) The person has a mental disorder.

2 (5) The person is dangerous to others because the  
3 person's mental disorder creates a substantial probability  
4 that he or she will engage in acts of sexual violence.

5 (b-5) The petition must be filed no more than 90 days  
6 before discharge or entry into mandatory supervised release  
7 from a Department of Corrections or aftercare release from the  
8 Department of Juvenile Justice correctional facility for a  
9 sentence that was imposed upon a conviction for a sexually  
10 violent offense. For inmates sentenced under the law in effect  
11 prior to February 1, 1978, the petition shall be filed no more  
12 than 90 days after the Prisoner Review Board's order granting  
13 parole pursuant to Section 3-3-5 of the Unified Code of  
14 Corrections.

15 (b-6) The petition must be filed no more than 90 days  
16 before discharge or release:

17 (1) from a Department of Juvenile Justice juvenile  
18 correctional facility if the person was placed in the  
19 facility for being adjudicated delinquent under Section  
20 5-20 of the Juvenile Court Act of 1987 or found guilty  
21 under Section 5-620 of that Act on the basis of a sexually  
22 violent offense; or

23 (2) from a commitment order that was entered as a  
24 result of a sexually violent offense.

25 (b-7) A person convicted of a sexually violent offense  
26 remains eligible for commitment as a sexually violent person

1 pursuant to this Act under the following circumstances: (1) the  
2 person is in custody for a sentence that is being served  
3 concurrently or consecutively with a sexually violent offense;  
4 (2) the person returns to the custody of the Illinois  
5 Department of Corrections or the Department of Juvenile Justice  
6 for any reason during the term of parole, aftercare release, or  
7 mandatory supervised release being served for a sexually  
8 violent offense; or (3) the person is convicted or adjudicated  
9 delinquent for any offense committed during the term of parole,  
10 aftercare release, or mandatory supervised release being  
11 served for a sexually violent offense, regardless of whether  
12 that conviction or adjudication was for a sexually violent  
13 offense.

14 (c) A petition filed under this Section shall state with  
15 particularity essential facts to establish probable cause to  
16 believe the person is a sexually violent person. If the  
17 petition alleges that a sexually violent offense or act that is  
18 a basis for the allegation under paragraph (b)(1) of this  
19 Section was an act that was sexually motivated as provided  
20 under paragraph (e)(2) of Section 5 of this Act, the petition  
21 shall state the grounds on which the offense or act is alleged  
22 to be sexually motivated.

23 (d) A petition under this Section shall be filed in either  
24 of the following:

25 (1) The circuit court for the county in which the  
26 person was convicted of a sexually violent offense,

1 adjudicated delinquent for a sexually violent offense or  
2 found not guilty of a sexually violent offense by reason of  
3 insanity, mental disease or mental defect.

4 (2) The circuit court for the county in which the  
5 person is in custody under a sentence, a placement to a  
6 Department of Corrections correctional facility or a  
7 Department of Juvenile Justice juvenile correctional  
8 facility, or a commitment order.

9 (e) The filing of a petition under this Act shall toll the  
10 running of the term of parole or mandatory supervised release  
11 until:

12 (1) dismissal of the petition filed under this Act;

13 (2) a finding by a judge or jury that the respondent is  
14 not a sexually violent person; or

15 (3) the sexually violent person is discharged under  
16 Section 65 of this Act.

17 (f) The State has the right to have the person evaluated by  
18 experts chosen by the State. The agency with jurisdiction as  
19 defined in Section 10 of this Act shall allow the expert  
20 reasonable access to the person for purposes of examination, to  
21 the person's records, and to past and present treatment  
22 providers and any other staff members relevant to the  
23 examination.

24 (Source: P.A. 98-558, eff. 1-1-14.)

25 Section 30. The Unified Code of Corrections is amended by

1 changing Sections 3-2-3.1, 3-2-5, 3-2.5-20, 3-2.5-70,  
2 3-2.5-80, 3-3-1, 3-3-2, 3-3-3, 3-3-4, 3-3-5, 3-3-7, 3-3-8,  
3 3-3-9, 3-3-10, 3-10-7, 5-8-6, 5-8A-3, and 5-8A-7 and by adding  
4 Sections 3-2.5-85, 3-2.5-90, 3-2.5-95, 3-2.5-100, and 3-3-9.5  
5 as follows:

6 (730 ILCS 5/3-2-3.1) (from Ch. 38, par. 1003-2-3.1)  
7 Sec. 3-2-3.1. Treaties. If a treaty in effect between the  
8 United States and a foreign country provides for the transfer  
9 or exchange of convicted offenders to the country of which they  
10 are citizens or nationals, the Governor may, on behalf of the  
11 State and subject to the terms of the treaty, authorize the  
12 Director of Corrections or the Director of Juvenile Justice to  
13 consent to the transfer or exchange of offenders and take any  
14 other action necessary to initiate the participation of this  
15 State in the treaty. Before any transfer or exchange may occur,  
16 the Director of Corrections shall notify in writing the  
17 Prisoner Review Board and the Office of the State's Attorney  
18 which obtained the defendant's conviction, or the Director of  
19 Juvenile Justice shall notify in writing the Office of the  
20 State's Attorney which obtained the youth's conviction.

21 (Source: P.A. 95-317, eff. 8-21-07.)

22 (730 ILCS 5/3-2-5) (from Ch. 38, par. 1003-2-5)  
23 Sec. 3-2-5. Organization of the Department of Corrections  
24 and the Department of Juvenile Justice.

1 (a) There shall be a Department of Corrections which shall  
2 be administered by a Director and an Assistant Director  
3 appointed by the Governor under the Civil Administrative Code  
4 of Illinois. The Assistant Director shall be under the  
5 direction of the Director. The Department of Corrections shall  
6 be responsible for all persons committed or transferred to the  
7 Department under Sections 3-10-7 or 5-8-6 of this Code.

8 (b) There shall be a Department of Juvenile Justice which  
9 shall be administered by a Director appointed by the Governor  
10 under the Civil Administrative Code of Illinois. The Department  
11 of Juvenile Justice shall be responsible for all persons under  
12 18 ~~17~~ years of age when sentenced to imprisonment and committed  
13 to the Department under subsection (c) of Section 5-8-6 of this  
14 Code, Section 5-10 of the Juvenile Court Act, or Section 5-750  
15 of the Juvenile Court Act of 1987. Persons under 18 ~~17~~ years of  
16 age committed to the Department of Juvenile Justice pursuant to  
17 this Code shall be sight and sound separate from adult  
18 offenders committed to the Department of Corrections.

19 (c) The Department shall create a gang intelligence unit  
20 under the supervision of the Director. The unit shall be  
21 specifically designed to gather information regarding the  
22 inmate gang population, monitor the activities of gangs, and  
23 prevent the furtherance of gang activities through the  
24 development and implementation of policies aimed at deterring  
25 gang activity. The Director shall appoint a Corrections  
26 Intelligence Coordinator.

1 All information collected and maintained by the unit shall  
2 be highly confidential, and access to that information shall be  
3 restricted by the Department. The information shall be used to  
4 control and limit the activities of gangs within correctional  
5 institutions under the jurisdiction of the Illinois Department  
6 of Corrections and may be shared with other law enforcement  
7 agencies in order to curb gang activities outside of  
8 correctional institutions under the jurisdiction of the  
9 Department and to assist in the investigations and prosecutions  
10 of gang activity. The Department shall establish and promulgate  
11 rules governing the release of information to outside law  
12 enforcement agencies. Due to the highly sensitive nature of the  
13 information, the information is exempt from requests for  
14 disclosure under the Freedom of Information Act as the  
15 information contained is highly confidential and may be harmful  
16 if disclosed.

17 (Source: P.A. 97-800, eff. 7-13-12; 97-1083, eff. 8-24-12;  
18 98-463, eff. 8-16-13.)

19 (730 ILCS 5/3-2.5-20)

20 Sec. 3-2.5-20. General powers and duties.

21 (a) In addition to the powers, duties, and responsibilities  
22 which are otherwise provided by law or transferred to the  
23 Department as a result of this Article, the Department, as  
24 determined by the Director, shall have, but are not limited to,  
25 the following rights, powers, functions and duties:

1           (1) To accept juveniles committed to it by the courts  
2 of this State for care, custody, treatment, and  
3 rehabilitation.

4           (2) To maintain and administer all State juvenile  
5 correctional institutions previously under the control of  
6 the Juvenile and Women's & Children Divisions of the  
7 Department of Corrections, and to establish and maintain  
8 institutions as needed to meet the needs of the youth  
9 committed to its care.

10          (3) To identify the need for and recommend the funding  
11 and implementation of an appropriate mix of programs and  
12 services within the juvenile justice continuum, including  
13 but not limited to prevention, nonresidential and  
14 residential commitment programs, day treatment, and  
15 conditional release programs and services, with the  
16 support of educational, vocational, alcohol, drug abuse,  
17 and mental health services where appropriate.

18          (3.5) To assist youth committed to the Department of  
19 Juvenile Justice under the Juvenile Court Act of 1987 with  
20 successful reintegration into society, the Department  
21 shall retain custody and control of all adjudicated  
22 delinquent juveniles released under Section 3-2.5-85 or  
23 3-3-10 of this Code, shall provide a continuum of  
24 post-release treatment and services to those youth, and  
25 shall supervise those youth during their release period in  
26 accordance with the conditions set by the Department or the

1 Prisoner Review Board.

2 (4) To establish and provide transitional and  
3 post-release treatment programs for juveniles committed to  
4 the Department. Services shall include but are not limited  
5 to:

6 (i) family and individual counseling and treatment  
7 placement;

8 (ii) referral services to any other State or local  
9 agencies;

10 (iii) mental health services;

11 (iv) educational services;

12 (v) family counseling services; and

13 (vi) substance abuse services.

14 (5) To access vital records of juveniles for the  
15 purposes of providing necessary documentation for  
16 transitional services such as obtaining identification,  
17 educational enrollment, employment, and housing.

18 (6) To develop staffing and workload standards and  
19 coordinate staff development and training appropriate for  
20 juvenile populations.

21 (7) To develop, with the approval of the Office of the  
22 Governor and the Governor's Office of Management and  
23 Budget, annual budget requests.

24 (8) To administer the Interstate Compact for  
25 Juveniles, with respect to all juveniles under its  
26 jurisdiction, and to cooperate with the Department of Human

1 Services with regard to all non-offender juveniles subject  
2 to the Interstate Compact for Juveniles.

3 (9) To decide the date of release on aftercare for  
4 youth committed to the Department under Section 5-750 of  
5 the Juvenile Court Act of 1987.

6 (10) To set conditions of aftercare release for all  
7 youth committed to the Department under the Juvenile Court  
8 Act of 1987.

9 (b) The Department may employ personnel in accordance with  
10 the Personnel Code and Section 3-2.5-15 of this Code, provide  
11 facilities, contract for goods and services, and adopt rules as  
12 necessary to carry out its functions and purposes, all in  
13 accordance with applicable State and federal law.

14 (c) On and after the date 6 months after August 16, 2013  
15 (the effective date of Public Act 98-488), as provided in the  
16 Executive Order 1 (2012) Implementation Act, all of the powers,  
17 duties, rights, and responsibilities related to State  
18 healthcare purchasing under this Code that were transferred  
19 from the Department of Corrections to the Department of  
20 Healthcare and Family Services by Executive Order 3 (2005) are  
21 transferred back to the Department of Corrections; however,  
22 powers, duties, rights, and responsibilities related to State  
23 healthcare purchasing under this Code that were exercised by  
24 the Department of Corrections before the effective date of  
25 Executive Order 3 (2005) but that pertain to individuals  
26 resident in facilities operated by the Department of Juvenile

1 Justice are transferred to the Department of Juvenile Justice.

2 (Source: P.A. 98-488, eff. 8-16-13; 98-558, eff. 1-1-14;  
3 98-756, eff. 7-16-14.)

4 (730 ILCS 5/3-2.5-70)

5 Sec. 3-2.5-70. Aftercare.

6 (a) The Department shall implement an aftercare program  
7 that includes, at a minimum, the following program elements:

8 (1) A process for developing and implementing a case  
9 management plan for timely and successful reentry into the  
10 community beginning upon commitment.

11 (2) A process for reviewing committed youth for  
12 recommendation for aftercare release.

13 (3) Supervision in accordance with the conditions set  
14 by the Department or Prisoner Review Board and referral to  
15 and facilitation of community-based services including  
16 education, social and mental health services, substance  
17 abuse treatment, employment and vocational training,  
18 individual and family counseling, financial counseling,  
19 and other services as appropriate; and assistance in  
20 locating appropriate residential placement and obtaining  
21 suitable employment. The Department may purchase necessary  
22 services for a releasee if they are otherwise unavailable  
23 and the releasee is unable to pay for the services. It may  
24 assess all or part of the costs of these services to a  
25 releasee in accordance with his or her ability to pay for

1 the services.

2 (4) Standards for sanctioning violations of conditions  
3 of aftercare release that ensure that juvenile offenders  
4 face uniform and consistent consequences that hold them  
5 accountable taking into account aggravating and mitigating  
6 factors and prioritizing public safety.

7 (5) A process for reviewing youth on aftercare release  
8 for discharge.

9 (b) The Department of Juvenile Justice shall have the  
10 following rights, powers, functions, and duties:

11 (1) To investigate alleged violations of an aftercare  
12 releasee's conditions of release; and for this purpose it  
13 may issue subpoenas and compel the attendance of witnesses  
14 and the production of documents only if there is reason to  
15 believe that the procedures would provide evidence that the  
16 violations have occurred. If any person fails to obey a  
17 subpoena issued under this subsection, the Director may  
18 apply to any circuit court to secure compliance with the  
19 subpoena. The failure to comply with the order of the court  
20 issued in response thereto shall be punishable as contempt  
21 of court.

22 (2) To issue a violation warrant for the apprehension  
23 of an aftercare releasee for violations of the conditions  
24 of aftercare release. Aftercare specialists and  
25 supervisors have the full power of peace officers in the  
26 retaking of any youth alleged to have violated the

1 conditions of aftercare release.

2 (c) The Department of Juvenile Justice shall designate  
3 aftercare specialists qualified in juvenile matters to perform  
4 case management and post-release programming functions under  
5 this Section.

6 (Source: P.A. 98-558, eff. 1-1-14.)

7 (730 ILCS 5/3-2.5-80)

8 Sec. 3-2.5-80. Supervision on Aftercare Release.

9 (a) The Department shall retain custody of all youth placed  
10 on aftercare release or released under Section 3-2.5-85 or  
11 3-3-10 of this Code. The Department shall supervise those youth  
12 during their aftercare release period in accordance with the  
13 conditions set by the Department or Prisoner Review Board.

14 (b) A copy of youth's conditions of aftercare release shall  
15 be signed by the youth and given to the youth and to his or her  
16 aftercare specialist who shall report on the youth's progress  
17 under the rules of the Department ~~Prisoner Review Board~~.  
18 Aftercare specialists and supervisors shall have the full power  
19 of peace officers in the retaking of any releasee who has  
20 allegedly violated his or her aftercare release conditions. The  
21 aftercare specialist may request the Department of Juvenile  
22 Justice to issue a warrant for the arrest of any releasee who  
23 has allegedly violated his or her aftercare release conditions.

24 (c) The aftercare supervisor shall request the Department  
25 of Juvenile Justice to issue an aftercare release violation

1 warrant, and the Department of Juvenile Justice shall issue an  
2 aftercare release violation warrant, under the following  
3 circumstances:

4 (1) if the releasee has a subsequent delinquency  
5 petition filed against him or her alleging commission of an  
6 act that constitutes a felony using a firearm or knife;

7 (2) if the releasee is required to and fails to comply  
8 with the requirements of the Sex Offender Registration Act;

9 (3) (blank); or

10 (4) if the releasee is on aftercare release for a  
11 murder, a Class X felony or a Class 1 felony violation of  
12 the Criminal Code of 2012, or any felony that requires  
13 registration as a sex offender under the Sex Offender  
14 Registration Act and a subsequent delinquency petition is  
15 filed against him or her alleging commission of an act that  
16 constitutes first degree murder, a Class X felony, a Class  
17 1 felony, a Class 2 felony, or a Class 3 felony.

18 Personnel designated by the Department of Juvenile Justice  
19 or another peace officer may detain an alleged aftercare  
20 release violator until a warrant for his or her return to the  
21 Department of Juvenile Justice can be issued. The releasee may  
22 be delivered to any secure place until he or she can be  
23 transported to the Department of Juvenile Justice. The  
24 aftercare specialist or the Department of Juvenile Justice  
25 shall file a violation report with notice of charges with the  
26 Department Prisoner Review Board.

1 (d) The aftercare specialist shall regularly advise and  
2 consult with the releasee and assist the youth in adjusting to  
3 community life in accord with this Section.

4 (e) If the aftercare releasee has been convicted of a sex  
5 offense as defined in the Sex Offender Management Board Act,  
6 the aftercare specialist shall periodically, but not less than  
7 once a month, verify that the releasee is in compliance with  
8 paragraph (7.6) of subsection (a) of Section 3-3-7.

9 (f) The aftercare specialist shall keep those records as  
10 the ~~Prisoner Review Board~~ or Department may require. All  
11 records shall be entered in the master file of the youth.

12 (Source: P.A. 98-558, eff. 1-1-14; 99-268, eff. 1-1-16.)

13 (730 ILCS 5/3-2.5-85 new)

14 Sec. 3-2.5-85. Eligibility for release; determination.

15 (a) Every youth committed to the Department of Juvenile  
16 Justice under Section 5-750 of the Juvenile Court Act of 1987,  
17 except those committed for first degree murder, shall be:

18 (1) Eligible for aftercare release without regard to  
19 the length of time the youth has been confined or whether  
20 the youth has served any minimum term imposed.

21 (2) Placed on aftercare release on or before his or her  
22 20th birthday or upon completion of the maximum term of  
23 confinement ordered by the court under Section 5-710 of the  
24 Juvenile Court Act of 1987, whichever is sooner.

25 (3) Considered for aftercare release at least 30 days

1       prior to the expiration of the first year of confinement  
2       and at least annually thereafter.

3       (b) This Section does not apply to the initial release of  
4       youth committed to the Department under Section 5-815 or 5-820  
5       of the Juvenile Court Act of 1987. Those youth shall be  
6       released by the Department upon completion of the determinate  
7       sentence established under this Code. Subsections (d) through  
8       (1) of this Section do not apply when a youth is released under  
9       paragraph (2) of subsection (a) of this Section or the youth's  
10       release is otherwise required by law or ordered by the court.  
11       Youth who have been tried as an adult and committed to the  
12       Department under Section 5-8-6 of this Code are only eligible  
13       for mandatory supervised release as an adult under Section  
14       3-3-3 of this Code.

15       (c) The Department shall establish a process for deciding  
16       the date of release on aftercare for every youth committed to  
17       the Department of Juvenile Justice under Section 5-750 of the  
18       Juvenile Court Act of 1987. The process shall include  
19       establishing a target release date upon commitment to the  
20       Department, the regular review and appropriate adjustment of  
21       the target release date, and the final release consideration at  
22       least 30 days prior to the youth's target release date. The  
23       establishment, adjustment, and final consideration of the  
24       target release date shall include consideration of the  
25       following factors:

26               (1) the nature and seriousness of the youth's offense;

1           (2) the likelihood the youth will reoffend or will pose  
2           a danger to the community based on an assessment of the  
3           youth's risks, strengths, and behavior; and

4           (3) the youth's progress since being committed to the  
5           Department.

6           The target release date for youth committed to the  
7           Department for first degree murder shall not precede the  
8           minimum period of confinement provided in Section 5-750 of the  
9           Juvenile Court Act of 1987. These youth shall be considered for  
10          release upon completion of their minimum term of confinement  
11          and at least annually thereafter.

12          (d) If the youth being considered for aftercare release has  
13          a petition or any written submissions prepared on his or her  
14          behalf by an attorney or other representative, the attorney or  
15          representative for the youth must serve by certified mail the  
16          State's Attorney of the county where the youth was prosecuted  
17          with the petition or any written submissions 15 days prior to  
18          the youth's target release date.

19          (e) In making its determination of aftercare release, the  
20          Department shall consider:

21               (1) material transmitted to the Department by the clerk  
22               of the committing court under Section 5-750 of the Juvenile  
23               Court Act of 1987;

24               (2) the report under Section 3-10-2;

25               (3) a report by the Department and any report by the  
26               chief administrative officer of the institution or

1       facility;

2           (4) an aftercare release progress report;

3           (5) a medical and psychological report, if available;

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

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

12           (8) the youth's eligibility for commitment under the  
13       Sexually Violent Persons Commitment Act.

14       (f) The prosecuting State's Attorney's office shall  
15       receive from the Department reasonable written notice not less  
16       than 30 days prior to the target release date and may submit  
17       relevant information by oral argument or testimony of victims  
18       and concerned citizens, or both, in writing, or on film, video  
19       tape or other electronic means or in the form of a recording to  
20       the Department for its consideration. The State's Attorney may  
21       waive the written notice of the target release date at any  
22       time. Upon written request of the State's Attorney's office,  
23       provided the request is received within 15 days of receipt of  
24       the written notice of the target release date, the Department  
25       shall hear protests to aftercare release. If a State's Attorney  
26       requests a protest hearing, the committed youth's attorney or

1 other representative shall also receive notice of the request  
2 and a copy of any information submitted by the State's  
3 Attorney. This hearing shall take place prior to the youth's  
4 aftercare release. The Department shall schedule the protest  
5 hearing date, providing at least 15 days' notice to the State's  
6 Attorney. If the protest hearing is rescheduled, the Department  
7 shall promptly notify the State's Attorney of the new date.

8 (g) The victim of the violent crime for which the youth has  
9 been sentenced shall receive notice of the target release date  
10 as provided in paragraph (4) of subsection (d) of Section 4.5  
11 of the Rights of Crime Victims and Witnesses Act.

12 (h) The Department shall not release any material to the  
13 youth, the youth's attorney, any third party, or any other  
14 person containing any information from the victim or from a  
15 person related to the victim by blood, adoption, or marriage  
16 who has written objections, testified at any hearing, or  
17 submitted audio or visual objections to the youth's aftercare  
18 release, unless provided with a waiver from that objecting  
19 party. The Department shall not release the names or addresses  
20 of any person on its victim registry to any other person except  
21 the victim, a law enforcement agency, or other victim  
22 notification system.

23 (i) Any recording considered under the provisions of  
24 paragraph (6) or (7) of subsection (e) or subsection (f) of  
25 this Section shall be in the form designated by the Department.  
26 The recording shall be both visual and aural. Every voice on

1 the recording and person present shall be identified and the  
2 recording shall contain either a visual or aural statement of  
3 the person submitting the recording, the date of the recording,  
4 and the name of the youth whose aftercare release is being  
5 considered. The recordings shall be retained by the Department  
6 and shall be considered during any subsequent aftercare release  
7 decision if the victim or State's Attorney submits in writing a  
8 declaration clearly identifying the recording as representing  
9 the position of the victim or State's Attorney regarding the  
10 release of the youth.

11 (j) The Department shall not release a youth eligible for  
12 aftercare release if it determines that:

13 (1) there is a substantial risk that he or she will not  
14 conform to reasonable conditions of aftercare release;

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

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

20 (k) The Department shall render its release decision and  
21 shall state the basis therefor both in the records of the  
22 Department and in written notice to the youth who was  
23 considered for aftercare release. In its decision, the  
24 Department shall set the youth's time for aftercare release, or  
25 if it denies aftercare release it shall provide for  
26 reconsideration of aftercare release not less frequently than

1 once each year.

2 (l) The Department shall ensure all evaluations and  
3 proceedings under the Sexually Violent Persons Commitment Act  
4 are completed prior to any youth's release, when applicable.

5 (m) Any youth whose aftercare release has been revoked by  
6 the Prisoner Review Board under Section 3-3-9.5 of this Code  
7 may be rereleased to the full aftercare release term by the  
8 Department at any time in accordance with this Section. Youth  
9 rereleased under this subsection shall be subject to Sections  
10 3-2.5-70, 3-2.5-75, 3-2.5-80, 3.2.5-90, 3-2.5-95, and 3-3-9.5  
11 of this Code.

12 (n) The Department shall adopt rules regarding the exercise  
13 of its discretion under this Section.

14 (730 ILCS 5/3-2.5-90 new)

15 Sec. 3-2.5-90. Release to warrant or detainer.

16 (a) If a warrant or detainer is placed against a youth by  
17 the court or other authority of this or any other jurisdiction,  
18 the Department of Juvenile Justice shall inquire before the  
19 youth is considered for aftercare release whether the authority  
20 concerned intends to execute or withdraw the process if the  
21 youth is released.

22 (b) If the authority notifies the Department that it  
23 intends to execute the process when the youth is released, the  
24 Department shall advise the authority concerned of the sentence  
25 or disposition under which the youth is held, the time of

1 eligibility for release, any decision of the Department  
2 relating to the youth and the nature of his or her adjustment  
3 during confinement, and shall give reasonable notice to the  
4 authority of the youth's release date.

5 (c) The Department may release a youth to a warrant or  
6 detainer. The Department may provide, as a condition of  
7 aftercare release, that if the charge or charges on which the  
8 warrant or detainer is based are dismissed or satisfied, prior  
9 to the expiration of the youth's aftercare release term, the  
10 authority to whose warrant or detainer he or she was released  
11 shall return him or her to serve the remainder of his or her  
12 aftercare release term.

13 (d) If a youth released to a warrant or detainer is  
14 thereafter sentenced to probation, or released on parole in  
15 another jurisdiction prior to the expiration of his or her  
16 aftercare release term in this State, the Department may permit  
17 the youth to serve the remainder of his or her term in either  
18 of the jurisdictions.

19 (730 ILCS 5/3-2.5-95 new)

20 Sec. 3-2.5-95. Conditions of aftercare release.

21 (a) The conditions of aftercare release for all youth  
22 committed to the Department under the Juvenile Court Act of  
23 1987 shall be such as the Department of Juvenile Justice deems  
24 necessary to assist the youth in leading a law-abiding life.  
25 The conditions of every aftercare release are that the youth:

1           (1) not violate any criminal statute of any  
2           jurisdiction during the aftercare release term;

3           (2) refrain from possessing a firearm or other  
4           dangerous weapon;

5           (3) report to an agent of the Department;

6           (4) permit the agent or aftercare specialist to visit  
7           the youth at his or her home, employment, or elsewhere to  
8           the extent necessary for the agent or aftercare specialist  
9           to discharge his or her duties;

10          (5) reside at a Department-approved host site;

11          (6) secure permission before visiting or writing a  
12          committed person in an Illinois Department of Corrections  
13          or Illinois Department of Juvenile Justice facility;

14          (7) report all arrests to an agent of the Department as  
15          soon as permitted by the arresting authority but in no  
16          event later than 24 hours after release from custody and  
17          immediately report service or notification of an order of  
18          protection, a civil no contact order, or a stalking no  
19          contact order to an agent of the Department;

20          (8) obtain permission of an agent of the Department  
21          before leaving the State of Illinois;

22          (9) obtain permission of an agent of the Department  
23          before changing his or her residence or employment;

24          (10) consent to a search of his or her person,  
25          property, or residence under his or her control;

26          (11) refrain from the use or possession of narcotics or

1 other controlled substances in any form, or both, or any  
2 paraphernalia related to those substances and submit to a  
3 urinalysis test as instructed by an agent of the  
4 Department;

5 (12) not frequent places where controlled substances  
6 are illegally sold, used, distributed, or administered;

7 (13) not knowingly associate with other persons on  
8 parole, aftercare release, or mandatory supervised release  
9 without prior written permission of his or her aftercare  
10 specialist and not associate with persons who are members  
11 of an organized gang as that term is defined in the  
12 Illinois Streetgang Terrorism Omnibus Prevention Act;

13 (14) provide true and accurate information, as it  
14 relates to his or her adjustment in the community while on  
15 aftercare release or to his or her conduct while  
16 incarcerated, in response to inquiries by an agent of the  
17 Department;

18 (15) follow any specific instructions provided by the  
19 agent that are consistent with furthering conditions set  
20 and approved by the Department or by law to achieve the  
21 goals and objectives of his or her aftercare release or to  
22 protect the public; these instructions by the agent may be  
23 modified at any time, as the agent deems appropriate;

24 (16) comply with the terms and conditions of an order  
25 of protection issued under the Illinois Domestic Violence  
26 Act of 1986; an order of protection issued by the court of

1 another state, tribe, or United States territory; a no  
2 contact order issued under the Civil No Contact Order Act;  
3 or a no contact order issued under the Stalking No Contact  
4 Order Act;

5 (17) if convicted of a sex offense as defined in the  
6 Sex Offender Management Board Act, and a sex offender  
7 treatment provider has evaluated and recommended further  
8 sex offender treatment while on aftercare release, the  
9 youth shall undergo treatment by a sex offender treatment  
10 provider or associate sex offender provider as defined in  
11 the Sex Offender Management Board Act at his or her expense  
12 based on his or her ability to pay for the treatment;

13 (18) if convicted of a sex offense as defined in the  
14 Sex Offender Management Board Act, refrain from residing at  
15 the same address or in the same condominium unit or  
16 apartment unit or in the same condominium complex or  
17 apartment complex with another person he or she knows or  
18 reasonably should know is a convicted sex offender or has  
19 been placed on supervision for a sex offense; the  
20 provisions of this paragraph do not apply to a person  
21 convicted of a sex offense who is placed in a Department of  
22 Corrections licensed transitional housing facility for sex  
23 offenders, or is in any facility operated or licensed by  
24 the Department of Children and Family Services or by the  
25 Department of Human Services, or is in any licensed medical  
26 facility;

1           (19) if convicted for an offense that would qualify the  
2           offender as a sexual predator under the Sex Offender  
3           Registration Act wear an approved electronic monitoring  
4           device as defined in Section 5-8A-2 for the duration of the  
5           youth's aftercare release term and if convicted for an  
6           offense of criminal sexual assault, aggravated criminal  
7           sexual assault, predatory criminal sexual assault of a  
8           child, criminal sexual abuse, aggravated criminal sexual  
9           abuse, or ritualized abuse of a child when the victim was  
10           under 18 years of age at the time of the commission of the  
11           offense and the offender used force or the threat of force  
12           in the commission of the offense wear an approved  
13           electronic monitoring device as defined in Section 5-8A-2  
14           that has Global Positioning System (GPS) capability for the  
15           duration of the youth's aftercare release term;

16           (20) if convicted for an offense that would qualify the  
17           offender as a child sex offender as defined in Section  
18           11-9.3 or 11-9.4 of the Criminal Code of 1961 or the  
19           Criminal Code of 2012, refrain from communicating with or  
20           contacting, by means of the Internet, a person who is not  
21           related to the offender and whom the offender reasonably  
22           believes to be under 18 years of age; for purposes of this  
23           paragraph (20), "Internet" has the meaning ascribed to it  
24           in Section 16-0.1 of the Criminal Code of 2012; and a  
25           person is not related to the offender if the person is not:  
26           (A) the spouse, brother, or sister of the offender; (B) a

1 descendant of the offender; (C) a first or second cousin of  
2 the offender; or (D) a step-child or adopted child of the  
3 offender;

4 (21) if convicted under Section 11-6, 11-20.1,  
5 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or  
6 the Criminal Code of 2012, consent to search of computers,  
7 PDA's, cellular phones, and other devices under his or her  
8 control that are capable of accessing the Internet or  
9 storing electronic files, in order to confirm Internet  
10 protocol addresses reported in accordance with the Sex  
11 Offender Registration Act and compliance with conditions  
12 in this Act;

13 (22) if convicted for an offense that would qualify the  
14 offender as a sex offender or sexual predator under the Sex  
15 Offender Registration Act, not possess prescription drugs  
16 for erectile dysfunction;

17 (23) if convicted for an offense under Section 11-6,  
18 11-9.1, 11-14.4 that involves soliciting for a juvenile  
19 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
20 of the Criminal Code of 1961 or the Criminal Code of 2012,  
21 or any attempt to commit any of these offenses:

22 (A) not access or use a computer or any other  
23 device with Internet capability without the prior  
24 written approval of the Department;

25 (B) submit to periodic unannounced examinations of  
26 the youth's computer or any other device with Internet

1           capability by the youth's aftercare specialist, a law  
2           enforcement officer, or assigned computer or  
3           information technology specialist, including the  
4           retrieval and copying of all data from the computer or  
5           device and any internal or external peripherals and  
6           removal of the information, equipment, or device to  
7           conduct a more thorough inspection;

8           (C) submit to the installation on the youth's  
9           computer or device with Internet capability, at the  
10           youth's expense, of one or more hardware or software  
11           systems to monitor the Internet use; and

12           (D) submit to any other appropriate restrictions  
13           concerning the youth's use of or access to a computer  
14           or any other device with Internet capability imposed by  
15           the Department or the youth's aftercare specialist;

16           (24) if convicted of a sex offense as defined in the  
17           Sex Offender Registration Act, refrain from accessing or  
18           using a social networking website as defined in Section  
19           17-0.5 of the Criminal Code of 2012;

20           (25) if convicted of a sex offense as defined in  
21           Section 2 of the Sex Offender Registration Act that  
22           requires the youth to register as a sex offender under that  
23           Act, not knowingly use any computer scrub software on any  
24           computer that the youth uses;

25           (26) if convicted of a sex offense as defined in  
26           subsection (a-5) of Section 3-1-2 of this Code, unless the

1 youth is a parent or guardian of a person under 18 years of  
2 age present in the home and no non-familial minors are  
3 present, not participate in a holiday event involving  
4 children under 18 years of age, such as distributing candy  
5 or other items to children on Halloween, wearing a Santa  
6 Claus costume on or preceding Christmas, being employed as  
7 a department store Santa Claus, or wearing an Easter Bunny  
8 costume on or preceding Easter;

9 (27) if convicted of a violation of an order of  
10 protection under Section 12-3.4 or Section 12-30 of the  
11 Criminal Code of 1961 or the Criminal Code of 2012, be  
12 placed under electronic surveillance as provided in  
13 Section 5-8A-7 of this Code; and

14 (28) if convicted of a violation of the Methamphetamine  
15 Control and Community Protection Act, the Methamphetamine  
16 Precursor Control Act, or a methamphetamine related  
17 offense, be:

18 (A) prohibited from purchasing, possessing, or  
19 having under his or her control any product containing  
20 pseudoephedrine unless prescribed by a physician; and

21 (B) prohibited from purchasing, possessing, or  
22 having under his or her control any product containing  
23 ammonium nitrate.

24 (b) The Department may in addition to other conditions  
25 require that the youth:

26 (1) work or pursue a course of study or vocational

1           training;

2           (2) undergo medical or psychiatric treatment, or  
3           treatment for drug addiction or alcoholism;

4           (3) attend or reside in a facility established for the  
5           instruction or residence of persons on probation or  
6           aftercare release;

7           (4) support his or her dependents;

8           (5) if convicted for an offense that would qualify the  
9           youth as a child sex offender as defined in Section 11-9.3  
10           or 11-9.4 of the Criminal Code of 1961 or the Criminal Code  
11           of 2012, refrain from communicating with or contacting, by  
12           means of the Internet, a person who is related to the youth  
13           and whom the youth reasonably believes to be under 18 years  
14           of age; for purposes of this paragraph (5), "Internet" has  
15           the meaning ascribed to it in Section 16-0.1 of the  
16           Criminal Code of 2012; and a person is related to the youth  
17           if the person is: (A) the spouse, brother, or sister of the  
18           youth; (B) a descendant of the youth; (C) a first or second  
19           cousin of the youth; or (D) a step-child or adopted child  
20           of the youth;

21           (6) if convicted for an offense that would qualify as a  
22           sex offense as defined in the Sex Offender Registration  
23           Act:

24           (A) not access or use a computer or any other  
25           device with Internet capability without the prior  
26           written approval of the Department;

1           (B) submit to periodic unannounced examinations of  
2           the youth's computer or any other device with Internet  
3           capability by the youth's aftercare specialist, a law  
4           enforcement officer, or assigned computer or  
5           information technology specialist, including the  
6           retrieval and copying of all data from the computer or  
7           device and any internal or external peripherals and  
8           removal of the information, equipment, or device to  
9           conduct a more thorough inspection;

10           (C) submit to the installation on the youth's  
11           computer or device with Internet capability, at the  
12           youth's offender's expense, of one or more hardware or  
13           software systems to monitor the Internet use; and

14           (D) submit to any other appropriate restrictions  
15           concerning the youth's use of or access to a computer  
16           or any other device with Internet capability imposed by  
17           the Department or the youth's aftercare specialist;  
18           and

19           (7) in addition to other conditions:

20           (A) reside with his or her parents or in a foster  
21           home;

22           (B) attend school;

23           (C) attend a non-residential program for youth; or

24           (D) contribute to his or her own support at home or  
25           in a foster home.

26           (c) In addition to the conditions under subsections (a) and

1 (b) of this Section, youths required to register as sex  
2 offenders under the Sex Offender Registration Act, upon release  
3 from the custody of the Department of Juvenile Justice, may be  
4 required by the Department to comply with the following  
5 specific conditions of release:

6 (1) reside only at a Department approved location;

7 (2) comply with all requirements of the Sex Offender  
8 Registration Act;

9 (3) notify third parties of the risks that may be  
10 occasioned by his or her criminal record;

11 (4) obtain the approval of an agent of the Department  
12 prior to accepting employment or pursuing a course of study  
13 or vocational training and notify the Department prior to  
14 any change in employment, study, or training;

15 (5) not be employed or participate in any volunteer  
16 activity that involves contact with children, except under  
17 circumstances approved in advance and in writing by an  
18 agent of the Department;

19 (6) be electronically monitored for a specified period  
20 of time from the date of release as determined by the  
21 Department;

22 (7) refrain from entering into a designated geographic  
23 area except upon terms approved in advance by an agent of  
24 the Department; these terms may include consideration of  
25 the purpose of the entry, the time of day, and others  
26 accompanying the youth;

1           (8) refrain from having any contact, including written  
2           or oral communications, directly or indirectly, personally  
3           or by telephone, letter, or through a third party with  
4           certain specified persons including, but not limited to,  
5           the victim or the victim's family without the prior written  
6           approval of an agent of the Department;

7           (9) refrain from all contact, directly or indirectly,  
8           personally, by telephone, letter, or through a third party,  
9           with minor children without prior identification and  
10           approval of an agent of the Department;

11           (10) neither possess or have under his or her control  
12           any material that is sexually oriented, sexually  
13           stimulating, or that shows male or female sex organs or any  
14           pictures depicting children under 18 years of age nude or  
15           any written or audio material describing sexual  
16           intercourse or that depicts or alludes to sexual activity,  
17           including, but not limited to, visual, auditory,  
18           telephonic, or electronic media, or any matter obtained  
19           through access to any computer or material linked to  
20           computer access use;

21           (11) not patronize any business providing sexually  
22           stimulating or sexually oriented entertainment nor utilize  
23           "900" or adult telephone numbers;

24           (12) not reside near, visit, or be in or about parks,  
25           schools, day care centers, swimming pools, beaches,  
26           theaters, or any other places where minor children

1 congregate without advance approval of an agent of the  
2 Department and immediately report any incidental contact  
3 with minor children to the Department;

4 (13) not possess or have under his or her control  
5 certain specified items of contraband related to the  
6 incidence of sexually offending as determined by an agent  
7 of the Department;

8 (14) may be required to provide a written daily log of  
9 activities if directed by an agent of the Department;

10 (15) comply with all other special conditions that the  
11 Department may impose that restrict the youth from  
12 high-risk situations and limit access to potential  
13 victims;

14 (16) take an annual polygraph exam;

15 (17) maintain a log of his or her travel; or

16 (18) obtain prior approval of an agent of the  
17 Department before driving alone in a motor vehicle.

18 (d) The conditions under which the aftercare release is to  
19 be served shall be communicated to the youth in writing prior  
20 to his or her release, and he or she shall sign the same before  
21 release. A signed copy of these conditions, including a copy of  
22 an order of protection if one had been issued by the criminal  
23 court, shall be retained by the youth and another copy  
24 forwarded to the officer or aftercare specialist in charge of  
25 his or her supervision.

26 (e) After a revocation hearing under Section 3-3-9.5, the

1 Department of Juvenile Justice may modify or enlarge the  
2 conditions of aftercare release.

3 (f) The Department shall inform all youth of the optional  
4 services available to them upon release and shall assist youth  
5 in availing themselves of the optional services upon their  
6 release on a voluntary basis.

7 (730 ILCS 5/3-2.5-100 new)

8 Sec. 3-2.5-100. Length of aftercare release; discharge.

9 (a) The aftercare release term of a youth committed to the  
10 Department under the Juvenile Court Act of 1987 shall be as set  
11 out in Section 5-750 of the Juvenile Court Act of 1987, unless  
12 sooner terminated under subsection (b) of this Section, as  
13 otherwise provided by law, or as ordered by the court. The  
14 aftercare release term of youth committed to the Department as  
15 a habitual or violent juvenile offender under Section 5-815 or  
16 5-820 of the Juvenile Court Act of 1987 shall continue until  
17 the youth's 21st birthday unless sooner terminated under  
18 subsection (c) of this Section, as otherwise provided by law,  
19 or as ordered by the court.

20 (b) Provided that the youth is in compliance with the terms  
21 and conditions of his or her aftercare release, the Department  
22 of Juvenile Justice may reduce the period of a releasee's  
23 aftercare release by 90 days upon the releasee receiving a high  
24 school diploma or upon passage of high school equivalency  
25 testing during the period of his or her aftercare release. This

1 reduction in the period of a youth's term of aftercare release  
2 shall be available only to youth who have not previously earned  
3 a high school diploma or who have not previously passed high  
4 school equivalency testing.

5 (c) The Department of Juvenile Justice may discharge a  
6 youth from aftercare release and his or her commitment to the  
7 Department in accordance with subsection (3) of Section 5-750  
8 of the Juvenile Court Act of 1987, if it determines that he or  
9 she is likely to remain at liberty without committing another  
10 offense.

11 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

12 Sec. 3-3-1. Establishment and Appointment of Prisoner  
13 Review Board.

14 (a) There shall be a Prisoner Review Board independent of  
15 the Department ~~of Corrections~~ which shall be:

16 (1) the paroling authority for persons sentenced under  
17 the law in effect prior to the effective date of this  
18 amendatory Act of 1977;

19 (1.5) (blank); ~~the authority for hearing and deciding~~  
20 ~~the time of aftercare release for persons adjudicated~~  
21 ~~delinquent under the Juvenile Court Act of 1987;~~

22 (2) the board of review for cases involving the  
23 revocation of sentence credits or a suspension or reduction  
24 in the rate of accumulating the credit;

25 (3) the board of review and recommendation for the

1 exercise of executive clemency by the Governor;

2 (4) the authority for establishing release dates for  
3 certain prisoners sentenced under the law in existence  
4 prior to the effective date of this amendatory Act of 1977,  
5 in accordance with Section 3-3-2.1 of this Code;

6 (5) the authority for setting conditions for parole  
7 ~~and~~ mandatory supervised release under Section 5-8-1(a)  
8 of this Code, ~~and aftercare release~~, and determining  
9 whether a violation of those conditions warrant revocation  
10 of parole, ~~aftercare release~~, or mandatory supervised  
11 release or the imposition of other sanctions; ~~and~~.

12 (6) the authority for determining whether a violation  
13 of aftercare release conditions warrant revocation of  
14 aftercare release.

15 (b) The Board shall consist of 15 persons appointed by the  
16 Governor by and with the advice and consent of the Senate. One  
17 member of the Board shall be designated by the Governor to be  
18 Chairman and shall serve as Chairman at the pleasure of the  
19 Governor. The members of the Board shall have had at least 5  
20 years of actual experience in the fields of penology,  
21 corrections work, law enforcement, sociology, law, education,  
22 social work, medicine, psychology, other behavioral sciences,  
23 or a combination thereof. At least 6 members so appointed must  
24 have had at least 3 years experience in the field of juvenile  
25 matters. No more than 8 Board members may be members of the  
26 same political party.

1           Each member of the Board shall serve on a full-time basis  
2 and shall not hold any other salaried public office, whether  
3 elective or appointive, nor any other office or position of  
4 profit, nor engage in any other business, employment, or  
5 vocation. The Chairman of the Board shall receive \$35,000 a  
6 year, or an amount set by the Compensation Review Board,  
7 whichever is greater, and each other member \$30,000, or an  
8 amount set by the Compensation Review Board, whichever is  
9 greater.

10           (c) Notwithstanding any other provision of this Section,  
11 the term of each member of the Board who was appointed by the  
12 Governor and is in office on June 30, 2003 shall terminate at  
13 the close of business on that date or when all of the successor  
14 members to be appointed pursuant to this amendatory Act of the  
15 93rd General Assembly have been appointed by the Governor,  
16 whichever occurs later. As soon as possible, the Governor shall  
17 appoint persons to fill the vacancies created by this  
18 amendatory Act.

19           Of the initial members appointed under this amendatory Act  
20 of the 93rd General Assembly, the Governor shall appoint 5  
21 members whose terms shall expire on the third Monday in January  
22 2005, 5 members whose terms shall expire on the third Monday in  
23 January 2007, and 5 members whose terms shall expire on the  
24 third Monday in January 2009. Their respective successors shall  
25 be appointed for terms of 6 years from the third Monday in  
26 January of the year of appointment. Each member shall serve

1 until his or her successor is appointed and qualified.

2 Any member may be removed by the Governor for incompetence,  
3 neglect of duty, malfeasance or inability to serve.

4 (d) The Chairman of the Board shall be its chief executive  
5 and administrative officer. The Board may have an Executive  
6 Director; if so, the Executive Director shall be appointed by  
7 the Governor with the advice and consent of the Senate. The  
8 salary and duties of the Executive Director shall be fixed by  
9 the Board.

10 (Source: P.A. 97-697, eff. 6-22-12; 98-558, eff. 1-1-14.)

11 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

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

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

21 (1) hear by at least one member and through a panel of  
22 at least 3 members decide, cases of prisoners who were  
23 sentenced under the law in effect prior to the effective  
24 date of this amendatory Act of 1977, and who are eligible  
25 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. One representative supporting  
12          parole and one representative opposing parole will be  
13          allowed to speak. Their comments shall be limited to making  
14          corrections and filling in omissions to the Board's  
15          presentation and discussion;

16          (3) hear by at least one member and through a panel of  
17          at least 3 members decide, the conditions of mandatory  
18          supervised release and the time of discharge from mandatory  
19          supervised release, impose sanctions for violations of  
20          mandatory supervised release, and revoke mandatory  
21          supervised release for those sentenced under the law in  
22          effect after the effective date of this amendatory Act of  
23          1977;

24          (3.5) hear by at least one member and through a panel  
25          of at least 3 members decide, the conditions of mandatory  
26          supervised release and the time of discharge from mandatory

1 supervised release, to impose sanctions for violations of  
2 mandatory supervised release and revoke mandatory  
3 supervised release for those serving extended supervised  
4 release terms pursuant to paragraph (4) of subsection (d)  
5 of Section 5-8-1;

6 (3.6) hear by at least one member and through a panel  
7 of at least 3 members decide whether to, ~~the time of~~  
8 ~~aftercare release, the conditions of aftercare release and~~  
9 ~~the time of discharge from aftercare release, impose~~  
10 ~~sanctions for violations of aftercare release, and revoke~~  
11 aftercare release for those committed to the Department of  
12 Juvenile Justice ~~adjudicated delinquent~~ under the Juvenile  
13 Court Act of 1987;

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

1 credit, if the Department seeks to revoke sentence credit  
2 in excess of thirty days. However, the Board shall not be  
3 empowered to review the Department's decision with respect  
4 to the loss of 30 days of sentence credit for any prisoner  
5 or to increase any penalty beyond the length requested by  
6 the Department;

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

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

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

18 (8) hear by at least one member and, through a panel of  
19 at least 3 members, decide cases brought by the Department  
20 of Corrections against a prisoner in the custody of the  
21 Department for court dismissal of a frivolous lawsuit  
22 pursuant to Section 3-6-3(d) of this Code in which the  
23 Department seeks to revoke up to 180 days of sentence  
24 credit, and if the prisoner has not accumulated 180 days of  
25 sentence credit at the time of the dismissal, then all  
26 sentence credit accumulated by the prisoner shall be

1           revoked;

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

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

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

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

24           (C) if convicted of a violation of the Cannabis  
25 Control Act, Illinois Controlled Substances Act, the  
26 Methamphetamine Control and Community Protection Act,

1 the Methamphetamine Precursor Control Act, or the  
2 Methamphetamine Precursor Tracking Act unless the  
3 petitioner has completed a drug abuse program for the  
4 offense on which sealing is sought and provides proof  
5 that he or she has completed the program successfully;

6 (D) if convicted of:

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

11 (ii) aggravated assault;

12 (iii) aggravated battery;

13 (iv) domestic battery;

14 (v) aggravated domestic battery;

15 (vi) violation of an order of protection;

16 (vii) an offense under the Criminal Code of  
17 1961 or the Criminal Code of 2012 involving a  
18 firearm;

19 (viii) driving while under the influence of  
20 alcohol, other drug or drugs, intoxicating  
21 compound or compounds or any combination thereof;

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

26 (x) any crime defined as a crime of violence

1           under Section 2 of the Crime Victims Compensation  
2           Act.

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

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

12          The Board may only authorize the sealing of Class 3 and  
13          4 felony convictions of the petitioner from one information  
14          or indictment under this paragraph (10). A petitioner may  
15          only receive one certificate of eligibility for sealing  
16          under this provision for life; and

17          (11) upon a petition by a person who after having been  
18          convicted of a Class 3 or Class 4 felony thereafter served  
19          in the United States Armed Forces or National Guard of this  
20          or any other state and had received an honorable discharge  
21          from the United States Armed Forces or National Guard or  
22          who at the time of filing the petition is enlisted in the  
23          United States Armed Forces or National Guard of this or any  
24          other state and served one tour of duty and who meets the  
25          requirements of this paragraph, hear by at least 3 members  
26          and, with the unanimous vote of a panel of 3 members, issue

1 a certificate of eligibility for expungement recommending  
2 that the court order the expungement of all official  
3 records of the arresting authority, the circuit court  
4 clerk, and the Department of State Police concerning the  
5 arrest and conviction for the Class 3 or 4 felony. A person  
6 may not apply to the Board for a certificate of eligibility  
7 for expungement:

8 (A) if convicted of:

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

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

14 (iii) a crime of violence as defined in Section  
15 2 of the Crime Victims Compensation Act; or

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

24 If a person has applied to the Board for a certificate  
25 of eligibility for expungement and the Board denies the  
26 certificate, the person must wait at least 4 years before

1 filing again or filing for a pardon with authorization for  
2 expungement from the Governor unless the Governor or  
3 Chairman of the Prisoner Review Board grants a waiver.

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

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

21 (c) The Board shall cooperate with the Department in  
22 promoting an effective system of parole, ~~aftercare release,~~ and  
23 mandatory supervised release.

24 (d) The Board shall promulgate rules for the conduct of its  
25 work, and the Chairman shall file a copy of such rules and any  
26 amendments thereto with the Director and with the Secretary of

1 State.

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

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

26 In case of disobedience to a subpoena, the Board may

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

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

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

1 of the Board.

2 (h) The Prisoner Review Board shall annually transmit to  
3 the Director a detailed report of its work for the preceding  
4 calendar year. The annual report shall also be transmitted to  
5 the Governor for submission to the Legislature.

6 (Source: P.A. 97-697, eff. 6-22-12; 97-1120, eff. 1-1-13;  
7 97-1150, eff. 1-25-13; 98-399, eff. 8-16-13; 98-558, eff.  
8 1-1-14; 98-756, eff. 7-16-14.)

9 (730 ILCS 5/3-3-3) (from Ch. 38, par. 1003-3-3)

10 Sec. 3-3-3. Eligibility for Parole or Release.

11 (a) Except for those offenders who accept the fixed release  
12 date established by the Prisoner Review Board under Section  
13 3-3-2.1, every person serving a term of imprisonment under the  
14 law in effect prior to the effective date of this amendatory  
15 Act of 1977 shall be eligible for parole when he or she has  
16 served:

17 (1) the minimum term of an indeterminate sentence less  
18 time credit for good behavior, or 20 years less time credit  
19 for good behavior, whichever is less; or

20 (2) 20 years of a life sentence less time credit for  
21 good behavior; or

22 (3) 20 years or one-third of a determinate sentence,  
23 whichever is less, less time credit for good behavior.

24 (b) No person sentenced under this amendatory Act of 1977  
25 or who accepts a release date under Section 3-3-2.1 shall be

1 eligible for parole.

2 (c) Except for those sentenced to a term of natural life  
3 imprisonment, every person sentenced to imprisonment under  
4 this amendatory Act of 1977 or given a release date under  
5 Section 3-3-2.1 of this Act shall serve the full term of a  
6 determinate sentence less time credit for good behavior and  
7 shall then be released under the mandatory supervised release  
8 provisions of paragraph (d) of Section 5-8-1 of this Code.

9 (d) No person serving a term of natural life imprisonment  
10 may be paroled or released except through executive clemency.

11 (e) Every person committed to the Department of Juvenile  
12 Justice under ~~Section 5-10 of the Juvenile Court Act or Section~~  
13 ~~5-750 of the Juvenile Court Act of 1987 or Section 5-8-6 of~~  
14 ~~this Code~~ and confined in the State correctional institutions  
15 or facilities if such juvenile has not been tried as an adult  
16 shall be eligible for aftercare release under Section 3-2.5-85  
17 of this Code ~~without regard to the length of time the person~~  
18 ~~has been confined or whether the person has served any minimum~~  
19 ~~term imposed~~. However, if a juvenile has been tried as an adult  
20 he or she shall only be eligible for parole or mandatory  
21 supervised release as an adult under this Section.

22 (Source: P.A. 98-558, eff. 1-1-14.)

23 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)

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

25 (a) The Prisoner Review Board shall consider the parole of

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

7 (b) A person eligible for parole ~~or aftercare release~~  
8 shall, no less than 15 days in advance of his or her parole  
9 interview, prepare a parole ~~or aftercare release~~ plan in  
10 accordance with the rules of the Prisoner Review Board. The  
11 person shall be assisted in preparing his or her parole ~~or~~  
12 ~~aftercare release~~ plan by personnel of the Department of  
13 Corrections, ~~or the Department of Juvenile Justice in the case~~  
14 ~~of a person committed to that Department,~~ and may, for this  
15 purpose, be released on furlough under Article 11 ~~or on~~  
16 ~~authorized absence under Section 3-9-4.~~ The appropriate  
17 Department shall also provide assistance in obtaining  
18 information and records helpful to the individual for his or  
19 her parole hearing. If the person eligible for parole ~~or~~  
20 ~~aftercare release~~ has a petition or any written submissions  
21 prepared on his or her behalf by an attorney or other  
22 representative, the attorney or representative for the person  
23 eligible for parole ~~or aftercare release~~ must serve by  
24 certified mail the State's Attorney of the county where he or  
25 she was prosecuted with the petition or any written submissions  
26 15 days after his or her parole interview. The State's Attorney

1 shall provide the attorney for the person eligible for parole  
2 ~~or aftercare release~~ with a copy of his or her letter in  
3 opposition to parole ~~or aftercare release~~ via certified mail  
4 within 5 business days of the en banc hearing.

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

11 (d) In making its determination of parole ~~or aftercare~~  
12 ~~release~~, the Board shall consider:

13 (1) (blank); ~~material transmitted to the Department of~~  
14 ~~Juvenile Justice by the clerk of the committing court under~~  
15 ~~Section 5-4-1 or Section 5-10 of the Juvenile Court Act or~~  
16 ~~Section 5-750 of the Juvenile Court Act of 1987;~~

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

18 (3) a report by the Department and any report by the  
19 chief administrative officer of the institution or  
20 facility;

21 (4) a parole ~~or aftercare release~~ progress report;

22 (5) a medical and psychological report, if requested by  
23 the Board;

24 (6) material in writing, or on film, video tape or  
25 other electronic means in the form of a recording submitted  
26 by the person whose parole ~~or aftercare release~~ is being

1 considered;

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

7 (8) the person's eligibility for commitment under the  
8 Sexually Violent Persons Commitment Act.

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

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

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

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

1 parole ~~or aftercare release~~ hearing.

2 (h) The Board shall not release any material to the inmate,  
3 the inmate's attorney, any third party, or any other person  
4 containing any information from the victim or from a person  
5 related to the victim by blood, adoption, or marriage who has  
6 written objections, testified at any hearing, or submitted  
7 audio or visual objections to the inmate's parole, ~~or aftercare~~  
8 ~~release~~, unless provided with a waiver from that objecting  
9 party. The Board shall not release the names or addresses of  
10 any person on its victim registry to any other person except  
11 the victim, a law enforcement agency, or other victim  
12 notification system.

13 (Source: P.A. 97-523, eff. 1-1-12; 97-1075, eff. 8-24-12;  
14 97-1083, eff. 8-24-12; 98-463, eff. 8-16-13; 98-558, eff.  
15 1-1-14; 98-717, eff. 1-1-15.)

16 (730 ILCS 5/3-3-5) (from Ch. 38, par. 1003-3-5)

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

18 (a) The Prisoner Review Board shall meet as often as need  
19 requires to consider the cases of persons eligible for parole  
20 ~~and aftercare release~~. Except as otherwise provided in  
21 paragraph (2) of subsection (a) of Section 3-3-2 of this Act,  
22 the Prisoner Review Board may meet and order its actions in  
23 panels of 3 or more members. The action of a majority of the  
24 panel shall be the action of the Board. ~~In consideration of~~  
25 ~~persons committed to the Department of Juvenile Justice, the~~

1 ~~panel shall have at least a majority of members experienced in~~  
2 ~~juvenile matters.~~

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

17 (c) The Board shall not parole ~~or release~~ a person eligible  
18 for parole ~~or aftercare release~~ if it determines that:

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

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

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

1           (d) (Blank). ~~A person committed under the Juvenile Court~~  
2 ~~Act or the Juvenile Court Act of 1987 who has not been sooner~~  
3 ~~released shall be released on aftercare on or before his or her~~  
4 ~~20th birthday or upon completion of the maximum term of~~  
5 ~~confinement ordered by the court under Section 5-710 of the~~  
6 ~~Juvenile Court Act of 1987, whichever is sooner, to begin~~  
7 ~~servng a period of aftercare release under Section 3-3-8.~~

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

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

1 (f-1) If the Board paroles ~~or releases~~ a person who is  
2 eligible for commitment as a sexually violent person, the  
3 effective date of the Board's order shall be stayed for 90 days  
4 for the purpose of evaluation and proceedings under the  
5 Sexually Violent Persons Commitment Act.

6 (g) The Board shall maintain a registry of decisions in  
7 which parole has been granted, which shall include the name and  
8 case number of the prisoner, the highest charge for which the  
9 prisoner was sentenced, the length of sentence imposed, the  
10 date of the sentence, the date of the parole, and the basis for  
11 the decision of the Board to grant parole and the vote of the  
12 Board on any such decisions. The registry shall be made  
13 available for public inspection and copying during business  
14 hours and shall be a public record pursuant to the provisions  
15 of the Freedom of Information Act.

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

18 (Source: P.A. 98-558, eff. 1-1-14; 99-268, eff. 1-1-16.)

19 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

20 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised  
21 Release, ~~or Aftercare Release.~~

22 (a) The conditions of parole, ~~aftercare release,~~ or  
23 mandatory supervised release shall be such as the Prisoner  
24 Review Board deems necessary to assist the subject in leading a  
25 law-abiding life. The conditions of every parole, ~~aftercare~~

1 ~~release,~~ and mandatory supervised release are that the subject:

2 (1) not violate any criminal statute of any  
3 jurisdiction during the parole,~~aftercare release,~~ or  
4 release term;

5 (2) refrain from possessing a firearm or other  
6 dangerous weapon;

7 (3) report to an agent of the Department of Corrections  
8 ~~or to the Department of Juvenile Justice;~~

9 (4) permit the agent ~~or aftercare specialist~~ to visit  
10 him or her at his or her home, employment, or elsewhere to  
11 the extent necessary for the agent ~~or aftercare specialist~~  
12 to discharge his or her duties;

13 (5) attend or reside in a facility established for the  
14 instruction or residence of persons on parole,~~aftercare~~  
15 ~~release,~~ or mandatory supervised release;

16 (6) secure permission before visiting or writing a  
17 committed person in an Illinois Department of Corrections  
18 facility;

19 (7) report all arrests to an agent of the Department of  
20 Corrections ~~or to the Department of Juvenile Justice~~ as  
21 soon as permitted by the arresting authority but in no  
22 event later than 24 hours after release from custody and  
23 immediately report service or notification of an order of  
24 protection, a civil no contact order, or a stalking no  
25 contact order to an agent of the Department of Corrections;

26 (7.5) if convicted of a sex offense as defined in the

1 Sex Offender Management Board Act, the individual shall  
2 undergo and successfully complete sex offender treatment  
3 conducted in conformance with the standards developed by  
4 the Sex Offender Management Board Act by a treatment  
5 provider approved by the Board;

6 (7.6) if convicted of a sex offense as defined in the  
7 Sex Offender Management Board Act, refrain from residing at  
8 the same address or in the same condominium unit or  
9 apartment unit or in the same condominium complex or  
10 apartment complex with another person he or she knows or  
11 reasonably should know is a convicted sex offender or has  
12 been placed on supervision for a sex offense; the  
13 provisions of this paragraph do not apply to a person  
14 convicted of a sex offense who is placed in a Department of  
15 Corrections licensed transitional housing facility for sex  
16 offenders, or is in any facility operated or licensed by  
17 the Department of Children and Family Services or by the  
18 Department of Human Services, or is in any licensed medical  
19 facility;

20 (7.7) if convicted for an offense that would qualify  
21 the accused as a sexual predator under the Sex Offender  
22 Registration Act on or after January 1, 2007 (the effective  
23 date of Public Act 94-988), wear an approved electronic  
24 monitoring device as defined in Section 5-8A-2 for the  
25 duration of the person's parole, ~~aftercare—release,~~  
26 mandatory supervised release term, or extended mandatory

1 supervised release term and if convicted for an offense of  
2 criminal sexual assault, aggravated criminal sexual  
3 assault, predatory criminal sexual assault of a child,  
4 criminal sexual abuse, aggravated criminal sexual abuse,  
5 or ritualized abuse of a child committed on or after August  
6 11, 2009 (the effective date of Public Act 96-236) when the  
7 victim was under 18 years of age at the time of the  
8 commission of the offense and the defendant used force or  
9 the threat of force in the commission of the offense wear  
10 an approved electronic monitoring device as defined in  
11 Section 5-8A-2 that has Global Positioning System (GPS)  
12 capability for the duration of the person's parole,  
13 ~~aftercare release~~, mandatory supervised release term, or  
14 extended mandatory supervised release term;

15 (7.8) if convicted for an offense committed on or after  
16 June 1, 2008 (the effective date of Public Act 95-464) that  
17 would qualify the accused as a child sex offender as  
18 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
19 1961 or the Criminal Code of 2012, refrain from  
20 communicating with or contacting, by means of the Internet,  
21 a person who is not related to the accused and whom the  
22 accused reasonably believes to be under 18 years of age;  
23 for purposes of this paragraph (7.8), "Internet" has the  
24 meaning ascribed to it in Section 16-0.1 of the Criminal  
25 Code of 2012; and a person is not related to the accused if  
26 the person is not: (i) the spouse, brother, or sister of

1 the accused; (ii) a descendant of the accused; (iii) a  
2 first or second cousin of the accused; or (iv) a step-child  
3 or adopted child of the accused;

4 (7.9) if convicted under Section 11-6, 11-20.1,  
5 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or  
6 the Criminal Code of 2012, consent to search of computers,  
7 PDAs, cellular phones, and other devices under his or her  
8 control that are capable of accessing the Internet or  
9 storing electronic files, in order to confirm Internet  
10 protocol addresses reported in accordance with the Sex  
11 Offender Registration Act and compliance with conditions  
12 in this Act;

13 (7.10) if convicted for an offense that would qualify  
14 the accused as a sex offender or sexual predator under the  
15 Sex Offender Registration Act on or after June 1, 2008 (the  
16 effective date of Public Act 95-640), not possess  
17 prescription drugs for erectile dysfunction;

18 (7.11) if convicted for an offense under Section 11-6,  
19 11-9.1, 11-14.4 that involves soliciting for a juvenile  
20 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
21 of the Criminal Code of 1961 or the Criminal Code of 2012,  
22 or any attempt to commit any of these offenses, committed  
23 on or after June 1, 2009 (the effective date of Public Act  
24 95-983):

25 (i) not access or use a computer or any other  
26 device with Internet capability without the prior

1 written approval of the Department;

2 (ii) submit to periodic unannounced examinations  
3 of the offender's computer or any other device with  
4 Internet capability by the offender's supervising  
5 agent, ~~aftercare specialist,~~ a law enforcement  
6 officer, or assigned computer or information  
7 technology specialist, including the retrieval and  
8 copying of all data from the computer or device and any  
9 internal or external peripherals and removal of such  
10 information, equipment, or device to conduct a more  
11 thorough inspection;

12 (iii) submit to the installation on the offender's  
13 computer or device with Internet capability, at the  
14 offender's expense, of one or more hardware or software  
15 systems to monitor the Internet use; and

16 (iv) submit to any other appropriate restrictions  
17 concerning the offender's use of or access to a  
18 computer or any other device with Internet capability  
19 imposed by the Board, the Department or the offender's  
20 supervising agent ~~or aftercare specialist;~~

21 (7.12) if convicted of a sex offense as defined in the  
22 Sex Offender Registration Act committed on or after January  
23 1, 2010 (the effective date of Public Act 96-262), refrain  
24 from accessing or using a social networking website as  
25 defined in Section 17-0.5 of the Criminal Code of 2012;

26 (7.13) if convicted of a sex offense as defined in

1 Section 2 of the Sex Offender Registration Act committed on  
2 or after January 1, 2010 (the effective date of Public Act  
3 96-362) that requires the person to register as a sex  
4 offender under that Act, may not knowingly use any computer  
5 scrub software on any computer that the sex offender uses;

6 (8) obtain permission of an agent of the Department of  
7 Corrections ~~or the Department of Juvenile Justice~~ before  
8 leaving the State of Illinois;

9 (9) obtain permission of an agent of the Department of  
10 Corrections ~~or the Department of Juvenile Justice~~ before  
11 changing his or her residence or employment;

12 (10) consent to a search of his or her person,  
13 property, or residence under his or her control;

14 (11) refrain from the use or possession of narcotics or  
15 other controlled substances in any form, or both, or any  
16 paraphernalia related to those substances and submit to a  
17 urinalysis test as instructed by a parole agent of the  
18 Department of Corrections ~~or an aftercare specialist of the~~  
19 ~~Department of Juvenile Justice~~;

20 (12) not frequent places where controlled substances  
21 are illegally sold, used, distributed, or administered;

22 (13) not knowingly associate with other persons on  
23 parole, ~~aftercare release~~, or mandatory supervised release  
24 without prior written permission of his or her parole agent  
25 ~~or aftercare specialist~~ and not associate with persons who  
26 are members of an organized gang as that term is defined in

1 the Illinois Streetgang Terrorism Omnibus Prevention Act;

2 (14) provide true and accurate information, as it  
3 relates to his or her adjustment in the community while on  
4 parole, ~~aftercare release,~~ or mandatory supervised release  
5 or to his or her conduct while incarcerated, in response to  
6 inquiries by his or her parole agent or of the Department  
7 of Corrections ~~or by his or her aftercare specialist or of~~  
8 ~~the Department of Juvenile Justice;~~

9 (15) follow any specific instructions provided by the  
10 parole agent ~~or aftercare specialist~~ that are consistent  
11 with furthering conditions set and approved by the Prisoner  
12 Review Board or by law, exclusive of placement on  
13 electronic detention, to achieve the goals and objectives  
14 of his or her parole, ~~aftercare release,~~ or mandatory  
15 supervised release or to protect the public. These  
16 instructions by the parole agent ~~or aftercare specialist~~  
17 may be modified at any time, as the agent ~~or aftercare~~  
18 ~~specialist~~ deems appropriate;

19 (16) if convicted of a sex offense as defined in  
20 subsection (a-5) of Section 3-1-2 of this Code, unless the  
21 offender is a parent or guardian of the person under 18  
22 years of age present in the home and no non-familial minors  
23 are present, not participate in a holiday event involving  
24 children under 18 years of age, such as distributing candy  
25 or other items to children on Halloween, wearing a Santa  
26 Claus costume on or preceding Christmas, being employed as

1 a department store Santa Claus, or wearing an Easter Bunny  
2 costume on or preceding Easter;

3 (17) if convicted of a violation of an order of  
4 protection under Section 12-3.4 or Section 12-30 of the  
5 Criminal Code of 1961 or the Criminal Code of 2012, be  
6 placed under electronic surveillance as provided in  
7 Section 5-8A-7 of this Code;

8 (18) comply with the terms and conditions of an order  
9 of protection issued pursuant to the Illinois Domestic  
10 Violence Act of 1986; an order of protection issued by the  
11 court of another state, tribe, or United States territory;  
12 a no contact order issued pursuant to the Civil No Contact  
13 Order Act; or a no contact order issued pursuant to the  
14 Stalking No Contact Order Act; and

15 (19) if convicted of a violation of the Methamphetamine  
16 Control and Community Protection Act, the Methamphetamine  
17 Precursor Control Act, or a methamphetamine related  
18 offense, be:

19 (A) prohibited from purchasing, possessing, or  
20 having under his or her control any product containing  
21 pseudoephedrine unless prescribed by a physician; and

22 (B) prohibited from purchasing, possessing, or  
23 having under his or her control any product containing  
24 ammonium nitrate.

25 (b) The Board may in addition to other conditions require  
26 that the subject:

1           (1) work or pursue a course of study or vocational  
2 training;

3           (2) undergo medical or psychiatric treatment, or  
4 treatment for drug addiction or alcoholism;

5           (3) attend or reside in a facility established for the  
6 instruction or residence of persons on probation or parole;

7           (4) support his or her dependents;

8           (5) (blank);

9           (6) (blank);

10          (7) (blank);

11          (7.5) if convicted for an offense committed on or after  
12 the effective date of this amendatory Act of the 95th  
13 General Assembly that would qualify the accused as a child  
14 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
15 Criminal Code of 1961 or the Criminal Code of 2012, refrain  
16 from communicating with or contacting, by means of the  
17 Internet, a person who is related to the accused and whom  
18 the accused reasonably believes to be under 18 years of  
19 age; for purposes of this paragraph (7.5), "Internet" has  
20 the meaning ascribed to it in Section 16-0.1 of the  
21 Criminal Code of 2012; and a person is related to the  
22 accused if the person is: (i) the spouse, brother, or  
23 sister of the accused; (ii) a descendant of the accused;  
24 (iii) a first or second cousin of the accused; or (iv) a  
25 step-child or adopted child of the accused;

26          (7.6) if convicted for an offense committed on or after

1 June 1, 2009 (the effective date of Public Act 95-983) that  
2 would qualify as a sex offense as defined in the Sex  
3 Offender Registration Act:

4 (i) not access or use a computer or any other  
5 device with Internet capability without the prior  
6 written approval of the Department;

7 (ii) submit to periodic unannounced examinations  
8 of the offender's computer or any other device with  
9 Internet capability by the offender's supervising  
10 agent ~~or aftercare specialist~~, a law enforcement  
11 officer, or assigned computer or information  
12 technology specialist, including the retrieval and  
13 copying of all data from the computer or device and any  
14 internal or external peripherals and removal of such  
15 information, equipment, or device to conduct a more  
16 thorough inspection;

17 (iii) submit to the installation on the offender's  
18 computer or device with Internet capability, at the  
19 offender's expense, of one or more hardware or software  
20 systems to monitor the Internet use; and

21 (iv) submit to any other appropriate restrictions  
22 concerning the offender's use of or access to a  
23 computer or any other device with Internet capability  
24 imposed by the Board, the Department or the offender's  
25 supervising agent ~~or aftercare specialist~~; and

26 (8) in addition, if a minor:

1 (i) reside with his or her parents or in a foster  
2 home;

3 (ii) attend school;

4 (iii) attend a non-residential program for youth;

5 or

6 (iv) contribute to his or her own support at home  
7 or in a foster home.

8 (b-1) In addition to the conditions set forth in  
9 subsections (a) and (b), persons required to register as sex  
10 offenders pursuant to the Sex Offender Registration Act, upon  
11 release from the custody of the Illinois Department of  
12 Corrections ~~or Department of Juvenile Justice~~, may be required  
13 by the Board to comply with the following specific conditions  
14 of release:

15 (1) reside only at a Department approved location;

16 (2) comply with all requirements of the Sex Offender  
17 Registration Act;

18 (3) notify third parties of the risks that may be  
19 occasioned by his or her criminal record;

20 (4) obtain the approval of an agent of the Department  
21 of Corrections ~~or the Department of Juvenile Justice~~ prior  
22 to accepting employment or pursuing a course of study or  
23 vocational training and notify the Department prior to any  
24 change in employment, study, or training;

25 (5) not be employed or participate in any volunteer  
26 activity that involves contact with children, except under

1 circumstances approved in advance and in writing by an  
2 agent of the Department of Corrections ~~or the Department of~~  
3 ~~Juvenile Justice;~~

4 (6) be electronically monitored for a minimum of 12  
5 months from the date of release as determined by the Board;

6 (7) refrain from entering into a designated geographic  
7 area except upon terms approved in advance by an agent of  
8 the Department of Corrections ~~or the Department of Juvenile~~  
9 ~~Justice~~. The terms may include consideration of the purpose  
10 of the entry, the time of day, and others accompanying the  
11 person;

12 (8) refrain from having any contact, including written  
13 or oral communications, directly or indirectly, personally  
14 or by telephone, letter, or through a third party with  
15 certain specified persons including, but not limited to,  
16 the victim or the victim's family without the prior written  
17 approval of an agent of the Department of Corrections ~~or~~  
18 ~~the Department of Juvenile Justice;~~

19 (9) refrain from all contact, directly or indirectly,  
20 personally, by telephone, letter, or through a third party,  
21 with minor children without prior identification and  
22 approval of an agent of the Department of Corrections ~~or~~  
23 ~~the Department of Juvenile Justice;~~

24 (10) neither possess or have under his or her control  
25 any material that is sexually oriented, sexually  
26 stimulating, or that shows male or female sex organs or any

1 pictures depicting children under 18 years of age nude or  
2 any written or audio material describing sexual  
3 intercourse or that depicts or alludes to sexual activity,  
4 including but not limited to visual, auditory, telephonic,  
5 or electronic media, or any matter obtained through access  
6 to any computer or material linked to computer access use;

7 (11) not patronize any business providing sexually  
8 stimulating or sexually oriented entertainment nor utilize  
9 "900" or adult telephone numbers;

10 (12) not reside near, visit, or be in or about parks,  
11 schools, day care centers, swimming pools, beaches,  
12 theaters, or any other places where minor children  
13 congregate without advance approval of an agent of the  
14 Department of Corrections ~~or the Department of Juvenile~~  
15 ~~Justice~~ and immediately report any incidental contact with  
16 minor children to the Department;

17 (13) not possess or have under his or her control  
18 certain specified items of contraband related to the  
19 incidence of sexually offending as determined by an agent  
20 of the Department of Corrections ~~or the Department of~~  
21 ~~Juvenile Justice~~;

22 (14) may be required to provide a written daily log of  
23 activities if directed by an agent of the Department of  
24 Corrections ~~or the Department of Juvenile Justice~~;

25 (15) comply with all other special conditions that the  
26 Department may impose that restrict the person from

1 high-risk situations and limit access to potential  
2 victims;

3 (16) take an annual polygraph exam;

4 (17) maintain a log of his or her travel; or

5 (18) obtain prior approval of his or her parole officer  
6 ~~or aftercare specialist~~ before driving alone in a motor  
7 vehicle.

8 (c) The conditions under which the parole, ~~aftercare~~  
9 ~~release,~~ or mandatory supervised release is to be served shall  
10 be communicated to the person in writing prior to his or her  
11 release, and he or she shall sign the same before release. A  
12 signed copy of these conditions, including a copy of an order  
13 of protection where one had been issued by the criminal court,  
14 shall be retained by the person and another copy forwarded to  
15 the officer ~~or aftercare specialist~~ in charge of his or her  
16 supervision.

17 (d) After a hearing under Section 3-3-9, the Prisoner  
18 Review Board may modify or enlarge the conditions of parole, ~~7~~  
19 ~~aftercare release,~~ or mandatory supervised release.

20 (e) The Department shall inform all offenders committed to  
21 the Department of the optional services available to them upon  
22 release and shall assist inmates in availing themselves of such  
23 optional services upon their release on a voluntary basis.

24 (f) (Blank).

25 (Source: P.A. 97-50, eff. 6-28-11; 97-531, eff. 1-1-12; 97-560,  
26 eff. 1-1-12; 97-597, eff. 1-1-12; 97-1109, eff. 1-1-13;

1 97-1150, eff. 1-25-13; 98-558, eff. 1-1-14.)

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

3 Sec. 3-3-8. Length of parole,~~aftercare release,~~ and  
4 mandatory supervised release; discharge.→

5 (a) The length of parole for a person sentenced under the  
6 law in effect prior to the effective date of this amendatory  
7 Act of 1977 and the length of mandatory supervised release for  
8 those sentenced under the law in effect on and after such  
9 effective date shall be as set out in Section 5-8-1 unless  
10 sooner terminated under paragraph (b) of this Section. ~~The~~  
11 ~~aftercare release period of a juvenile committed to the~~  
12 ~~Department under the Juvenile Court Act or the Juvenile Court~~  
13 ~~Act of 1987 shall be as set out in Section 5-750 of the~~  
14 ~~Juvenile Court Act of 1987 unless sooner terminated under~~  
15 ~~paragraph (b) of this Section or under the Juvenile Court Act~~  
16 ~~of 1987.~~

17 (b) The Prisoner Review Board may enter an order releasing  
18 and discharging one from parole,~~aftercare release,~~ or  
19 mandatory supervised release, and his or her commitment to the  
20 Department, when it determines that he or she is likely to  
21 remain at liberty without committing another offense.

22 (b-1) Provided that the subject is in compliance with the  
23 terms and conditions of his or her parole,~~aftercare release,~~  
24 or mandatory supervised release, the Prisoner Review Board may  
25 reduce the period of a parolee or releasee's parole,~~aftercare~~

1 ~~release,~~ or mandatory supervised release by 90 days upon the  
2 parolee or releasee receiving a high school diploma or upon  
3 passage of high school equivalency testing during the period of  
4 his or her parole, ~~aftercare release,~~ or mandatory supervised  
5 release. This reduction in the period of a subject's term of  
6 parole, ~~aftercare release,~~ or mandatory supervised release  
7 shall be available only to subjects who have not previously  
8 earned a high school diploma or who have not previously passed  
9 high school equivalency testing.

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. 98-558, eff. 1-1-14; 98-718, eff. 1-1-15; 99-268,  
20 eff. 1-1-16.)

21 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

22 Sec. 3-3-9. Violations; changes of conditions; preliminary  
23 hearing; revocation of parole, ~~aftercare release,~~ or mandatory  
24 supervised release; revocation hearing.

25 (a) If prior to expiration or termination of the term of

1 parole, ~~aftercare release,~~ or mandatory supervised release, a  
2 person violates a condition set by the Prisoner Review Board or  
3 a condition of parole, ~~aftercare release,~~ or mandatory  
4 supervised release under Section 3-3-7 of this Code to govern  
5 that term, the Board may:

6 (1) continue the existing term, with or without  
7 modifying or enlarging the conditions; or

8 (2) parole or release the person to a half-way house;  
9 or

10 (3) revoke the parole, ~~aftercare release,~~ or mandatory  
11 supervised release and reconfine the person for a term  
12 computed in the following manner:

13 (i) (A) For those sentenced under the law in effect  
14 prior to this amendatory Act of 1977, the recommitment  
15 shall be for any portion of the imposed maximum term of  
16 imprisonment or confinement which had not been served  
17 at the time of parole and the parole term, less the  
18 time elapsed between the parole of the person and the  
19 commission of the violation for which parole was  
20 revoked;

21 (B) Except as set forth in paragraph (C), for those  
22 subject to mandatory supervised release under  
23 paragraph (d) of Section 5-8-1 of this Code, the  
24 recommitment shall be for the total mandatory  
25 supervised release term, less the time elapsed between  
26 the release of the person and the commission of the

1 violation for which mandatory supervised release is  
2 revoked. The Board may also order that a prisoner serve  
3 up to one year of the sentence imposed by the court  
4 which was not served due to the accumulation of  
5 sentence credit;

6 (C) For those subject to sex offender supervision  
7 under clause (d) (4) of Section 5-8-1 of this Code, the  
8 reconfinement period for violations of clauses (a) (3)  
9 through (b-1) (15) of Section 3-3-7 shall not exceed 2  
10 years from the date of reconfinement;

11 (ii) the person shall be given credit against  
12 the term of reimprisonment or reconfinement for  
13 time spent in custody since he or she was paroled  
14 or released which has not been credited against  
15 another sentence or period of confinement;

16 (iii) (blank); ~~persons committed under the~~  
17 ~~Juvenile Court Act or the Juvenile Court Act of~~  
18 ~~1987 may be continued under the existing term of~~  
19 ~~aftercare release with or without modifying the~~  
20 ~~conditions of aftercare release, released on~~  
21 ~~aftercare release to a group home or other~~  
22 ~~residential facility, or recommitted until the age~~  
23 ~~of 21 unless sooner terminated;~~

24 (iv) this Section is subject to the release  
25 under supervision and the reparole and rerelease  
26 provisions of Section 3-3-10.

1           (b) The Board may revoke parole,~~aftercare release,~~ or  
2 mandatory supervised release for violation of a condition for  
3 the duration of the term and for any further period which is  
4 reasonably necessary for the adjudication of matters arising  
5 before its expiration. The issuance of a warrant of arrest for  
6 an alleged violation of the conditions of parole,~~aftercare~~  
7 ~~release,~~ or mandatory supervised release shall toll the running  
8 of the term until the final determination of the charge. When  
9 parole,~~aftercare release,~~ or mandatory supervised release is  
10 not revoked that period shall be credited to the term, unless a  
11 community-based sanction is imposed as an alternative to  
12 revocation and reincarceration, including a diversion  
13 established by the Illinois Department of Corrections Parole  
14 Services Unit prior to the holding of a preliminary parole  
15 revocation hearing. Parolees who are diverted to a  
16 community-based sanction shall serve the entire term of parole  
17 or mandatory supervised release, if otherwise appropriate.

18           (b-5) The Board shall revoke parole,~~aftercare release,~~ or  
19 mandatory supervised release for violation of the conditions  
20 prescribed in paragraph (7.6) of subsection (a) of Section  
21 3-3-7.

22           (c) A person charged with violating a condition of parole,~~aftercare release,~~  
23 ~~aftercare release,~~ or mandatory supervised release shall have a  
24 preliminary hearing before a hearing officer designated by the  
25 Board to determine if there is cause to hold the person for a  
26 revocation hearing. However, no preliminary hearing need be

1 held when revocation is based upon new criminal charges and a  
2 court finds probable cause on the new criminal charges or when  
3 the revocation is based upon a new criminal conviction and a  
4 certified copy of that conviction is available.

5 (d) Parole,~~aftercare release,~~ or mandatory supervised  
6 release shall not be revoked without written notice to the  
7 offender setting forth the violation of parole,~~aftercare~~  
8 ~~release,~~ or mandatory supervised release charged against him or  
9 her.

10 (e) A hearing on revocation shall be conducted before at  
11 least one member of the Prisoner Review Board. The 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 member hearing the matter and at least~~  
16 ~~a majority of the panel shall be experienced in juvenile~~  
17 ~~matters.~~ A record of the hearing shall be made. At the hearing  
18 the offender shall be permitted to:

19 (1) appear and answer the charge; and

20 (2) bring witnesses on his or her behalf.

21 (f) The Board shall either revoke parole,~~aftercare~~  
22 ~~release,~~ or mandatory supervised release or order the person's  
23 term continued with or without modification or enlargement of  
24 the conditions.

25 (g) Parole,~~aftercare release,~~ or mandatory supervised  
26 release shall not be revoked for failure to make payments under

1 the conditions of parole or release unless the Board determines  
2 that such failure is due to the offender's willful refusal to  
3 pay.

4 (Source: P.A. 97-697, eff. 6-22-12; 98-463, eff. 8-16-13;  
5 98-558, eff. 1-1-14.)

6 (730 ILCS 5/3-3-9.5 new)

7 Sec. 3-3-9.5. Revocation of aftercare release; revocation  
8 hearing.

9 (a) If prior to expiration or termination of the aftercare  
10 release term, a juvenile committed to the Department of  
11 Juvenile Justice under the Juvenile Court Act of 1987 violates  
12 a condition of release set by the Department under Section  
13 3-2.5-95 of this Code, the Department may initiate revocation  
14 proceedings by issuing a violation warrant under Section  
15 3-2.5-70 of this Code or by retaking of the releasee and  
16 returning him or her to a Department facility.

17 (b) The Department shall provide the releasee and the  
18 Prisoner Review Board with written notice of the alleged  
19 violation of aftercare release charged against him or her.

20 (c) The issuance of a warrant of arrest for an alleged  
21 violation of the conditions of aftercare release shall toll the  
22 running of the aftercare release term until the final  
23 determination of the alleged violation is made. If the Board  
24 finds that the youth has not violated a condition of aftercare  
25 release, that period shall be credited to the term.

1       (d) A person charged with violating a condition of  
2 aftercare release shall have a preliminary hearing before a  
3 hearing officer designated by the Board to determine if there  
4 is probable cause to hold the person for a revocation hearing.  
5 However, no preliminary hearing need be held when revocation is  
6 based upon new criminal charges and a court finds probable  
7 cause on the new criminal charges or when the revocation is  
8 based upon a new criminal conviction or a finding of  
9 delinquency and a certified copy of that conviction is  
10 available.

11       (e) At the preliminary hearing, the Board may order the  
12 releasee held in Department custody or released under  
13 supervision pending a final revocation decision of the Board. A  
14 youth who is held in Department custody, shall be released and  
15 discharged upon the expiration of the maximum term permitted  
16 under the Juvenile Court Act of 1987.

17       (f) A hearing on revocation shall be conducted before at  
18 least one member of the Prisoner Review Board. The Board may  
19 meet and order its actions in panels of 3 or more members. The  
20 action of a majority of the panel shall be the action of the  
21 Board. The member hearing the matter and at least a majority of  
22 the panel shall be experienced in juvenile matters. A record of  
23 the hearing shall be made. At the hearing the releasee shall be  
24 permitted to:

25               (1) appear and answer the charge; and

26               (2) bring witnesses on his or her behalf.

1       (g) If the Board finds that the juvenile has not violated a  
2 condition of aftercare release, the Board shall order the  
3 juvenile rereleased and aftercare release continued under the  
4 existing term and may make specific recommendations to the  
5 Department regarding appropriate conditions of release.

6       (h) If the Board finds that the juvenile has violated a  
7 condition of aftercare release, the Board shall either:

8           (1) revoke aftercare release and order the juvenile  
9 reconfined; or

10          (2) order the juvenile rereleased to serve a specified  
11 aftercare release term not to exceed the full term  
12 permitted under the Juvenile Court Act of 1987 and may make  
13 specific recommendations to the Department regarding  
14 appropriate conditions of rerelease.

15       (i) Aftercare release shall not be revoked for failure to  
16 make payments under the conditions of release unless the Board  
17 determines that the failure is due to the juvenile's willful  
18 refusal to pay.

19       (730 ILCS 5/3-3-10) (from Ch. 38, par. 1003-3-10)

20       Sec. 3-3-10. Eligibility after Revocation; Release under  
21 Supervision.

22       (a) A person whose parole,~~aftercare release,~~ or mandatory  
23 supervised release has been revoked may be reparaoled or  
24 rereleased by the Board at any time to the full parole~~,~~  
25 ~~aftercare release,~~ or mandatory supervised release term under

1 Section 3-3-8, except that the time which the person shall  
2 remain subject to the Board shall not exceed (1) the imposed  
3 maximum term of imprisonment or confinement and the parole term  
4 for those sentenced under the law in effect prior to the  
5 effective date of this amendatory Act of 1977 or (2) the term  
6 of imprisonment imposed by the court and the mandatory  
7 supervised release term for those sentenced under the law in  
8 effect on and after such effective date.

9 (b) If the Board sets no earlier release date:

10 (1) A person sentenced for any violation of law which  
11 occurred before January 1, 1973, shall be released under  
12 supervision 6 months prior to the expiration of his or her  
13 maximum sentence of imprisonment less good time credit  
14 under Section 3-6-3.

15 (2) Any person who has violated the conditions of his  
16 or her parole and been reconfined under Section 3-3-9 shall  
17 be released under supervision 6 months prior to the  
18 expiration of the term of his or her reconfinement under  
19 paragraph (a) of Section 3-3-9 less good time credit under  
20 Section 3-6-3. This paragraph shall not apply to persons  
21 serving terms of mandatory supervised release ~~or aftercare~~  
22 ~~release~~.

23 (3) Nothing herein shall require the release of a  
24 person who has violated his or her parole within 6 months  
25 of the date when his or her release under this Section  
26 would otherwise be mandatory.

1 (c) Persons released under this Section shall be subject to  
2 Sections 3-3-6, 3-3-7, 3-3-9, 3-14-1, 3-14-2, 3-14-2.5,  
3 3-14-3, and 3-14-4.

4 (d) This Section shall not apply to a juvenile committed to  
5 the Department of Juvenile Justice under the Juvenile Court Act  
6 of 1987 serving terms of aftercare release.

7 (Source: P.A. 98-558, eff. 1-1-14; 99-268, eff. 1-1-16.)

8 (730 ILCS 5/3-10-7) (from Ch. 38, par. 1003-10-7)

9 Sec. 3-10-7. Interdepartment ~~Interdivisional~~ Transfers.

10 (a) (Blank). ~~In any case where a minor was originally~~  
11 ~~prosecuted under the provisions of the Criminal Code of 1961 or~~  
12 ~~the Criminal Code of 2012 and sentenced under the provisions of~~  
13 ~~this Act pursuant to Section 2-7 of the Juvenile Court Act or~~  
14 ~~Section 5-805 of the Juvenile Court Act of 1987 and committed~~  
15 ~~to the Department of Juvenile Justice under Section 5-8-6, the~~  
16 ~~Department of Juvenile Justice shall, within 30 days of the~~  
17 ~~date that the minor reaches the age of 17, send formal~~  
18 ~~notification to the sentencing court and the State's Attorney~~  
19 ~~of the county from which the minor was sentenced indicating the~~  
20 ~~day upon which the minor offender will achieve the age of 17.~~  
21 ~~Within 90 days of receipt of that notice, the sentencing court~~  
22 ~~shall conduct a hearing, pursuant to the provisions of~~  
23 ~~subsection (c) of this Section to determine whether or not the~~  
24 ~~minor shall continue to remain under the auspices of the~~  
25 ~~Department of Juvenile Justice or be transferred to the~~

1 ~~Department of Corrections.~~

2 ~~The minor shall be served with notice of the date of the~~  
3 ~~hearing, shall be present at the hearing, and has the right to~~  
4 ~~counsel at the hearing. The minor, with the consent of his or~~  
5 ~~her counsel or guardian may waive his presence at hearing.~~

6 (b) (Blank). ~~Unless sooner paroled under Section 3-3-3, the~~  
7 ~~confinement of a minor person committed for an indeterminate~~  
8 ~~sentence in a criminal proceeding shall terminate at the~~  
9 ~~expiration of the maximum term of imprisonment, and he shall~~  
10 ~~thereupon be released to serve a period of parole under Section~~  
11 ~~5-8-1, but if the maximum term of imprisonment does not expire~~  
12 ~~until after his 21st birthday, he shall continue to be subject~~  
13 ~~to the control and custody of the Department of Juvenile~~  
14 ~~Justice, and on his 21st birthday, he shall be transferred to~~  
15 ~~the Department of Corrections. If such person is on parole on~~  
16 ~~his 21st birthday, his parole supervision may be transferred to~~  
17 ~~the Department of Corrections.~~

18 (c) (Blank). ~~Any interdivisional transfer hearing~~  
19 ~~conducted pursuant to subsection (a) of this Section shall~~  
20 ~~consider all available information which may bear upon the~~  
21 ~~issue of transfer. All evidence helpful to the court in~~  
22 ~~determining the question of transfer, including oral and~~  
23 ~~written reports containing hearsay, may be relied upon to the~~  
24 ~~extent of its probative value, even though not competent for~~  
25 ~~the purposes of an adjudicatory hearing. The court shall~~  
26 ~~consider, along with any other relevant matter, the following:~~

1           ~~1. The nature of the offense for which the minor was~~  
2           ~~found guilty and the length of the sentence the minor has~~  
3           ~~to serve and the record and previous history of the minor.~~

4           ~~2. The record of the minor's adjustment within the~~  
5           ~~Department of Juvenile Justice, including, but not limited~~  
6           ~~to, reports from the minor's counselor, any escapes,~~  
7           ~~attempted escapes or violent or disruptive conduct on the~~  
8           ~~part of the minor, any tickets received by the minor,~~  
9           ~~summaries of classes attended by the minor, and any record~~  
10          ~~of work performed by the minor while in the institution.~~

11          ~~3. The relative maturity of the minor based upon the~~  
12          ~~physical, psychological and emotional development of the~~  
13          ~~minor.~~

14          ~~4. The record of the rehabilitative progress of the~~  
15          ~~minor and an assessment of the vocational potential of the~~  
16          ~~minor.~~

17          ~~5. An assessment of the necessity for transfer of the~~  
18          ~~minor, including, but not limited to, the availability of~~  
19          ~~space within the Department of Corrections, the~~  
20          ~~disciplinary and security problem which the minor has~~  
21          ~~presented to the Department of Juvenile Justice and the~~  
22          ~~practicability of maintaining the minor in a juvenile~~  
23          ~~facility, whether resources have been exhausted within the~~  
24          ~~Department of Juvenile Justice, the availability of~~  
25          ~~rehabilitative and vocational programs within the~~  
26          ~~Department of Corrections, and the anticipated ability of~~

1 ~~the minor to adjust to confinement within an adult~~  
2 ~~institution based upon the minor's physical size and~~  
3 ~~maturity.~~

4 ~~All relevant factors considered under this subsection need~~  
5 ~~not be resolved against the juvenile in order to justify such~~  
6 ~~transfer. Access to social records, probation reports or any~~  
7 ~~other reports which are considered by the court for the purpose~~  
8 ~~of transfer shall be made available to counsel for the juvenile~~  
9 ~~at least 30 days prior to the date of the transfer hearing. The~~  
10 ~~Sentencing Court, upon granting a transfer order, shall~~  
11 ~~accompany such order with a statement of reasons.~~

12 (d) (Blank). ~~Whenever the Director of Juvenile Justice or~~  
13 ~~his designee determines that the interests of safety, security~~  
14 ~~and discipline require the transfer to the Department of~~  
15 ~~Corrections of a person 17 years or older who was prosecuted~~  
16 ~~under the provisions of the Criminal Code of 1961 or the~~  
17 ~~Criminal Code of 2012 and sentenced under the provisions of~~  
18 ~~this Act pursuant to Section 2-7 of the Juvenile Court Act or~~  
19 ~~Section 5-805 of the Juvenile Court Act of 1987 and committed~~  
20 ~~to the Department of Juvenile Justice under Section 5-8-6, the~~  
21 ~~Director or his designee may authorize the emergency transfer~~  
22 ~~of such person, unless the transfer of the person is governed~~  
23 ~~by subsection (c) of this Section. The sentencing court shall~~  
24 ~~be provided notice of any emergency transfer no later than 3~~  
25 ~~days after the emergency transfer. Upon motion brought within~~  
26 ~~60 days of the emergency transfer by the sentencing court or~~

1 ~~any party, the sentencing court may conduct a hearing pursuant~~  
2 ~~to the provisions of subsection (c) of this Section in order to~~  
3 ~~determine whether the person shall remain confined in the~~  
4 ~~Department of Corrections.~~

5 (e) The Director of Juvenile Justice or his designee may  
6 authorize the permanent transfer to the Department of  
7 Corrections of any person 18 years or older who was prosecuted  
8 under the provisions of the Criminal Code of 1961 or the  
9 Criminal Code of 2012 and sentenced under the provisions of  
10 this Act pursuant to Section 2-7 of the Juvenile Court Act or  
11 Section 5-805 of the Juvenile Court Act of 1987 and committed  
12 to the Department of Juvenile Justice under Section 5-8-6 of  
13 this Act. ~~The Director of Juvenile Justice or his designee~~  
14 ~~shall be governed by the following factors in determining~~  
15 ~~whether to authorize the permanent transfer of the person to~~  
16 ~~the Department of Corrections:~~

17 ~~1. The nature of the offense for which the person was~~  
18 ~~found guilty and the length of the sentence the person has~~  
19 ~~to serve and the record and previous history of the person.~~

20 ~~2. The record of the person's adjustment within the~~  
21 ~~Department of Juvenile Justice, including, but not limited~~  
22 ~~to, reports from the person's counselor, any escapes,~~  
23 ~~attempted escapes or violent or disruptive conduct on the~~  
24 ~~part of the person, any tickets received by the person,~~  
25 ~~summaries of classes attended by the person, and any record~~  
26 ~~of work performed by the person while in the institution.~~

1           ~~3. The relative maturity of the person based upon the~~  
2           ~~physical, psychological and emotional development of the~~  
3           ~~person.~~

4           ~~4. The record of the rehabilitative progress of the~~  
5           ~~person and an assessment of the vocational potential of the~~  
6           ~~person.~~

7           ~~5. An assessment of the necessity for transfer of the~~  
8           ~~person, including, but not limited to, the availability of~~  
9           ~~space within the Department of Corrections, the~~  
10           ~~disciplinary and security problem which the person has~~  
11           ~~presented to the Department of Juvenile Justice and the~~  
12           ~~practicability of maintaining the person in a juvenile~~  
13           ~~facility, whether resources have been exhausted within the~~  
14           ~~Department of Juvenile Justice, the availability of~~  
15           ~~rehabilitative and vocational programs within the~~  
16           ~~Department of Corrections, and the anticipated ability of~~  
17           ~~the person to adjust to confinement within an adult~~  
18           ~~institution based upon the person's physical size and~~  
19           ~~maturity.~~

20           (Source: P.A. 97-1083, eff. 8-24-12; 97-1150, eff. 1-25-13.)

21           (730 ILCS 5/5-8-6) (from Ch. 38, par. 1005-8-6)

22           Sec. 5-8-6. Place of Confinement.

23           (a) Offenders sentenced to a term of imprisonment for a  
24           felony shall be committed to the penitentiary system of the  
25           Department of Corrections. However, such sentence shall not

1 limit the powers of the Department of Children and Family  
2 Services in relation to any child under the age of one year in  
3 the sole custody of a person so sentenced, nor in relation to  
4 any child delivered by a female so sentenced while she is so  
5 confined as a consequence of such sentence. A person sentenced  
6 for a felony may be assigned by the Department of Corrections  
7 to any of its institutions, facilities or programs.

8 (b) Offenders sentenced to a term of imprisonment for less  
9 than one year shall be committed to the custody of the sheriff.  
10 A person committed to the Department of Corrections, prior to  
11 July 14, 1983, for less than one year may be assigned by the  
12 Department to any of its institutions, facilities or programs.

13 (c) All offenders under 18 ~~17~~ years of age when sentenced  
14 to imprisonment shall be committed to the Department of  
15 Juvenile Justice and the court in its order of commitment shall  
16 set a definite term. ~~Such order of commitment shall be the~~  
17 ~~sentence of the court which may be amended by the court while~~  
18 ~~jurisdiction is retained; and such sentence shall apply~~  
19 ~~whenever the offender sentenced is in the control and custody~~  
20 ~~of the Department of Corrections.~~ The provisions of Section  
21 3-3-3 shall be a part of such commitment as fully as though  
22 written in the order of commitment. The place of confinement  
23 for sentences imposed before the effective date of this  
24 amendatory Act of the 99th General Assembly are not affected or  
25 abated by this amendatory Act of the 99th General Assembly. ~~The~~  
26 ~~committing court shall retain jurisdiction of the subject~~

1 ~~matter and the person until he or she reaches the age of 21~~  
2 ~~unless earlier discharged. However, the Department of Juvenile~~  
3 ~~Justice shall, after a juvenile has reached 17 years of age,~~  
4 ~~petition the court to conduct a hearing pursuant to subsection~~  
5 ~~(c) of Section 3-10-7 of this Code.~~

6 (d) No defendant shall be committed to the Department of  
7 Corrections for the recovery of a fine or costs.

8 (e) When a court sentences a defendant to a term of  
9 imprisonment concurrent with a previous and unexpired sentence  
10 of imprisonment imposed by any district court of the United  
11 States, it may commit the offender to the custody of the  
12 Attorney General of the United States. The Attorney General of  
13 the United States, or the authorized representative of the  
14 Attorney General of the United States, shall be furnished with  
15 the warrant of commitment from the court imposing sentence,  
16 which warrant of commitment shall provide that, when the  
17 offender is released from federal confinement, whether by  
18 parole or by termination of sentence, the offender shall be  
19 transferred by the Sheriff of the committing county to the  
20 Department of Corrections. The court shall cause the Department  
21 to be notified of such sentence at the time of commitment and  
22 to be provided with copies of all records regarding the  
23 sentence.

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

1           Sec. 5-8A-3. Application.

2           (a) Except as provided in subsection (d), a person charged  
3 with or convicted of an excluded offense may not be placed in  
4 an electronic home detention program, except for bond pending  
5 trial or appeal or while on parole, aftercare release, or  
6 mandatory supervised release.

7           (b) A person serving a sentence for a conviction of a Class  
8 1 felony, other than an excluded offense, may be placed in an  
9 electronic home detention program for a period not to exceed  
10 the last 90 days of incarceration.

11           (c) A person serving a sentence for a conviction of a Class  
12 X felony, other than an excluded offense, may be placed in an  
13 electronic home detention program for a period not to exceed  
14 the last 90 days of incarceration, provided that the person was  
15 sentenced on or after the effective date of this amendatory Act  
16 of 1993 and provided that the court has not prohibited the  
17 program for the person in the sentencing order.

18           (d) A person serving a sentence for conviction of an  
19 offense other than for predatory criminal sexual assault of a  
20 child, aggravated criminal sexual assault, criminal sexual  
21 assault, aggravated criminal sexual abuse, or felony criminal  
22 sexual abuse, may be placed in an electronic home detention  
23 program for a period not to exceed the last 12 months of  
24 incarceration, provided that (i) the person is 55 years of age  
25 or older; (ii) the person is serving a determinate sentence;  
26 (iii) the person has served at least 25% of the sentenced

1 prison term; and (iv) placement in an electronic home detention  
2 program is approved by the Prisoner Review Board or the  
3 Department of Juvenile Justice.

4 (e) A person serving a sentence for conviction of a Class  
5 2, 3 or 4 felony offense which is not an excluded offense may  
6 be placed in an electronic home detention program pursuant to  
7 Department administrative directives.

8 (f) Applications for electronic home detention may include  
9 the following:

10 (1) pretrial or pre-adjudicatory detention;

11 (2) probation;

12 (3) conditional discharge;

13 (4) periodic imprisonment;

14 (5) parole, aftercare release, or mandatory supervised  
15 release;

16 (6) work release;

17 (7) furlough; or

18 (8) post-trial incarceration.

19 (g) A person convicted of an offense described in clause  
20 (4) or (5) of subsection (d) of Section 5-8-1 of this Code  
21 shall be placed in an electronic home detention program for at  
22 least the first 2 years of the person's mandatory supervised  
23 release term.

24 (Source: P.A. 98-558, eff. 1-1-14; 98-756, eff. 7-16-14.)

1           Sec. 5-8A-7. Domestic violence surveillance program. If  
2 the Prisoner Review Board, Department of Corrections,  
3 Department of Juvenile Justice, or court (the supervising  
4 authority) orders electronic surveillance as a condition of  
5 parole, aftercare release, mandatory supervised release, early  
6 release, probation, or conditional discharge for a violation of  
7 an order of protection or as a condition of bail for a person  
8 charged with a violation of an order of protection, the  
9 supervising authority shall use the best available global  
10 positioning technology to track domestic violence offenders.  
11 Best available technology must have real-time and interactive  
12 capabilities that facilitate the following objectives: (1)  
13 immediate notification to the supervising authority of a breach  
14 of a court ordered exclusion zone; (2) notification of the  
15 breach to the offender; and (3) communication between the  
16 supervising authority, law enforcement, and the victim,  
17 regarding the breach.

18           (Source: P.A. 98-558, eff. 1-1-14.)

19           Section 35. The Open Parole Hearings Act is amended by  
20 changing Sections 5, 10, 15, and 20 as follows:

21           (730 ILCS 105/5) (from Ch. 38, par. 1655)

22           Sec. 5. Definitions. As used in this Act:

23           (a) "Applicant" means an inmate who is being considered for  
24 parole ~~or aftercare release~~ by the Prisoner Review Board.

1 (a-1) "Aftercare releasee" means a person released from the  
2 Department of Juvenile Justice on aftercare release subject to  
3 aftercare revocation proceedings.

4 (b) "Board" means the Prisoner Review Board as established  
5 in Section 3-3-1 of the Unified Code of Corrections.

6 (c) "Parolee" means a person subject to parole revocation  
7 proceedings.

8 (d) "Parole ~~or aftercare release~~ hearing" means the formal  
9 hearing and determination of an inmate being considered for  
10 release from incarceration on parole ~~community supervision~~.

11 (e) "Parole, aftercare release, or mandatory supervised  
12 release revocation hearing" means the formal hearing and  
13 determination of allegations that a parolee, aftercare  
14 releasee, or mandatory supervised releasee has violated the  
15 conditions of his or her release ~~agreement~~.

16 (f) "Victim" means a victim or witness of a violent crime  
17 as defined in subsection (a) of Section 3 of the Bill of Rights  
18 for Victims and Witnesses of Violent Crime Act, or any person  
19 legally related to the victim by blood, marriage, adoption, or  
20 guardianship, or any friend of the victim, or any concerned  
21 citizen.

22 (g) "Violent crime" means a crime defined in subsection (c)  
23 of Section 3 of the Bill of Rights for Victims and Witnesses of  
24 Violent Crime Act.

25 (Source: P.A. 97-299, eff. 8-11-11; 98-558, eff. 1-1-14.)

1 (730 ILCS 105/10) (from Ch. 38, par. 1660)

2 Sec. 10. Victim's statements.

3 (a) Upon request of the victim, the State's Attorney shall  
4 forward a copy of any statement presented at the time of trial  
5 to the Prisoner Review Board to be considered at the time of a  
6 parole ~~or aftercare release~~ hearing.

7 (b) The victim may enter a statement either oral, written,  
8 on video tape, or other electronic means in the form and manner  
9 described by the Prisoner Review Board to be considered at the  
10 time of a parole ~~or aftercare release~~ consideration hearing.

11 (Source: P.A. 98-558, eff. 1-1-14.)

12 (730 ILCS 105/15) (from Ch. 38, par. 1665)

13 Sec. 15. Open hearings.

14 (a) The Board may restrict the number of individuals  
15 allowed to attend parole ~~or aftercare release~~, or parole or  
16 aftercare release revocation hearings in accordance with  
17 physical limitations, security requirements of the hearing  
18 facilities or those giving repetitive or cumulative testimony.  
19 The Board may also restrict attendance at an aftercare release  
20 or aftercare release revocation hearing in order to protect the  
21 confidentiality of the youth.

22 (b) The Board may deny admission or continued attendance at  
23 parole ~~or aftercare release~~ hearings, or parole or aftercare  
24 release revocation hearings to individuals who:

25 (1) threaten or present danger to the security of the

1 institution in which the hearing is being held;

2 (2) threaten or present a danger to other attendees or  
3 participants; or

4 (3) disrupt the hearing.

5 (c) Upon formal action of a majority of the Board members  
6 present, the Board may close parole ~~or aftercare release~~  
7 hearings and parole or aftercare release revocation hearings in  
8 order to:

9 (1) deliberate upon the oral testimony and any other  
10 relevant information received from applicants, parolees,  
11 releasees, victims, or others; or

12 (2) provide applicants, releasees, and parolees the  
13 opportunity to challenge information other than that which  
14 if the person's identity were to be exposed would possibly  
15 subject them to bodily harm or death, which they believe  
16 detrimental to their parole ~~or aftercare release~~  
17 determination hearing or revocation proceedings.

18 (Source: P.A. 98-558, eff. 1-1-14.)

19 (730 ILCS 105/20) (from Ch. 38, par. 1670)

20 Sec. 20. Finality of Board decisions. A Board decision  
21 concerning parole ~~or aftercare release~~, or parole or aftercare  
22 release revocation shall be final at the time the decision is  
23 delivered to the inmate, subject to any rehearing granted under  
24 Board rules.

25 (Source: P.A. 98-558, eff. 1-1-14.)".