

104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2764

Introduced 2/6/2025, by Rep. Carol Ammons

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-3 from Ch. 38, par. 1003-3-3
730 ILCS 5/3-3-3.1 new
730 ILCS 5/3-5-1

Amends the Unified Code of Corrections. Provides that notwithstanding anything to the contrary in specified provisions of law, a person serving a term of imprisonment, including terms of natural life, in a Department of Corrections institution or facility is eligible for earned reentry. Provides that for the first year following the effective date of the amendatory Act, a person is eligible for earned reentry if he or she has served a term of imprisonment of at least 35 consecutive years. Provides that for the second year following the effective date of the amendatory Act, a person is eligible for earned reentry if he or she has served a term of imprisonment of at least 25 consecutive years. Provides that for the third year following the effective date of the amendatory Act and each year thereafter, a person is eligible for earned reentry if he or she has served a term of imprisonment of at least 20 consecutive years. Provides that hearings for earned reentry shall be administered by the Prisoner Review Board. Establishes procedures for the hearing. Removes provision that no person serving a term of natural life imprisonment may be paroled or released except through executive clemency. Provides that if any incarcerated person is released on earned reentry, his or her sentence shall be considered complete after the term of mandatory supervised release. Applies retroactively. Provides that nothing in the provision shall be construed to delay parole or mandatory supervised release consideration for petitioners who are or will be eligible for release earlier than the provision provides. Provides that nothing in the provision shall be construed as a limit, substitution, or bar on a person's right to sentencing relief, or any other manner of relief, obtained by order of a court in proceedings other than as provided in the provision. Contains a severability provision. Defines "earned reentry". Effective January 1, 2026.

LRB104 08590 RLC 18642 b

1 AN ACT concerning criminal law.

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

4 Section 1. Purpose. In recognition of the historical
5 harms of systemic racism and overly punitive sentencing, as
6 well as concerns to address mass incarceration and safely
7 reduce the prison population, this Act is needed to ensure
8 that persons are not serving excessive sentences with no
9 public benefit. By utilizing and extending existing review
10 mechanisms, this Act will reduce unnecessary incarceration,
11 reduce costs of incarceration, provide incentive to people
12 with long sentences to prepare for productive lives, make
13 prisons safer for incarcerated persons and prison staff, and
14 help bring the State in compliance with Section 11 of Article I
15 of the Illinois Constitution, which mandates that all
16 penalties aim to restore incarcerated people to useful
17 citizenship.

18 Section 5. The Unified Code of Corrections is amended by
19 changing Sections 3-3-3 and 3-5-1 and by adding Section
20 3-3-3.1 as follows:

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

22 Sec. 3-3-3. Eligibility for parole or release.

1 (a) Except as otherwise provided in Section 3-3-3.1 and
2 except ~~Except~~ for those offenders who accept the fixed release
3 date established by the Prisoner Review Board under Section
4 3-3-2.1, every person serving a term of imprisonment under the
5 law in effect prior to the effective date of this amendatory
6 Act of 1977 shall be eligible for parole when he or she has
7 served:

8 (1) the minimum term of an indeterminate sentence less
9 time credit for good behavior, or 20 years less time
10 credit for good behavior, whichever is less; or

11 (2) 20 years of a life sentence less time credit for
12 good behavior; or

13 (3) 20 years or one-third of a determinate sentence,
14 whichever is less, less time credit for good behavior.

15 (b) Except as otherwise provided in Section 3-3-3.1, no ~~no~~
16 person sentenced under this amendatory Act of 1977 or who
17 accepts a release date under Section 3-3-2.1 shall be eligible
18 for parole.

19 (c) Except as otherwise provided in Section 3-3-3.1, and
20 except ~~Except~~ for those sentenced to a term of natural life
21 imprisonment, every person sentenced to imprisonment under
22 this amendatory Act of 1977 or given a release date under
23 Section 3-3-2.1 of this Act shall serve the full term of a
24 determinate sentence less time credit for good behavior and
25 shall then be released under the mandatory supervised release
26 provisions of paragraph (d) of Section 5-8-1 of this Code.

1 (d) (Blank). ~~No person serving a term of natural life~~
2 ~~imprisonment may be paroled or released except through~~
3 ~~executive clemency.~~

4 (e) Every person committed to the Department of Juvenile
5 Justice under the Juvenile Court Act of 1987 and confined in
6 the State correctional institutions or facilities if such
7 juvenile has not been tried as an adult shall be eligible for
8 aftercare release under Section 3-2.5-85 of this Code.
9 However, if a juvenile has been tried as an adult he or she
10 shall only be eligible for parole or mandatory supervised
11 release as an adult under this Section.

12 (Source: P.A. 98-558, eff. 1-1-14; 99-628, eff. 1-1-17.)

13 (730 ILCS 5/3-3-3.1 new)

14 Sec. 3-3-3.1. Earned reentry; earned reentry hearings;
15 sentences of 20 years or longer; life imprisonment; reentry.

16 (a) Definition. "Earned reentry" means the termination of
17 an incarcerated person's sentence that he or she is granted by
18 the Prisoner Review Board as provided in this Act. If an
19 incarcerated person is granted earned reentry, his or her
20 sentence shall be considered complete after the term of
21 mandatory supervised release.

22 (b) Notwithstanding anything to the contrary in any
23 provision of this Code, Article 122 of the Code of Criminal
24 Procedure of 1963, or Article X or Section 2-1401 of the Code
25 of Civil Procedure, a person serving terms of imprisonment,

1 including terms of natural life, in a Department of
2 Corrections institution or facility is eligible for earned
3 reentry under this Section if he or she has served terms of
4 imprisonment specified in subsection (d). Hearings for earned
5 reentry shall be administered by the Prisoner Review Board.

6 (c) The Prisoner Review Board shall contact persons
7 eligible for earned reentry and conduct hearings to determine
8 whether they shall obtain earned reentry as provided by this
9 Section and the Open Parole Hearings Act unless otherwise
10 specified in this Section.

11 (d) Implementation schedule. For the first year following
12 the effective date of this amendatory Act of the 104th General
13 Assembly, a person is eligible for earned reentry under this
14 Section if he or she has served a term of imprisonment of at
15 least 35 consecutive years. For the second year following the
16 effective date of this amendatory Act of the 104th General
17 Assembly, a person is eligible for earned reentry under this
18 Section if he or she has served a term of imprisonment of at
19 least 25 consecutive years. For the third year following the
20 effective date of this amendatory Act of the 104th General
21 Assembly and each year thereafter, a person is eligible for
22 earned reentry under this Act if he or she has served a term of
23 imprisonment of at least 20 consecutive years.

24 (e) Victims and victims' families shall be notified in a
25 timely manner and provided an opportunity to participate in
26 the hearing in accordance with the Rights of Crime Victims and

1 Witnesses Act, the Open Parole Hearings Act, and this Article.

2 (f) In determining whether a candidate should obtain
3 earned reentry, the Prisoner Review Board shall consider the
4 following factors:

5 (1) a statement, oral or written, by the candidate as
6 to the reasons why he or she should obtain earned reentry;

7 (2) any evidence of the candidate's rehabilitation
8 during the period of his or her incarceration, including
9 remorse for any criminal acts, if applicable;

10 (3) any evidence of the likelihood that the candidate
11 will not recidivate;

12 (4) any character references, letters of support from
13 family or community members, or references by staff,
14 volunteers, or incarcerated persons in the Department of
15 Corrections;

16 (5) any evidence of the candidate's participation in
17 educational, vocational, substance abuse, behavior
18 modification, life skills, or reentry planning programs;

19 (6) the candidate's disciplinary record while
20 incarcerated;

21 (7) the candidate's employment history while
22 incarcerated;

23 (8) the candidate's criminal history; and

24 (9) the candidate's parole plan, including plans for
25 housing, employment, and community support upon release
26 from incarceration.

1 (g) If the programs or employment opportunities described
2 in this Section were not available to this candidate, the
3 Board shall not penalize the candidate for failure to
4 participate in them; nor shall the board penalize a candidate
5 for choosing not to work for the Department of Corrections;
6 nor shall the Board penalize a candidate for maintaining his
7 or her claim of innocence.

8 (h) Notification. The Prisoner Review Board shall notify
9 all persons who become eligible for earned reentry under
10 subsection (d) within 2 months of their becoming eligible and
11 inform them that the Prisoner Review Board will consider them
12 for earned reentry.

13 (i) Hearings.

14 (1) Hearings under this Section shall be conducted by
15 a panel of at least 3 members of the Board. A majority vote
16 of the members present and voting at the hearing is
17 required to grant the candidate earned reentry.

18 (2) In the first 2 years following the effective date
19 of this amendatory Act of the 104th General Assembly,
20 hearings shall be held for each eligible person (who has
21 not deferred) within one year of the person becoming
22 eligible as specified in subsection (d). Beginning the
23 third year following the effective date of this amendatory
24 Act of the 104th General Assembly and every year
25 thereafter, hearings shall be held for each eligible
26 person (who has not deferred) within 8 months of the

1 person becoming eligible as specified in subsection (d).

2 (j) Deferrals. Any person who is notified of the person's
3 eligibility for earned reentry under this Section may defer
4 the person's eligibility for 2 years by notifying the Prisoner
5 Review Board within 3 months of receiving notification of
6 eligibility.

7 (k) If earned reentry is denied under this Section, the
8 Board shall provide a written statement to the candidate that
9 shall include the reasons for the denial, what the candidate
10 must accomplish to attain earned reentry in the future, and
11 when the candidate is eligible to reapply for earned reentry,
12 which shall be no later than 2 years after the denial. The
13 candidate may seek a continuance of up to 2 additional years.

14 (l) An incarcerated person described in this Section may
15 not be barred from any programming because his or her maximum
16 out date is not in the near future.

17 (m) Every incarcerated person described in this Section
18 may bring legal counsel or an advocate of his or her choice to
19 the earned reentry hearing.

20 (n) Every incarcerated person described in this Section
21 may attend and testify at his or her earned reentry hearing in
22 person or by video-conference or may have counsel or an
23 advocate read a statement.

24 (o) Every incarcerated person described in this Section
25 shall be provided full and complete access to his or her master
26 record file, with the exception of the names of verified

1 confidential informants, at least 60 days prior to any earned
2 reentry hearing.

3 (p) This Section applies retroactively to every person
4 currently serving a term of imprisonment in a Department of
5 Corrections institution or facility, which is necessary in
6 order to serve the important objectives listed in the
7 preamble, including that of restoring incarcerated individuals
8 to useful citizenship, as required by Section 11 of Article 1
9 of the Illinois Constitution.

10 (q) Nothing in this Section guarantees release. It only
11 provides the opportunity for the incarcerated person to
12 demonstrate his or her readiness to obtain earned reentry.

13 (r) Nothing in this Section shall be construed to delay
14 parole or mandatory supervised release consideration for
15 petitioners who are or will be eligible for release earlier
16 than this Section provides. Nothing in this Section shall be
17 construed as a limit, substitution, or bar on a person's right
18 to sentencing relief, or any other manner of relief, obtained
19 by order of a court in proceedings other than as provided in
20 this Section.

21 (730 ILCS 5/3-5-1)

22 Sec. 3-5-1. Master record file.

23 (a) The Department of Corrections and the Department of
24 Juvenile Justice shall maintain a master record file on each
25 person committed to it, which shall contain the following

1 information:

2 (1) all information from the committing court;

3 (1.5) ethnic and racial background data collected in
4 accordance with Section 4.5 of the Criminal Identification
5 Act and Section 2-5 of the No Representation Without
6 Population Act;

7 (1.6) the committed person's last known complete
8 street address prior to incarceration or legal residence
9 collected in accordance with Section 2-5 of the No
10 Representation Without Population Act;

11 (2) reception summary;

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

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

15 (5) reports of disciplinary infractions and
16 disposition, including tickets and Administrative Review
17 Board action;

18 (6) any parole or aftercare release plan;

19 (7) any parole or aftercare release reports;

20 (8) the date and circumstances of final discharge;

21 (9) criminal history;

22 (10) current and past gang affiliations and ranks;

23 (11) information regarding associations and family
24 relationships;

25 (12) any grievances filed and responses to those
26 grievances;

1 (13) other information that the respective Department
2 determines is relevant to the secure confinement and
3 rehabilitation of the committed person;

4 (14) the last known address provided by the person
5 committed; and

6 (15) all medical and dental records.

7 (b) Except as otherwise provided in Section 3-3-3.1, all
8 ~~All~~ files shall be confidential and access shall be limited to
9 authorized personnel of the respective Department or by
10 disclosure in accordance with a court order or subpoena.
11 Personnel of other correctional, welfare or law enforcement
12 agencies may have access to files under rules and regulations
13 of the respective Department. The respective Department shall
14 keep a record of all outside personnel who have access to
15 files, the files reviewed, any file material copied, and the
16 purpose of access. If the respective Department or the
17 Prisoner Review Board makes a determination under this Code
18 which affects the length of the period of confinement or
19 commitment, the committed person and his counsel shall be
20 advised of factual information relied upon by the respective
21 Department or Board to make the determination, provided that
22 the Department or Board shall not be required to advise a
23 person committed to the Department of Juvenile Justice any
24 such information which in the opinion of the Department of
25 Juvenile Justice or Board would be detrimental to his
26 treatment or rehabilitation.

1 (c) The master file shall be maintained at a place
2 convenient to its use by personnel of the respective
3 Department in charge of the person. When custody of a person is
4 transferred from the Department to another department or
5 agency, a summary of the file shall be forwarded to the
6 receiving agency with such other information required by law
7 or requested by the agency under rules and regulations of the
8 respective Department.

9 (d) The master file of a person no longer in the custody of
10 the respective Department shall be placed on inactive status
11 and its use shall be restricted subject to rules and
12 regulations of the Department.

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

17 (f) A committed person may request a summary of the
18 committed person's master record file once per year and the
19 committed person's attorney may request one summary of the
20 committed person's master record file once per year. The
21 Department shall create a form for requesting this summary,
22 and shall make that form available to committed persons and to
23 the public on its website. Upon receipt of the request form,
24 the Department shall provide the summary within 15 days. The
25 summary must contain, unless otherwise prohibited by law:

26 (1) the person's name, ethnic, racial, last known

1 street address prior to incarceration or legal residence,
2 and other identifying information;

3 (2) all digitally available information from the
4 committing court;

5 (3) all information in the Offender 360 system on the
6 person's criminal history;

7 (4) the person's complete assignment history in the
8 Department of Corrections;

9 (5) the person's disciplinary card;

10 (6) additional records about up to 3 specific
11 disciplinary incidents as identified by the requester;

12 (7) any available records about up to 5 specific
13 grievances filed by the person, as identified by the
14 requester; and

15 (8) the records of all grievances filed on or after
16 January 1, 2023.

17 Notwithstanding any provision of this subsection (f) to
18 the contrary, a committed person's master record file is not
19 subject to disclosure and copying under the Freedom of
20 Information Act.

21 (g) Subject to appropriation, on or before July 1, 2025,
22 the Department of Corrections shall digitalize all newly
23 committed persons' master record files who become incarcerated
24 and all other new information that the Department maintains
25 concerning its correctional institutions, facilities, and
26 individuals incarcerated.

1 (h) Subject to appropriation, on or before July 1, 2027,
2 the Department of Corrections shall digitalize all medical and
3 dental records in the master record files and all other
4 information that the Department maintains concerning its
5 correctional institutions and facilities in relation to
6 medical records, dental records, and medical and dental needs
7 of committed persons.

8 (i) Subject to appropriation, on or before July 1, 2029,
9 the Department of Corrections shall digitalize all information
10 in the master record files and all other information that the
11 Department maintains concerning its correctional institutions
12 and facilities.

13 (j) The Department of Corrections shall adopt rules to
14 implement subsections (g), (h), and (i) if appropriations are
15 available to implement these provisions.

16 (k) Subject to appropriation, the Department of
17 Corrections, in consultation with the Department of Innovation
18 and Technology, shall conduct a study on the best way to
19 digitize all Department of Corrections records and the impact
20 of that digitizing on State agencies, including the impact on
21 the Department of Innovation and Technology. The study shall
22 be completed on or before January 1, 2024.

23 (Source: P.A. 102-776, eff. 1-1-23; 102-784, eff. 5-13-22;
24 103-18, eff. 1-1-24; 103-71, eff. 6-9-23; 103-154, eff.
25 6-30-23; 103-605, eff. 7-1-24.)

1 Section 97. Severability. The provisions of this Act are
2 severable under Section 1.31 of the Statute on Statutes.

3 Section 99. Effective date. This Act takes effect on
4 January 1, 2026.