



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3702

Introduced 2/18/2025, by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

See Index

Amends the Rights of Crime Victims and Witnesses Act. Provides that the Prisoner Review Board shall publish on its official public website and provide to registered victims information regarding how to submit a victim impact statement. Provides that the Prisoner Review Board shall consider victim impact statements from any registered victims. Provides that any registered victim, including a person who has had a final, plenary, non-emergency, or emergency order of protection granted under the Code of Criminal Procedure of 1963 or under the Illinois Domestic Violence Act of 1986, may present victim statements that the Prisoner Review Board shall consider in its deliberations. Provides that all victim statements shall be redacted from any transcripts or recordings of hearings that are provided to anyone other than Board members and the petitioner or parole candidate. Amends the Unified Code of Corrections. Provides that each member and commissioner of the Prisoner Review Board shall be required to complete a training course developed and administered in consultation with the Department of Corrections. Provides that the training shall be provided to new members and commissioners of the Prisoner Review Board within 30 days of the start of their service and before they take part in any hearings. Establishes the requirements of that training. Establishes a Director of Victim and Witness Services under the jurisdiction of the Prisoner Review Board. Creates the Survivor Safety and Support Fund as a special fund in the State treasury. Provides that the Fund shall be used to support survivors who have been found to be a party of an ongoing criminal or civil case against a petitioner or parole candidate or are registered victims through the Prisoner Review Board or Department of Corrections. Provides that before the Board makes a decision on whether to revoke an offender's parole or mandatory supervised release, the Prisoner Review Board must run a LEADS report. Amends the State Finance Act and the Illinois Pension Code to make conforming changes. Effective immediately.

LRB104 10768 RLC 20848 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 5. The State Finance Act is amended by adding
5 Section 5.1030 as follows:

6 (30 ILCS 105/5.1030 new)

7 Sec. 5.1030. The Survivor Safety and Support Fund.

8 Section 10. The Illinois Pension Code is amended by
9 changing Section 18-127 as follows:

10 (40 ILCS 5/18-127) (from Ch. 108 1/2, par. 18-127)

11 Sec. 18-127. Retirement annuity - suspension on
12 reemployment.

13 (a) A participant receiving a retirement annuity who is
14 regularly employed for compensation by an employer other than
15 a county, in any capacity, shall have his or her retirement
16 annuity payments suspended during such employment. Upon
17 termination of such employment, retirement annuity payments at
18 the previous rate shall be resumed.

19 If such a participant resumes service as a judge, he or she
20 shall receive credit for any additional service. Upon
21 subsequent retirement, his or her retirement annuity shall be

1 the amount previously granted, plus the amount earned by the
2 additional judicial service under the provisions in effect
3 during the period of such additional service. However, if the
4 participant was receiving the maximum rate of annuity at the
5 time of re-employment, he or she may elect, in a written
6 direction filed with the board, not to receive any additional
7 service credit during the period of re-employment. In such
8 case, contributions shall not be required during the period of
9 re-employment. Any such election shall be irrevocable.

10 (b) Beginning January 1, 1991, any participant receiving a
11 retirement annuity who accepts temporary employment from an
12 employer other than a county for a period not exceeding 75
13 working days in any calendar year shall not be deemed to be
14 regularly employed for compensation or to have resumed service
15 as a judge for the purposes of this Article. A day shall be
16 considered a working day if the annuitant performs on it any of
17 his duties under the temporary employment agreement.

18 (c) Except as provided in subsection (a), beginning
19 January 1, 1993, retirement annuities shall not be subject to
20 suspension upon resumption of employment for an employer, and
21 any retirement annuity that is then so suspended shall be
22 reinstated on that date.

23 (d) The changes made in this Section by this amendatory
24 Act of 1993 shall apply to judges no longer in service on its
25 effective date, as well as to judges serving on or after that
26 date.

1 (e) A participant receiving a retirement annuity under
2 this Article who serves as a part-time employee in any of the
3 following positions: Legislative Inspector General, Special
4 Legislative Inspector General, employee of the Office of the
5 Legislative Inspector General, Executive Director of the
6 Legislative Ethics Commission, ~~or~~ staff of the Legislative
7 Ethics Commission, or as a full-time member of the Prisoner
8 Review Board, but has not elected to participate in the
9 Article 14 System with respect to that service, shall not be
10 deemed to be regularly employed for compensation by an
11 employer other than a county, nor to have resumed service as a
12 judge, on the basis of that service, and the retirement
13 annuity payments and other benefits of that person under this
14 Code shall not be suspended, diminished, or otherwise impaired
15 solely as a consequence of that service. This subsection (e)
16 applies without regard to whether the person is in service as a
17 judge under this Article on or after the effective date of this
18 amendatory Act of the 93rd General Assembly. In this
19 subsection, a "part-time employee" is a person who is not
20 required to work at least 35 hours per week.

21 (f) A participant receiving a retirement annuity under
22 this Article who has made an election under Section 1-123 and
23 who is serving either as legal counsel in the Office of the
24 Governor or as Chief Deputy Attorney General shall not be
25 deemed to be regularly employed for compensation by an
26 employer other than a county, nor to have resumed service as a

1 judge, on the basis of that service, and the retirement
2 annuity payments and other benefits of that person under this
3 Code shall not be suspended, diminished, or otherwise impaired
4 solely as a consequence of that service. This subsection (f)
5 applies without regard to whether the person is in service as a
6 judge under this Article on or after the effective date of this
7 amendatory Act of the 93rd General Assembly.

8 (g) Notwithstanding any other provision of this Article,
9 if a person who first becomes a participant under this System
10 on or after January 1, 2011 (the effective date of this
11 amendatory Act of the 96th General Assembly) is receiving a
12 retirement annuity under this Article and becomes a member or
13 participant under this Article or any other Article of this
14 Code and is employed on a full-time basis, then the person's
15 retirement annuity under this System shall be suspended during
16 that employment. Upon termination of that employment, the
17 person's retirement annuity shall resume and, if appropriate,
18 be recalculated under the applicable provisions of this
19 Article.

20 (Source: P.A. 96-889, eff. 1-1-11; 96-1490, eff. 1-1-11.)

21 Section 15. The Rights of Crime Victims and Witnesses Act
22 is amended by changing Sections 4.5, 5, and 8.5 as follows:

23 (725 ILCS 120/4.5)

24 Sec. 4.5. Procedures to implement the rights of crime

1 victims. To afford crime victims their rights, law
2 enforcement, prosecutors, judges, and corrections will provide
3 information, as appropriate, of the following procedures:

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

11 (a-5) When law enforcement authorities reopen a closed
12 case to resume investigating, they shall provide notice of the
13 reopening of the case, except where the State's Attorney
14 determines that disclosure of such information would
15 unreasonably interfere with the investigation.

16 (a-6) The Prisoner Review Board shall publish on its
17 official public website and provide to registered victims
18 information regarding how to submit a victim impact statement.
19 The Prisoner Review Board shall consider victim impact
20 statements from any registered victims. Any registered victim,
21 including a person who has had a final, plenary,
22 non-emergency, or emergency order of protection granted under
23 Article 112A of the Code of Criminal Procedure of 1963 or under
24 the Illinois Domestic Violence Act of 1986, may present victim
25 statements that the Prisoner Review Board shall consider in
26 its deliberations.

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

2 (1) shall provide notice of the filing of an
3 information, the return of an indictment, or the filing of
4 a petition to adjudicate a minor as a delinquent for a
5 violent crime;

6 (2) shall provide timely notice of the date, time, and
7 place of court proceedings; of any change in the date,
8 time, and place of court proceedings; and of any
9 cancellation of court proceedings. Notice shall be
10 provided in sufficient time, wherever possible, for the
11 victim to make arrangements to attend or to prevent an
12 unnecessary appearance at court proceedings;

13 (3) or victim advocate personnel shall provide
14 information of social services and financial assistance
15 available for victims of crime, including information of
16 how to apply for these services and assistance;

17 (3.5) or victim advocate personnel shall provide
18 information about available victim services, including
19 referrals to programs, counselors, and agencies that
20 assist a victim to deal with trauma, loss, and grief;

21 (4) shall assist in having any stolen or other
22 personal property held by law enforcement authorities for
23 evidentiary or other purposes returned as expeditiously as
24 possible, pursuant to the procedures set out in Section
25 115-9 of the Code of Criminal Procedure of 1963;

26 (5) or victim advocate personnel shall provide

1 appropriate employer intercession services to ensure that
2 employers of victims will cooperate with the criminal
3 justice system in order to minimize an employee's loss of
4 pay and other benefits resulting from court appearances;

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

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

16 (8) (blank);

17 (8.5) shall inform the victim of the right to be
18 present at all court proceedings, unless the victim is to
19 testify and the court determines that the victim's
20 testimony would be materially affected if the victim hears
21 other testimony at trial;

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

26 (9.3) shall inform the victim of the right to retain

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

7 (9.5) shall inform the victim of (A) the victim's
8 right under Section 6 of this Act to make a statement at
9 the sentencing hearing; (B) the right of the victim's
10 spouse, guardian, parent, grandparent, and other immediate
11 family and household members under Section 6 of this Act
12 to present a statement at sentencing; and (C) if a
13 presentence report is to be prepared, the right of the
14 victim's spouse, guardian, parent, grandparent, and other
15 immediate family and household members to submit
16 information to the preparer of the presentence report
17 about the effect the offense has had on the victim and the
18 person;

19 (10) at the sentencing shall make a good faith attempt
20 to explain the minimum amount of time during which the
21 defendant may actually be physically imprisoned. The
22 Office of the State's Attorney shall further notify the
23 crime victim of the right to request from the Prisoner
24 Review Board or Department of Juvenile Justice information
25 concerning the release of the defendant;

26 (11) shall request restitution at sentencing and as

1 part of a plea agreement if the victim requests
2 restitution;

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

8 (13) shall provide notice within a reasonable time
9 after receipt of notice from the custodian, of the release
10 of the defendant on pretrial release or personal
11 recognizance or the release from detention of a minor who
12 has been detained;

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

16 (15) shall make all reasonable efforts to consult with
17 the crime victim before the Office of the State's Attorney
18 makes an offer of a plea bargain to the defendant or enters
19 into negotiations with the defendant concerning a possible
20 plea agreement, and shall consider the written statement,
21 if prepared prior to entering into a plea agreement. The
22 right to consult with the prosecutor does not include the
23 right to veto a plea agreement or to insist the case go to
24 trial. If the State's Attorney has not consulted with the
25 victim prior to making an offer or entering into plea
26 negotiations with the defendant, the Office of the State's

1 Attorney shall notify the victim of the offer or the
2 negotiations within 2 business days and confer with the
3 victim;

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

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

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

20 (19) shall forward a copy of any statement presented
21 under Section 6 to the Prisoner Review Board or Department
22 of Juvenile Justice to be considered in making a
23 determination under Section 3-2.5-85 or subsection (b) of
24 Section 3-3-8 of the Unified Code of Corrections;

25 (20) shall, within a reasonable time, offer to meet
26 with the crime victim regarding the decision of the

1 State's Attorney not to charge an offense, and shall meet
2 with the victim, if the victim agrees. The victim has a
3 right to have an attorney, advocate, and other support
4 person of the victim's choice attend this meeting with the
5 victim; and

6 (21) shall give the crime victim timely notice of any
7 decision not to pursue charges and consider the safety of
8 the victim when deciding how to give such notice.

9 (c) The court shall ensure that the rights of the victim
10 are afforded.

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

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

25 (2) Victim's retained attorney. A victim's attorney
26 shall file an entry of appearance limited to assertion of

1 the victim's rights. Upon the filing of the entry of
2 appearance and service on the State's Attorney and the
3 defendant, the attorney is to receive copies of all
4 notices, motions and court orders filed thereafter in the
5 case.

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

15 (4) Assertion of and enforcement of rights.

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

1 victim or the victim's attorney to assert the right or
2 to seek enforcement of a right.

3 (B) If the prosecuting attorney elects not to
4 assert a victim's right or to seek enforcement of a
5 right, the victim or the victim's attorney may assert
6 the victim's right or request enforcement of a right
7 by filing a motion or by orally asserting the right or
8 requesting enforcement in open court in the criminal
9 case outside the presence of the jury.

10 (C) If the prosecuting attorney asserts a victim's
11 right or seeks enforcement of a right, unless the
12 prosecuting attorney objects or the trial court does
13 not allow it, the victim or the victim's attorney may
14 be heard regarding the prosecuting attorney's motion
15 or may file a simultaneous motion to assert or request
16 enforcement of the victim's right. If the victim or
17 the victim's attorney was not allowed to be heard at
18 the hearing regarding the prosecuting attorney's
19 motion, and the court denies the prosecuting
20 attorney's assertion of the right or denies the
21 request for enforcement of a right, the victim or
22 victim's attorney may file a motion to assert the
23 victim's right or to request enforcement of the right
24 within 10 days of the court's ruling. The motion need
25 not demonstrate the grounds for a motion for
26 reconsideration. The court shall rule on the merits of

1 the motion.

2 (D) The court shall take up and decide any motion
3 or request asserting or seeking enforcement of a
4 victim's right without delay, unless a specific time
5 period is specified by law or court rule. The reasons
6 for any decision denying the motion or request shall
7 be clearly stated on the record.

8 (E) No later than January 1, 2023, the Office of
9 the Attorney General shall:

10 (i) designate an administrative authority
11 within the Office of the Attorney General to
12 receive and investigate complaints relating to the
13 provision or violation of the rights of a crime
14 victim as described in Article I, Section 8.1 of
15 the Illinois Constitution and in this Act;

16 (ii) create and administer a course of
17 training for employees and offices of the State of
18 Illinois that fail to comply with provisions of
19 Illinois law pertaining to the treatment of crime
20 victims as described in Article I, Section 8.1 of
21 the Illinois Constitution and in this Act as
22 required by the court under Section 5 of this Act;
23 and

24 (iii) have the authority to make
25 recommendations to employees and offices of the
26 State of Illinois to respond more effectively to

1 the needs of crime victims, including regarding
2 the violation of the rights of a crime victim.

3 (F) Crime victims' rights may also be asserted by
4 filing a complaint for mandamus, injunctive, or
5 declaratory relief in the jurisdiction in which the
6 victim's right is being violated or where the crime is
7 being prosecuted. For complaints or motions filed by
8 or on behalf of the victim, the clerk of court shall
9 waive filing fees that would otherwise be owed by the
10 victim for any court filing with the purpose of
11 enforcing crime victims' rights. If the court denies
12 the relief sought by the victim, the reasons for the
13 denial shall be clearly stated on the record in the
14 transcript of the proceedings, in a written opinion,
15 or in the docket entry, and the victim may appeal the
16 circuit court's decision to the appellate court. The
17 court shall issue prompt rulings regarding victims'
18 rights. Proceedings seeking to enforce victims' rights
19 shall not be stayed or subject to unreasonable delay
20 via continuances.

21 (5) Violation of rights and remedies.

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

1 then awarding appropriate relief to the victim.

2 (A-5) Consideration of an issue of a substantive
3 nature or an issue that implicates the constitutional
4 or statutory right of a victim at a court proceeding
5 labeled as a status hearing shall constitute a per se
6 violation of a victim's right.

7 (B) The appropriate remedy shall include only
8 actions necessary to provide the victim the right to
9 which the victim was entitled. Remedies may include,
10 but are not limited to: injunctive relief requiring
11 the victim's right to be afforded; declaratory
12 judgment recognizing or clarifying the victim's
13 rights; a writ of mandamus; and may include reopening
14 previously held proceedings; however, in no event
15 shall the court vacate a conviction. Any remedy shall
16 be tailored to provide the victim an appropriate
17 remedy without violating any constitutional right of
18 the defendant. In no event shall the appropriate
19 remedy to the victim be a new trial or damages.

20 The court shall impose a mandatory training course
21 provided by the Attorney General for the employee under
22 item (ii) of subparagraph (E) of paragraph (4), which must
23 be successfully completed within 6 months of the entry of
24 the court order.

25 This paragraph (5) takes effect January 2, 2023.

26 (6) Right to be heard. Whenever a victim has the right

1 to be heard, the court shall allow the victim to exercise
2 the right in any reasonable manner the victim chooses.

3 (7) Right to attend trial. A party must file a written
4 motion to exclude a victim from trial at least 60 days
5 prior to the date set for trial. The motion must state with
6 specificity the reason exclusion is necessary to protect a
7 constitutional right of the party, and must contain an
8 offer of proof. The court shall rule on the motion within
9 30 days. If the motion is granted, the court shall set
10 forth on the record the facts that support its finding
11 that the victim's testimony will be materially affected if
12 the victim hears other testimony at trial.

13 (8) Right to have advocate and support person present
14 at court proceedings.

15 (A) A party who intends to call an advocate as a
16 witness at trial must seek permission of the court
17 before the subpoena is issued. The party must file a
18 written motion at least 90 days before trial that sets
19 forth specifically the issues on which the advocate's
20 testimony is sought and an offer of proof regarding
21 (i) the content of the anticipated testimony of the
22 advocate; and (ii) the relevance, admissibility, and
23 materiality of the anticipated testimony. The court
24 shall consider the motion and make findings within 30
25 days of the filing of the motion. If the court finds by
26 a preponderance of the evidence that: (i) the

1 anticipated testimony is not protected by an absolute
2 privilege; and (ii) the anticipated testimony contains
3 relevant, admissible, and material evidence that is
4 not available through other witnesses or evidence, the
5 court shall issue a subpoena requiring the advocate to
6 appear to testify at an in camera hearing. The
7 prosecuting attorney and the victim shall have 15 days
8 to seek appellate review before the advocate is
9 required to testify at an ex parte in camera
10 proceeding.

11 The prosecuting attorney, the victim, and the
12 advocate's attorney shall be allowed to be present at
13 the ex parte in camera proceeding. If, after
14 conducting the ex parte in camera hearing, the court
15 determines that due process requires any testimony
16 regarding confidential or privileged information or
17 communications, the court shall provide to the
18 prosecuting attorney, the victim, and the advocate's
19 attorney a written memorandum on the substance of the
20 advocate's testimony. The prosecuting attorney, the
21 victim, and the advocate's attorney shall have 15 days
22 to seek appellate review before a subpoena may be
23 issued for the advocate to testify at trial. The
24 presence of the prosecuting attorney at the ex parte
25 in camera proceeding does not make the substance of
26 the advocate's testimony that the court has ruled

1 inadmissible subject to discovery.

2 (B) If a victim has asserted the right to have a
3 support person present at the court proceedings, the
4 victim shall provide the name of the person the victim
5 has chosen to be the victim's support person to the
6 prosecuting attorney, within 60 days of trial. The
7 prosecuting attorney shall provide the name to the
8 defendant. If the defendant intends to call the
9 support person as a witness at trial, the defendant
10 must seek permission of the court before a subpoena is
11 issued. The defendant must file a written motion at
12 least 45 days prior to trial that sets forth
13 specifically the issues on which the support person
14 will testify and an offer of proof regarding: (i) the
15 content of the anticipated testimony of the support
16 person; and (ii) the relevance, admissibility, and
17 materiality of the anticipated testimony.

18 If the prosecuting attorney intends to call the
19 support person as a witness during the State's
20 case-in-chief, the prosecuting attorney shall inform
21 the court of this intent in the response to the
22 defendant's written motion. The victim may choose a
23 different person to be the victim's support person.
24 The court may allow the defendant to inquire about
25 matters outside the scope of the direct examination
26 during cross-examination. If the court allows the

1 defendant to do so, the support person shall be
2 allowed to remain in the courtroom after the support
3 person has testified. A defendant who fails to
4 question the support person about matters outside the
5 scope of direct examination during the State's
6 case-in-chief waives the right to challenge the
7 presence of the support person on appeal. The court
8 shall allow the support person to testify if called as
9 a witness in the defendant's case-in-chief or the
10 State's rebuttal.

11 If the court does not allow the defendant to
12 inquire about matters outside the scope of the direct
13 examination, the support person shall be allowed to
14 remain in the courtroom after the support person has
15 been called by the defendant or the defendant has
16 rested. The court shall allow the support person to
17 testify in the State's rebuttal.

18 If the prosecuting attorney does not intend to
19 call the support person in the State's case-in-chief,
20 the court shall verify with the support person whether
21 the support person, if called as a witness, would
22 testify as set forth in the offer of proof. If the
23 court finds that the support person would testify as
24 set forth in the offer of proof, the court shall rule
25 on the relevance, materiality, and admissibility of
26 the anticipated testimony. If the court rules the

1 anticipated testimony is admissible, the court shall
2 issue the subpoena. The support person may remain in
3 the courtroom after the support person testifies and
4 shall be allowed to testify in rebuttal.

5 If the court excludes the victim's support person
6 during the State's case-in-chief, the victim shall be
7 allowed to choose another support person to be present
8 in court.

9 If the victim fails to designate a support person
10 within 60 days of trial and the defendant has
11 subpoenaed the support person to testify at trial, the
12 court may exclude the support person from the trial
13 until the support person testifies. If the court
14 excludes the support person the victim may choose
15 another person as a support person.

16 (9) Right to notice and hearing before disclosure of
17 confidential or privileged information or records.

18 (A) A defendant who seeks to subpoena testimony or
19 records of or concerning the victim that are
20 confidential or privileged by law must seek permission
21 of the court before the subpoena is issued. The
22 defendant must file a written motion and an offer of
23 proof regarding the relevance, admissibility and
24 materiality of the testimony or records. If the court
25 finds by a preponderance of the evidence that:

26 (i) the testimony or records are not protected

1 by an absolute privilege and

2 (ii) the testimony or records contain
3 relevant, admissible, and material evidence that
4 is not available through other witnesses or
5 evidence, the court shall issue a subpoena
6 requiring the witness to appear in camera or a
7 sealed copy of the records be delivered to the
8 court to be reviewed in camera. If, after
9 conducting an in camera review of the witness
10 statement or records, the court determines that
11 due process requires disclosure of any potential
12 testimony or any portion of the records, the court
13 shall provide copies of the records that it
14 intends to disclose to the prosecuting attorney
15 and the victim. The prosecuting attorney and the
16 victim shall have 30 days to seek appellate review
17 before the records are disclosed to the defendant,
18 used in any court proceeding, or disclosed to
19 anyone or in any way that would subject the
20 testimony or records to public review. The
21 disclosure of copies of any portion of the
22 testimony or records to the prosecuting attorney
23 under this Section does not make the records
24 subject to discovery or required to be provided to
25 the defendant.

26 (B) A prosecuting attorney who seeks to subpoena

1 information or records concerning the victim that are
2 confidential or privileged by law must first request
3 the written consent of the crime victim. If the victim
4 does not provide such written consent, including where
5 necessary the appropriate signed document required for
6 waiving privilege, the prosecuting attorney must serve
7 the subpoena at least 21 days prior to the date a
8 response or appearance is required to allow the
9 subject of the subpoena time to file a motion to quash
10 or request a hearing. The prosecuting attorney must
11 also send a written notice to the victim at least 21
12 days prior to the response date to allow the victim to
13 file a motion or request a hearing. The notice to the
14 victim shall inform the victim (i) that a subpoena has
15 been issued for confidential information or records
16 concerning the victim, (ii) that the victim has the
17 right to request a hearing prior to the response date
18 of the subpoena, and (iii) how to request the hearing.
19 The notice to the victim shall also include a copy of
20 the subpoena. If requested, a hearing regarding the
21 subpoena shall occur before information or records are
22 provided to the prosecuting attorney.

23 (10) Right to notice of court proceedings. If the
24 victim is not present at a court proceeding in which a
25 right of the victim is at issue, the court shall ask the
26 prosecuting attorney whether the victim was notified of

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

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

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

11 (12) Right to Restitution.

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

16 (B) If the victim has asserted the right to
17 restitution and the amount of restitution is not known
18 at the time of sentencing, the prosecutor shall,
19 within 5 days after sentencing, notify the victim what
20 information and documentation related to restitution
21 is needed and that the information and documentation
22 must be provided to the prosecutor within 45 days
23 after sentencing. Failure to timely provide
24 information and documentation related to restitution
25 shall be deemed a waiver of the right to restitution.
26 The prosecutor shall file and serve within 60 days

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

18 (13) Access to presentence reports.

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

24 (i) the defendant's mental history and
25 condition;

26 (ii) any evaluation prepared under subsection

1 (b) or (b-5) of Section 5-3-2; and
2 (iii) the name, address, phone number, and
3 other personal information about any other victim.

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

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

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

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

1 victim's right in the proceeding to which the appeal
2 relates.

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

6 (16) The right to be reasonably protected from the
7 accused throughout the criminal justice process and the
8 right to have the safety of the victim and the victim's
9 family considered in determining whether to release the
10 defendant, and setting conditions of release after arrest
11 and conviction. A victim of domestic violence, a sexual
12 offense, or stalking may request the entry of a protective
13 order under Article 112A of the Code of Criminal Procedure
14 of 1963.

15 (d) Procedures after the imposition of sentence.

16 (1) The Prisoner Review Board shall inform a victim or
17 any other concerned citizen, upon written request, of the
18 prisoner's release on parole, mandatory supervised
19 release, electronic detention, work release, international
20 transfer or exchange, or by the custodian, other than the
21 Department of Juvenile Justice, of the discharge of any
22 individual who was adjudicated a delinquent for a crime
23 from State custody and by the sheriff of the appropriate
24 county of any such person's final discharge from county
25 custody. The Prisoner Review Board, upon written request,
26 shall provide to a victim or any other concerned citizen a

1 recent photograph of any person convicted of a felony,
2 upon his or her release from custody. The Prisoner Review
3 Board, upon written request, shall inform a victim or any
4 other concerned citizen when feasible at least 7 days
5 prior to the prisoner's release on furlough of the times
6 and dates of such furlough. Upon written request by the
7 victim or any other concerned citizen, the State's
8 Attorney shall notify the person once of the times and
9 dates of release of a prisoner sentenced to periodic
10 imprisonment. Notification shall be based on the most
11 recent information as to the victim's or other concerned
12 citizen's residence or other location available to the
13 notifying authority.

14 (2) When the defendant has been committed to the
15 Department of Human Services pursuant to Section 5-2-4 or
16 any other provision of the Unified Code of Corrections,
17 the victim may request to be notified by the releasing
18 authority of the approval by the court of an on-grounds
19 pass, a supervised off-grounds pass, an unsupervised
20 off-grounds pass, or conditional release; the release on
21 an off-grounds pass; the return from an off-grounds pass;
22 transfer to another facility; conditional release; escape;
23 death; or final discharge from State custody. The
24 Department of Human Services shall establish and maintain
25 a statewide telephone number to be used by victims to make
26 notification requests under these provisions and shall

1 publicize this telephone number on its website and to the
2 State's Attorney of each county.

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

16 (4) The victim of the crime for which the prisoner has
17 been sentenced has the right to register with the Prisoner
18 Review Board's victim registry. Victims registered with
19 the Board shall receive reasonable written notice not less
20 than 30 days prior to the parole hearing or target
21 aftercare release date. The victim has the right to submit
22 a victim statement for consideration by the Prisoner
23 Review Board or the Department of Juvenile Justice in
24 writing, on film, videotape, or other electronic means, or
25 in the form of a recording prior to the parole hearing or
26 target aftercare release date, or in person at the parole

1 hearing or aftercare release protest hearing, or by
2 calling the toll-free number established in subsection (f)
3 of this Section. The victim shall be notified within 7
4 days after the prisoner has been granted parole or
5 aftercare release and shall be informed of the right to
6 inspect the registry of parole decisions, established
7 under subsection (g) of Section 3-3-5 of the Unified Code
8 of Corrections. The provisions of this paragraph (4) are
9 subject to the Open Parole Hearings Act. Victim statements
10 provided to the Board shall be confidential and
11 privileged, including any statements received prior to
12 January 1, 2020 (the effective date of Public Act
13 101-288), except if the statement was an oral statement
14 made by the victim at a hearing open to the public.

15 (4-1) The crime victim, including any person who has
16 had a final, plenary, non-emergency, or emergency
17 protective order granted against the petitioner or parole
18 candidate under Article 112A of the Code of Criminal
19 Procedure of 1963, the Illinois Domestic Violence Act of
20 1986, the Stalking No Contact Order Act, or the Civil No
21 Contact Order Act, has the right to submit a victim
22 statement, in support or opposition, for consideration by
23 the Prisoner Review Board or the Department of Juvenile
24 Justice prior to or at a hearing to determine the
25 conditions of mandatory supervised release of a person
26 sentenced to a determinate sentence or at a hearing on

1 revocation of mandatory supervised release of a person
2 sentenced to a determinate sentence. A victim statement
3 may be submitted in writing, on film, videotape, or other
4 electronic means, or in the form of a recording, or orally
5 at a hearing, or by calling the toll-free number
6 established in subsection (f) of this Section. Victim
7 statements provided to the Board shall be confidential and
8 privileged, including any statements received prior to
9 January 1, 2020 (the effective date of Public Act
10 101-288), except if the statement was an oral statement
11 made by the victim at a hearing open to the public.

12 (4-2) The crime victim, including any person who has
13 had a final, plenary, non-emergency, or emergency
14 protective order granted against the petitioner or parole
15 candidate under Article 112A of the Code of Criminal
16 Procedure of 1963, the Illinois Domestic Violence Act of
17 1986, the Stalking No Contact Order Act, or the Civil No
18 Contact Order Act, or any crime victim that has an ongoing
19 criminal or civil proceeding against the petitioner or
20 parole candidate has the right to submit a victim
21 statement, in support or opposition, to the Prisoner
22 Review Board for consideration at an executive clemency
23 hearing as provided in Section 3-3-13 of the Unified Code
24 of Corrections. A victim statement may be submitted in
25 writing, on film, videotape, or other electronic means, or
26 in the form of a recording prior to a hearing, or orally at

1 a hearing, or by calling the toll-free number established
2 in subsection (f) of this Section. Victim statements
3 provided to the Board shall be confidential and
4 privileged, including any statements received prior to
5 January 1, 2020 (the effective date of Public Act
6 101-288), except if the statement was an oral statement
7 made by the victim at a hearing open to the public. All
8 victim statements shall be redacted from any transcripts
9 or recordings of hearings that are provided to anyone
10 other than Board members and the petitioner or parole
11 candidate.

12 (5) If a statement is presented under Section 6, the
13 Prisoner Review Board or Department of Juvenile Justice
14 shall inform the victim of any order of discharge pursuant
15 to Section 3-2.5-85 or 3-3-8 of the Unified Code of
16 Corrections.

17 (6) At the written or oral request of the victim of the
18 crime for which the prisoner was sentenced or the State's
19 Attorney of the county where the person seeking parole or
20 aftercare release was prosecuted, the Prisoner Review
21 Board or Department of Juvenile Justice shall notify the
22 victim and the State's Attorney of the county where the
23 person seeking parole or aftercare release was prosecuted
24 of the death of the prisoner if the prisoner died while on
25 parole or aftercare release or mandatory supervised
26 release.

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

12 (8) When a defendant has been convicted of a sex
13 offense as defined in Section 2 of the Sex Offender
14 Registration Act and has been sentenced to the Department
15 of Corrections or the Department of Juvenile Justice, the
16 Prisoner Review Board or the Department of Juvenile
17 Justice shall notify the victim of the sex offense of the
18 prisoner's eligibility for release on parole, aftercare
19 release, mandatory supervised release, electronic
20 detention, work release, international transfer or
21 exchange, or by the custodian of the discharge of any
22 individual who was adjudicated a delinquent for a sex
23 offense from State custody and by the sheriff of the
24 appropriate county of any such person's final discharge
25 from county custody. The notification shall be made to the
26 victim at least 30 days, whenever possible, before release

1 of the sex offender.

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

7 (f) The Prisoner Review Board shall establish a toll-free
8 number that may be accessed by the crime victim to present a
9 victim statement to the Board in accordance with paragraphs
10 (4), (4-1), and (4-2) of subsection (d). The Prisoner Review
11 Board shall provide registered and identified victims with the
12 contact information for the State victim assistance hotline as
13 part of its process to obtain a victim witness statement and as
14 part of its notification.

15 (g) The Prisoner Review Board shall publish on its
16 official website, and provide to registered victims,
17 procedural information on how to submit victim statements.

18 (h) At the request of the Department of Corrections or the
19 Prisoner Review Board, the Office of the Attorney General
20 shall train all relevant Department of Corrections staff and
21 all Prisoner Review Board Members on the rights of crime
22 victims in the parole and release processes.

23 (i) The Office of the Attorney General shall make
24 recommendations to employees and offices of the State of
25 Illinois to respond more effectively to the needs of crime
26 victims, including regarding the violation of the rights of a

1 crime victim.

2 (j) The ability for a writ of mandamus, as provided by this
3 Act, shall extend to all post-conviction hearings.

4 (Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20;
5 101-652, eff. 1-1-23; 102-22, eff. 6-25-21; 102-558, eff.
6 8-20-21; 102-813, eff. 5-13-22.)

7 (725 ILCS 120/5) (from Ch. 38, par. 1405)

8 Sec. 5. Rights of witnesses.

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

11 (1) to be notified by the Office of the State's
12 Attorney of all court proceedings at which the witness'
13 presence is required in a reasonable amount of time prior
14 to the proceeding, and to be notified of the cancellation
15 of any scheduled court proceeding in sufficient time to
16 prevent an unnecessary appearance in court, where
17 possible;

18 (2) to be provided with appropriate employer
19 intercession services by the Office of the State's
20 Attorney or the victim advocate personnel to ensure that
21 employers of witnesses will cooperate with the criminal
22 justice system in order to minimize an employee's loss of
23 pay and other benefits resulting from court appearances;

24 (3) to be provided, whenever possible, a secure
25 waiting area during court proceedings that does not

1 require witnesses to be in close proximity to defendants
2 and their families and friends;

3 (4) to be provided with notice by the Office of the
4 State's Attorney, where necessary, of the right to have a
5 translator present whenever the witness' presence is
6 required and, in compliance with the federal Americans
7 with Disabilities Act of 1990, to be provided with notice
8 of the right to communications access through a sign
9 language interpreter or by other means.

10 (b) At the written request of the witness, the witness
11 shall:

12 (1) receive notice from the office of the State's
13 Attorney of any request for post-conviction review filed
14 by the defendant under Article 122 of the Code of Criminal
15 Procedure of 1963, and of the date, time, and place of any
16 hearing concerning the petition for post-conviction
17 review; whenever possible, notice of the hearing on the
18 petition shall be given in advance;

19 (2) receive notice by the releasing authority of the
20 defendant's discharge from State custody if the defendant
21 was committed to the Department of Human Services under
22 Section 5-2-4 or any other provision of the Unified Code
23 of Corrections;

24 (3) receive notice from the Prisoner Review Board of
25 the prisoner's escape from State custody, after the Board
26 has been notified of the escape by the Department of

1 Corrections or the Department of Juvenile Justice; when
2 the escapee is apprehended, the Department of Corrections
3 or the Department of Juvenile Justice shall immediately
4 notify the Prisoner Review Board and the Board shall
5 notify the witness;

6 (4) receive notice from the Prisoner Review Board or
7 the Department of Juvenile Justice of the prisoner's
8 release on parole, aftercare release, electronic
9 detention, work release or mandatory supervised release
10 and of the prisoner's final discharge from parole,
11 aftercare release, electronic detention, work release, or
12 mandatory supervised release.

13 (c) The crime victim, including any person who has had a
14 final, plenary, non-emergency, or emergency protective order
15 granted against the petitioner or parole candidate under
16 Article 112A of the Code of Criminal Procedure of 1963, the
17 Illinois Domestic Violence Act of 1986, the Stalking No
18 Contact Order Act, or the Civil No Contact Order Act, or any
19 crime victim who has an ongoing criminal or civil proceeding
20 against the petitioner or parole candidate has the right to
21 submit a victim statement, in support or opposition, to the
22 Prisoner Review Board for consideration at a medical release
23 hearing as provided in Section 3-3-14 of the Unified Code of
24 Corrections. A victim statement may be submitted in writing,
25 on film, videotape, or other electronic means, or in the form
26 of a recording prior to a hearing, or orally at a hearing, or

1 by calling the toll-free number established in subsection (f)
2 of Section 4.5. Victim statements provided to the Board shall
3 be confidential and privileged, including any statements
4 received prior to the effective date of this amendatory Act of
5 the 102nd General Assembly, except if the statement was an
6 oral statement made by the victim at a hearing open to the
7 public. All victim statements shall be redacted from any
8 transcripts or recordings of hearings that are provided to
9 anyone other than Board members and the petitioner or parole
10 candidate.

11 (Source: P.A. 102-494, eff. 1-1-22.)

12 (725 ILCS 120/8.5)

13 Sec. 8.5. Statewide victim and witness notification
14 system.

15 (a) The Attorney General may establish a crime victim and
16 witness notification system to assist public officials in
17 carrying out their duties to notify and inform crime victims
18 and witnesses under Section 4.5 of this Act or under
19 subsections (a), (a-2), and (a-3) of Section 120 of the Sex
20 Offender Community Notification Law. The system shall download
21 necessary information from participating officials into its
22 computers, where it shall be maintained, updated, and
23 automatically transmitted to victims and witnesses by
24 telephone, computer, written notice, SMS text message, or
25 other electronic means.

1 (b) The Illinois Department of Corrections, the Department
2 of Juvenile Justice, the Department of Human Services, and the
3 Prisoner Review Board shall cooperate with the Attorney
4 General in the implementation of this Section and shall
5 provide information as necessary to the effective operation of
6 the system.

7 (c) State's attorneys, circuit court clerks, and local law
8 enforcement and correctional authorities may enter into
9 agreements with the Attorney General for participation in the
10 system. The Attorney General may provide those who elect to
11 participate with the equipment, software, or training
12 necessary to bring their offices into the system.

13 (d) The provision of information to crime victims and
14 witnesses through the Attorney General's notification system
15 satisfies a given State or local official's corresponding
16 obligation to provide the information.

17 (e) The Attorney General may provide for telephonic,
18 electronic, or other public access to the database established
19 under this Section.

20 (f) (Blank).

21 (g) There is established in the Office of the Attorney
22 General a Crime Victim and Witness Notification Advisory
23 Committee consisting of those victims advocates, sheriffs,
24 State's Attorneys, circuit court clerks, Illinois Department
25 of Corrections, the Department of Juvenile Justice, and
26 Prisoner Review Board employees that the Attorney General

1 chooses to appoint. The Attorney General shall designate one
2 member to chair the Committee.

3 (1) The Committee shall consult with and advise the
4 Attorney General as to the exercise of the Attorney
5 General's authority under this Section, including, but not
6 limited to:

7 (i) the design, scope, and operation of the
8 notification system;

9 (ii) the content of any rules adopted to implement
10 this Section;

11 (iii) the procurement of hardware, software, and
12 support for the system, including choice of supplier
13 or operator; and

14 (iv) the acceptance of agreements with and the
15 award of equipment, software, or training to officials
16 that seek to participate in the system.

17 (2) The Committee shall review the status and
18 operation of the system and report any findings and
19 recommendations for changes to the Attorney General and
20 the General Assembly by November 1 of each year.

21 (3) The members of the Committee shall receive no
22 compensation for their services as members of the
23 Committee, but may be reimbursed for their actual expenses
24 incurred in serving on the Committee.

25 (h) The Attorney General shall not release the names,
26 addresses, phone numbers, personal identification numbers, or

1 email addresses of any person registered to receive
2 notifications to any other person except State or local
3 officials using the notification system to satisfy the
4 official's obligation to provide the information. The Attorney
5 General may grant limited access to the Automated Victim
6 Notification system (AVN) to law enforcement, prosecution, and
7 other agencies that provide service to victims of violent
8 crime to assist victims in enrolling and utilizing the AVN
9 system.

10 (i) The Attorney General shall conduct an internal review
11 of the witness notification system to review timely notice to
12 victims and witnesses throughout the State and shall make
13 recommendations to the General Assembly for improvements in
14 the procedures and technologies used in the system. The
15 Attorney General shall submit the recommendations to the
16 General Assembly on or before July 1, 2026.

17 (Source: P.A. 98-717, eff. 1-1-15; 99-413, eff. 8-20-15.)

18 Section 20. The Unified Code of Corrections is amended by
19 changing Sections 3-3-1, 3-3-2, 3-3-5, 3-3-8, 3-3-9, 3-3-13,
20 3-3-14, 3-5-1, 3-14-1, and 5-4.5-115 and by adding Sections
21 3-3-1.5 and 3-3-16 as follows:

22 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

23 Sec. 3-3-1. Establishment and appointment of Prisoner
24 Review Board.

1 (a) There shall be a Prisoner Review Board independent of
2 the Department which shall be:

3 (1) the paroling authority for persons sentenced under
4 the law in effect prior to the effective date of this
5 amendatory Act of 1977;

6 (1.2) the paroling authority for persons eligible for
7 parole review under Section 5-4.5-115;

8 (1.5) (blank);

9 (2) the board of review for cases involving the
10 revocation of sentence credits or a suspension or
11 reduction in the rate of accumulating the credit;

12 (3) the board of review and recommendation for the
13 exercise of executive clemency by the Governor;

14 (4) the authority for establishing release dates for
15 certain prisoners sentenced under the law in existence
16 prior to the effective date of this amendatory Act of
17 1977, in accordance with Section 3-3-2.1 of this Code;

18 (5) the authority for setting conditions for parole
19 and mandatory supervised release under Section 5-8-1(a) of
20 this Code, and determining whether a violation of those
21 conditions warrant revocation of parole or mandatory
22 supervised release or the imposition of other sanctions;

23 (6) the authority for determining whether a violation
24 of aftercare release conditions warrant revocation of
25 aftercare release; and

26 (7) the authority to release medically infirm or

1 disabled prisoners under Section 3-3-14.

2 (b) The Board shall consist of 15 persons appointed by the
3 Governor by and with the advice and consent of the Senate. One
4 member of the Board shall be designated by the Governor to be
5 Chairman and shall serve as Chairman at the pleasure of the
6 Governor. The members of the Board shall have had at least 5
7 years of actual experience in the fields of penology,
8 corrections work, advocacy for victims of crime and their
9 families, advocacy for survivors of domestic violence, sexual
10 violence, or intimate partner violence at a community-based
11 provider, law enforcement, sociology, law, education, social
12 work, medicine, psychology, other behavioral sciences, or a
13 combination thereof. At least 3 ~~6~~ members so appointed must
14 have at least 3 years experience in ~~the field of~~ juvenile
15 matters, and 7 members must have at least 5 years' experience
16 as a law enforcement officer, parole officer, prosecutor,
17 criminal defense attorney, or judge. At least one member must
18 have experience working with incarcerated survivors of
19 gender-based violence. No more than 8 Board members may be
20 members of the same political party.

21 Each member of the Board shall serve on a full-time basis
22 and shall not hold any other salaried public office, whether
23 elective or appointive, nor any other office or position of
24 profit, nor engage in any other business, employment, or
25 vocation. The Chairman of the Board shall receive the same
26 salary as the Chairperson of the Illinois Human Rights

1 ~~Commission \$35,000 a year, or an amount set by the~~
2 ~~Compensation Review Board, whichever is greater, and each~~
3 other member shall receive the same salary as members of the
4 Illinois Human Rights Commission \$30,000, or an amount set by
5 ~~the Compensation Review Board, whichever is greater.~~

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

15 Of the initial members appointed under this amendatory Act
16 of the 93rd General Assembly, the Governor shall appoint 5
17 members whose terms shall expire on the third Monday in
18 January 2005, 5 members whose terms shall expire on the third
19 Monday in January 2007, and 5 members whose terms shall expire
20 on the third Monday in January 2009. Their respective
21 successors shall be appointed for terms of 6 years from the
22 third Monday in January of the year of appointment. Each
23 member shall serve until his or her successor is appointed and
24 qualified.

25 Notwithstanding any other provision of this Section, any
26 member appointed on or after January 1, 2025 shall be

1 appointed for an 8-year term that begins upon the date of
2 appointment or reappointment. Each member shall serve until
3 the member's successor is appointed and qualified.

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

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

13 (e) Each member and commissioner of the Prisoner Review
14 Board shall be required to complete a training course
15 developed and administered in consultation with the Department
16 of Corrections. The training shall be provided to new members
17 and commissioners of the Prisoner Review Board within 30 days
18 of the start of their service and before they take part in any
19 hearings. The training shall cover topics, including, but not
20 limited to:

21 (1) the prison and incarceration system, including a
22 tour of a correctional institution or facility and a
23 meeting with the facility administration;

24 (2) the nature and benefits of rehabilitative
25 corrections;

26 (3) rehabilitative programming provided by the

1 Department of Corrections available to incarcerated
2 individuals; and

3 (4) the impact of rehabilitative corrections and
4 programming on rates of recidivism.

5 In addition to the training course, each member and
6 commissioner of the Board shall also be required to
7 participate in 20 hours of continuing education or training
8 per year. Training shall cover, but shall not be limited to,
9 the following topics: domestic violence, restorative justice,
10 racial bias, risk assessment bias, law enforcement bias,
11 prevalence of wrongful conviction, prosecutorial misconduct,
12 police misconduct, mental health, cognitive behavioral
13 therapy, trauma, the age-crime curve, recidivism, and the
14 benefits of rehabilitative, educational, vocational, and
15 health programming in correctional facilities. Documentation
16 of completion shall be submitted to and recorded by the
17 Department of Corrections and made available to the public
18 upon request.

19 The 20 hours of continuing education or training per year
20 required in this subsection shall include a training course
21 developed and administered by the entity administering the
22 Illinois Domestic Violence Hotline. The training shall be
23 provided to new members and commissioners of the Prisoner
24 Review Board within 30 days of the start of their service and
25 before they take part in any hearings.

26 This training shall be tailored specifically to the

1 members of the Board and shall cover topics, including, but
2 not limited to:

3 (1) the nature, extent, causes, and lethality of
4 domestic violence and gender-based violence;

5 (2) implicit and explicit biases toward parties
6 involved in domestic violence and gender-based violence;

7 (3) criminalization of survivors of domestic violence
8 and gender-based violence;

9 (4) behavioral patterns and relationship dynamics
10 within the cycle of violence;

11 (5) safety planning and procedures designed to promote
12 the safety of victims of domestic violence and
13 gender-based violence and their household members;

14 (6) resources available to victims of domestic
15 violence and gender-based violence and their household
16 members; and

17 (7) the Illinois Domestic Violence Act of 1986, the
18 Stalking No Contact Order Act, the Civil No Contact Order
19 Act, and the legal process regarding protective orders.

20 (f) The Board may appoint commissioners to assist it in
21 such manner as it directs and may discharge them at will.
22 Commissioners shall not be subject to the Personnel Code. Any
23 commissioner appointed shall be an attorney licensed to
24 practice law in the State of Illinois. The Board in its
25 discretion may assign any hearing to a commissioner, except
26 that, in hearings requiring a quorum of the Board, only

1 members shall participate, and in hearings requiring at least
2 3 members, at least 2 members shall participate. No
3 commissioner may act as the lead member or point of contact for
4 any institutional hearing.

5 (Source: P.A. 101-288, eff. 1-1-20; 102-494, eff. 1-1-22.)

6 (730 ILCS 5/3-3-1.5 new)

7 Sec. 3-3-1.5. Director of Victim and Witness Services.

8 (a) There is established a Director of Victim and Witness
9 Services under the jurisdiction of the Prisoner Review Board.

10 (b) The Director shall be appointed by the Governor with
11 the consent of the Senate.

12 (c) The duties and responsibilities of the Director shall
13 include, but are not limited to, the following:

14 (1) ensure proper procedure was followed during the
15 notification process for when a committed person is
16 released or pending release;

17 (2) ensure there is a process for a victim or other
18 individual to request notice of a committed person's
19 status at all points of incarceration;

20 (3) ensure there is victim involvement in parole or
21 mandatory supervised release revocation hearings,
22 including a notice to potential victims and the
23 opportunity for written and oral comment;

24 (4) coordinate with the Department of Corrections to
25 ensure that all victims registered through the Victim

1 Notification System and the Prisoner Review Board victim
2 registration are notified when opportunities for victim
3 impact statements and petitions for released or revocation
4 are submitted;

5 (5) develop safety procedures for all points of
6 incarceration which may involve victim notification and
7 participation;

8 (6) refer victims to community-based service providers
9 for any needed services;

10 (7) coordinate internal and external trainings on
11 victim's rights and parole, pursuant to the Rights of
12 Crime Victims and Witnesses Act; and

13 (8) administer the Special Fund for Survivor Safety
14 and Support.

15 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

16 Sec. 3-3-2. Powers and duties.

17 (a) The Parole and Pardon Board is abolished and the term
18 "Parole and Pardon Board" as used in any law of Illinois, shall
19 read "Prisoner Review Board." After February 1, 1978 (the
20 effective date of Public Act 81-1099), the Prisoner Review
21 Board shall provide by rule for the orderly transition of all
22 files, records, and documents of the Parole and Pardon Board
23 and for such other steps as may be necessary to effect an
24 orderly transition and shall:

25 (1) hear by at least one member and through a panel of

1 at least 3 members decide, cases of prisoners who were
2 sentenced under the law in effect prior to February 1,
3 1978 (the effective date of Public Act 81-1099), and who
4 are eligible for parole;

5 (2) hear by at least one member and through a panel of
6 at least 3 members decide, the conditions of parole and
7 the time of discharge from parole, impose sanctions for
8 violations of parole, and revoke parole for those
9 sentenced under the law in effect prior to February 1,
10 1978 (the effective date of Public Act 81-1099); provided
11 that the decision to parole and the conditions of parole
12 for all prisoners who were sentenced for first degree
13 murder or who received a minimum sentence of 20 years or
14 more under the law in effect prior to February 1, 1978
15 shall be determined by a majority vote of the Prisoner
16 Review Board. One representative supporting parole and one
17 representative opposing parole will be allowed to speak.
18 Their comments shall be limited to making corrections and
19 filling in omissions to the Board's presentation and
20 discussion;

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

1 law in effect after February 1, 1978 (the effective date
2 of Public Act 81-1099);

3 (3.5) hear by at least one member and through a panel
4 of at least 3 members decide, the conditions of mandatory
5 supervised release and the time of discharge from
6 mandatory supervised release, to impose sanctions for
7 violations of mandatory supervised release and revoke
8 mandatory supervised release for those serving extended
9 supervised release terms pursuant to paragraph (4) of
10 subsection (d) of Section 5-8-1;

11 (3.6) hear by at least one member and through a panel
12 of at least 3 members decide whether to revoke aftercare
13 release for those committed to the Department of Juvenile
14 Justice under the Juvenile Court Act of 1987;

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

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

8 (5) hear by at least one member and through a panel of
9 at least 3 members decide, the release dates for certain
10 prisoners sentenced under the law in existence prior to
11 February 1, 1978 (the effective date of Public Act
12 81-1099), in accordance with Section 3-3-2.1 of this Code;

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

17 (6.5) hear by at least one member who is qualified in
18 the field of juvenile matters and through a panel of at
19 least 3 members, 2 of whom are qualified in the field of
20 juvenile matters, decide parole review cases in accordance
21 with Section 5-4.5-115 of this Code and make release
22 determinations of persons under the age of 21 at the time
23 of the commission of an offense or offenses, other than
24 those persons serving sentences for first degree murder or
25 aggravated criminal sexual assault;

26 (6.6) hear by at least a quorum of the Prisoner Review

1 Board and decide by a majority of members present at the
2 hearing, in accordance with Section 5-4.5-115 of this
3 Code, release determinations of persons under the age of
4 21 at the time of the commission of an offense or offenses
5 of those persons serving sentences for first degree murder
6 or aggravated criminal sexual assault;

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

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

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

23 (10) upon a petition by a person who has been
24 convicted of a Class 3 or Class 4 felony 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 sealing recommending that
2 the court order the sealing of all official records of the
3 arresting authority, the circuit court clerk, and the
4 Illinois State Police concerning the arrest and conviction
5 for the Class 3 or 4 felony. A person may not apply to the
6 Board for a certificate of eligibility for sealing:

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

9 (B) until 5 years have elapsed since any arrests
10 or detentions by a law enforcement officer for an
11 alleged violation of law, other than a petty offense,
12 traffic offense, conservation offense, or local
13 ordinance offense;

14 (C) if convicted of a violation of the Cannabis
15 Control Act, Illinois Controlled Substances Act, the
16 Methamphetamine Control and Community Protection Act,
17 the Methamphetamine Precursor Control Act, or the
18 Methamphetamine Precursor Tracking Act unless the
19 petitioner has completed a drug abuse program for the
20 offense on which sealing is sought and provides proof
21 that he or she has completed the program successfully;

22 (D) if convicted of:

23 (i) a sex offense described in Article 11 or
24 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
25 the Criminal Code of 1961 or the Criminal Code of
26 2012;

- 1 (ii) aggravated assault;
- 2 (iii) aggravated battery;
- 3 (iv) domestic battery;
- 4 (v) aggravated domestic battery;
- 5 (vi) violation of an order of protection;
- 6 (vii) an offense under the Criminal Code of
7 1961 or the Criminal Code of 2012 involving a
8 firearm;
- 9 (viii) driving while under the influence of
10 alcohol, other drug or drugs, intoxicating
11 compound or compounds, or any combination thereof;
- 12 (ix) aggravated driving while under the
13 influence of alcohol, other drug or drugs,
14 intoxicating compound or compounds, or any
15 combination thereof; or
- 16 (x) any crime defined as a crime of violence
17 under Section 2 of the Crime Victims Compensation
18 Act.

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

24 The decision to issue or refrain from issuing a
25 certificate of eligibility for sealing shall be at the
26 Board's sole discretion, and shall not give rise to any

1 cause of action against either the Board or its members.

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

7 (11) upon a petition by a person who after having been
8 convicted of a Class 3 or Class 4 felony thereafter served
9 in the United States Armed Forces or National Guard of
10 this or any other state and had received an honorable
11 discharge from the United States Armed Forces or National
12 Guard or who at the time of filing the petition is enlisted
13 in the United States Armed Forces or National Guard of
14 this or any other state and served one tour of duty and who
15 meets the requirements of this paragraph, hear by at least
16 3 members and, with the unanimous vote of a panel of 3
17 members, issue a certificate of eligibility for
18 expungement recommending that the court order the
19 expungement of all official records of the arresting
20 authority, the circuit court clerk, and the Illinois State
21 Police concerning the arrest and conviction for the Class
22 3 or 4 felony. A person may not apply to the Board for a
23 certificate of eligibility for expungement:

24 (A) if convicted of:

25 (i) a sex offense described in Article 11 or
26 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of

1 the Criminal Code of 1961 or Criminal Code of
2 2012;

3 (ii) an offense under the Criminal Code of
4 1961 or Criminal Code of 2012 involving a firearm;
5 or

6 (iii) a crime of violence as defined in
7 Section 2 of the Crime Victims Compensation Act;
8 or

9 (B) if the person has not served in the United
10 States Armed Forces or National Guard of this or any
11 other state or has not received an honorable discharge
12 from the United States Armed Forces or National Guard
13 of this or any other state or who at the time of the
14 filing of the petition is serving in the United States
15 Armed Forces or National Guard of this or any other
16 state and has not completed one tour of duty.

17 If a person has applied to the Board for a certificate
18 of eligibility for expungement and the Board denies the
19 certificate, the person must wait at least 4 years before
20 filing again or filing for a pardon with authorization for
21 expungement from the Governor unless the Governor or
22 Chairman of the Prisoner Review Board grants a waiver.

23 (a-5) The Prisoner Review Board, with the cooperation of
24 and in coordination with the Department of Corrections and the
25 Department of Central Management Services, shall provide
26 ~~implement a pilot project in 3 correctional institutions~~

1 ~~providing~~ for the conduct of hearings under paragraphs (1) and
2 (4) of subsection (a) of this Section through interactive
3 video conferences. ~~The~~ ~~The project shall be implemented within~~
4 ~~6 months after January 1, 1997 (the effective date of Public~~
5 ~~Act 89-490). Within 6 months after the implementation of the~~
6 ~~pilot project,~~ the Prisoner Review Board, with the cooperation
7 of and in coordination with the Department of Corrections and
8 the Department of Central Management Services, shall report
9 annually to the Governor and the General Assembly regarding
10 the use, costs, effectiveness, and future viability of
11 interactive video conferences for Prisoner Review Board
12 hearings.

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

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

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

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

25 (f) The Board or one who has allegedly violated the
26 conditions of his or her parole, aftercare release, or

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

21 In case of disobedience to a subpoena, the Board may
22 petition any circuit court of the State for an order requiring
23 the attendance and testimony of witnesses or the production of
24 documentary evidence or both. A copy of such petition shall be
25 served by personal service or by registered or certified mail
26 upon the person who has failed to obey the subpoena, and such

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

16 Each member of the Board and any hearing officer
17 designated by the Board shall have the power to administer
18 oaths and to take the testimony of persons under oath.

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

23 (h) The Prisoner Review Board shall annually transmit to
24 the Director a detailed report of its work for the preceding
25 calendar year, including votes cast by each member. The annual
26 report shall also be transmitted to the Governor for

1 submission to the Legislature.

2 (Source: P.A. 101-288, eff. 1-1-20; 102-538, eff. 8-20-21;
3 102-558, eff. 8-20-21.)

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

5 Sec. 3-3-5. Hearing and determination.

6 (a) The Prisoner Review Board shall meet as often as need
7 requires to consider the cases of persons eligible for parole.
8 Except as otherwise provided in paragraph (2) of subsection
9 (a) of Section 3-3-2 of this Act, the Prisoner Review Board may
10 meet and order its actions in panels of 3 or more members. The
11 action of a majority of the panel shall be the action of the
12 Board.

13 (b) If the person under consideration for parole is in the
14 custody of the Department, at least one member of the Board
15 shall interview him or her, and a report of that interview
16 shall be available for the Board's consideration. However, in
17 the discretion of the Board, the interview need not be
18 conducted if a psychiatric examination determines that the
19 person could not meaningfully contribute to the Board's
20 consideration. The Board may in its discretion parole a person
21 who is then outside the jurisdiction on his or her record
22 without an interview. The Board need not hold a hearing or
23 interview a person who is paroled under paragraphs (d) or (e)
24 of this Section or released on Mandatory release under Section
25 3-3-10.

1 (c) (Blank). ~~The Board shall not parole a person eligible~~
2 ~~for parole if it determines that:~~

3 ~~(1) there is a substantial risk that he or she will not~~
4 ~~conform to reasonable conditions of parole or aftercare~~
5 ~~release; or~~

6 ~~(2) his or her release at that time would deprecate~~
7 ~~the seriousness of his or her offense or promote~~
8 ~~disrespect for the law; or~~

9 ~~(3) his or her release would have a substantially~~
10 ~~adverse effect on institutional discipline.~~

11 (c-1) In deciding whether to grant or deny parole, the
12 Board shall consider the following factors:

13 (1) participation in rehabilitative programming
14 available to the petitioner, including, but not limited
15 to, educational courses, vocational courses, life skills
16 courses, individual or group counseling courses, civics
17 education courses, peer education courses, independent
18 studies courses, substance abuse counseling courses, and
19 behavior modification courses;

20 (2) participation in professional licensing courses or
21 on-the-job training courses;

22 (3) letters from correctional staff, educational
23 faculty, community members, friends, and other
24 incarcerated persons;

25 (4) the petitioner's potential for rehabilitation or
26 the evidence of rehabilitation in the petitioner;

1 (5) the applicant's age at the time of the offense;

2 (6) the circumstances of the offense and the
3 petitioner's role and degree of participation in the
4 offense;

5 (7) the presence of a cognitive or developmental
6 disability in the petitioner at the time of the offense;

7 (8) the petitioner's family, home environment, and
8 educational and social background at the time of the
9 offense;

10 (9) evidence that the petitioner has suffered from
11 gender-based violence, post-traumatic stress disorder,
12 adverse childhood experiences, or other traumas that could
13 have been a contributing factor to a person's criminal
14 behavior and participation in the offense;

15 (10) the presence or expression by the petitioner of
16 remorse, compassion, or insight of harm and collateral
17 effects experienced by the victims;

18 (11) the commission of a serious disciplinary
19 infraction within the previous 5 years;

20 (12) a pattern of fewer serious institutional
21 disciplinary infractions within the previous 2 years;

22 (13) evidence that the petitioner has any serious
23 medical conditions;

24 (14) evidence that the Department is unable to meet
25 the petitioner's medical needs;

26 (15) the petitioner's reentry plan, including, but not

1 limited to, residence plans, employment plans, continued
2 education plans, rehabilitation plans, and counseling
3 plans.

4 No one factor listed in this subsection (c-1) shall be
5 dispositive.

6 (d) (Blank).

7 (d-1) The Board shall, upon due notice, give a hearing to
8 all petitioners for medical release and all candidates for
9 parole, allowing representation by counsel, if desired, or the
10 assistance of advocates and supporters, if desired.

11 (d-2) All petitioners for medical release and all
12 candidates for parole appearing before the Prisoner Review
13 Board shall be afforded the opportunity to appear in person or
14 via interactive video teleconference.

15 (d-3) Clemency petitioners who are currently incarcerated
16 and their legal counsel, if retained, shall be afforded the
17 opportunity to a pre-hearing conference in person or via
18 interactive video teleconference with at least one Board
19 member.

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

24 (f) The Board shall render its decision within a
25 reasonable time after hearing and shall state the basis
26 therefor both in the records of the Board and in written notice

1 to the person on whose application it has acted. In its
2 decision, the Board shall set the person's time for parole, or
3 if it denies parole it shall provide for a rehearing not less
4 frequently than once every year, except that the Board may,
5 after denying parole, schedule a rehearing no later than 5
6 years from the date of the parole denial, if the Board finds
7 that it is not reasonable to expect that parole would be
8 granted at a hearing prior to the scheduled rehearing date. If
9 the Board shall parole a person, and, if he or she is not
10 released within 90 days from the effective date of the order
11 granting parole, the matter shall be returned to the Board for
12 review. If the Board denies parole, the written notice must
13 include an explanation of each factor the Board relied on in
14 making its decision to deny parole and what factors and goals
15 the applicant should focus on and try to meet to be granted
16 parole at a subsequent hearing.

17 (f-1) If the Board paroles a person who is eligible for
18 commitment as a sexually violent person, the effective date of
19 the Board's order shall be stayed for 90 days for the purpose
20 of evaluation and proceedings under the Sexually Violent
21 Persons Commitment Act.

22 (g) The Board shall maintain a registry of decisions in
23 which parole has been granted, which shall include the name
24 and case number of the prisoner, the highest charge for which
25 the prisoner was sentenced, the length of sentence imposed,
26 the date of the sentence, the date of the parole, and the basis

1 for the decision of the Board to grant parole and the vote of
2 the Board on any such decisions. The registry shall be made
3 available for public inspection and copying during business
4 hours and shall be a public record pursuant to the provisions
5 of the Freedom of Information Act.

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

8 (Source: P.A. 98-558, eff. 1-1-14; 99-268, eff. 1-1-16;
9 99-628, eff. 1-1-17.)

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

11 Sec. 3-3-8. Length of parole and mandatory supervised
12 release; discharge.

13 (a) The length of parole for a person sentenced under the
14 law in effect prior to the effective date of this amendatory
15 Act of 1977 and the length of mandatory supervised release for
16 those sentenced under the law in effect on and after such
17 effective date shall be as set out in Section 5-8-1 unless
18 sooner terminated under paragraph (b) of this Section.

19 (b) The Prisoner Review Board may enter an order releasing
20 and discharging one from parole or mandatory supervised
21 release, and his or her commitment to the Department, when it
22 determines that he or she is likely to remain at liberty
23 without committing another offense. Before entering such an
24 order, the Prisoner Review Board shall provide notice and a
25 30-day opportunity to comment to any registered victim.

1 (b-1) Provided that the subject is in compliance with the
2 terms and conditions of his or her parole or mandatory
3 supervised release, the Prisoner Review Board shall reduce the
4 period of a parolee or releasee's parole or mandatory
5 supervised release by 90 days upon the parolee or releasee
6 receiving a high school diploma, associate's degree,
7 bachelor's degree, career certificate, or vocational technical
8 certification or upon passage of high school equivalency
9 testing during the period of his or her parole or mandatory
10 supervised release. A parolee or releasee shall provide
11 documentation from the educational institution or the source
12 of the qualifying educational or vocational credential to
13 their supervising officer for verification. Each reduction in
14 the period of a subject's term of parole or mandatory
15 supervised release shall be available only to subjects who
16 have not previously earned the relevant credential for which
17 they are receiving the reduction. As used in this Section,
18 "career certificate" means a certificate awarded by an
19 institution for satisfactory completion of a prescribed
20 curriculum that is intended to prepare an individual for
21 employment in a specific field.

22 (b-2) The Prisoner Review Board may release a low-risk and
23 need subject person from mandatory supervised release as
24 determined by an appropriate evidence-based risk and need
25 assessment.

26 (b-3) After the completion of at least 6 months for

1 offenses set forth in paragraphs (1.5) through (7) of
2 subsection (a) of Section 110-6.1 of the Code of Criminal
3 Procedure of 1963 and 3 months for all other offenses, and upon
4 completion of all mandatory conditions of parole or mandatory
5 supervised release set forth in paragraph (7.5) of subsection
6 (a) of Section 3-3-7 and subsection (b) of Section 3-3-7, the
7 Department of Corrections shall complete a report describing
8 whether the subject has completed the mandatory conditions of
9 parole or mandatory supervised release. The report shall
10 include whether the subject has complied with any mandatory
11 conditions of parole or mandatory supervised release relating
12 to orders of protection, civil no contact orders, or stalking
13 no contact orders. The report shall also indicate whether a
14 LEADS report reflects a conviction for a domestic violence
15 offense within the prior 5 years.

16 (c) The order of discharge shall become effective upon
17 entry of the order of the Board. The Board shall notify the
18 clerk of the committing court of the order. Upon receipt of
19 such copy, the clerk shall make an entry on the record judgment
20 that the sentence or commitment has been satisfied pursuant to
21 the order.

22 (d) Rights of the person discharged under this Section
23 shall be restored under Section 5-5-5.

24 (e) Upon a denial of early discharge under this Section,
25 the Prisoner Review Board shall provide the person on parole
26 or mandatory supervised release a list of steps or

1 requirements that the person must complete or meet to be
2 granted an early discharge at a subsequent review and share
3 the process for seeking a subsequent early discharge review
4 under this subsection. Upon the completion of such steps or
5 requirements, the person on parole or mandatory supervised
6 release may petition the Prisoner Review Board to grant them
7 an early discharge review. Within no more than 30 days of a
8 petition under this subsection, the Prisoner Review Board
9 shall review the petition and make a determination.

10 (Source: P.A. 103-271, eff. 1-1-24.)

11 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

12 Sec. 3-3-9. Violations; changes of conditions; preliminary
13 hearing; revocation of parole or mandatory supervised release;
14 revocation hearing.

15 (a) If prior to expiration or termination of the term of
16 parole or mandatory supervised release, a person violates a
17 condition set by the Prisoner Review Board or a condition of
18 parole or mandatory supervised release under Section 3-3-7 of
19 this Code to govern that term, the Board may:

20 (1) continue the existing term, with or without
21 modifying or enlarging the conditions; or

22 (1.5) for those released as a result of youthful
23 offender parole as set forth in Section 5-4.5-115 of this
24 Code, order that the inmate be subsequently rereleased to
25 serve a specified mandatory supervised release term not to

1 exceed the full term permitted under the provisions of
2 Section 5-4.5-115 and subsection (d) of Section 5-8-1 of
3 this Code and may modify or enlarge the conditions of the
4 release as the Board deems proper; or

5 (2) parole or release the person to a half-way house;
6 or

7 (3) revoke the parole or mandatory supervised release
8 and reconfine the person for a term computed in the
9 following manner:

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

18 (B) Except as set forth in paragraphs (C) and (D),
19 for those subject to mandatory supervised release
20 under paragraph (d) of Section 5-8-1 of this Code, the
21 recommitment shall be for the total mandatory
22 supervised release term, less the time elapsed between
23 the release of the person and the commission of the
24 violation for which mandatory supervised release is
25 revoked. The Board may also order that a prisoner
26 serve up to one year of the sentence imposed by the

1 court which was not served due to the accumulation of
2 sentence credit;

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

8 (D) For those released as a result of youthful
9 offender parole as set forth in Section 5-4.5-115 of
10 this Code, the reconfinement period shall be for the
11 total mandatory supervised release term, less the time
12 elapsed between the release of the person and the
13 commission of the violation for which mandatory
14 supervised release is revoked. The Board may also
15 order that a prisoner serve up to one year of the
16 mandatory supervised release term previously earned.
17 The Board may also order that the inmate be
18 subsequently rereleased to serve a specified mandatory
19 supervised release term not to exceed the full term
20 permitted under the provisions of Section 5-4.5-115
21 and subsection (d) of Section 5-8-1 of this Code and
22 may modify or enlarge the conditions of the release as
23 the Board deems proper;

24 (ii) the person shall be given credit against the
25 term of reimprisonment or reconfinement for time spent
26 in custody since he or she was paroled or released

1 which has not been credited against another sentence
2 or period of confinement;

3 (iii) (blank);

4 (iv) this Section is subject to the release under
5 supervision and the reparole and rerelease provisions
6 of Section 3-3-10.

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

23 (b-5) The Board shall revoke parole or mandatory
24 supervised release for violation of the conditions prescribed
25 in paragraph (7.6) of subsection (a) of Section 3-3-7.

26 (c) A person charged with violating a condition of parole

1 or mandatory supervised release shall have a preliminary
2 hearing before a hearing officer designated by the Board to
3 determine if there is cause to hold the person for a revocation
4 hearing. However, no preliminary hearing need be held when
5 revocation is based upon new criminal charges and a court
6 finds probable cause on the new criminal charges or when the
7 revocation is based upon a new criminal conviction and a
8 certified copy of that conviction is available.

9 (d) Parole or mandatory supervised release shall not be
10 revoked without written notice to the offender setting forth
11 the violation of parole or mandatory supervised release
12 charged against him or her. Before the Board makes a decision
13 on whether to revoke an offender's parole or mandatory
14 supervised release, the Prisoner Review Board must run a LEADS
15 report. The Board shall publish on the Board's publicly
16 accessible website the name and identification number of
17 offenders who are alleged to have violated terms of parole or
18 mandatory supervised release and the Board's decision as to
19 whether to revoke parole or mandatory supervised release. This
20 information shall be accessible for a period of 60 days after
21 the information is posted.

22 (e) A hearing on revocation shall be conducted before at
23 least one member of the Prisoner Review Board. The Board may
24 meet and order its actions in panels of 3 or more members. The
25 action of a majority of the panel shall be the action of the
26 Board. A record of the hearing shall be made. At the hearing

1 the offender shall be permitted to:

2 (1) appear and answer the charge; and

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

4 (f) The Board shall either revoke parole or mandatory
5 supervised release or order the person's term continued with
6 or without modification or enlargement of the conditions.

7 (g) Parole or mandatory supervised release shall not be
8 revoked for failure to make payments under the conditions of
9 parole or release unless the Board determines that such
10 failure is due to the offender's willful refusal to pay.

11 (Source: P.A. 100-1182, eff. 6-1-19; 101-288, eff. 1-1-20.)

12 (730 ILCS 5/3-3-13) (from Ch. 38, par. 1003-3-13)

13 Sec. 3-3-13. Procedure for executive clemency.

14 (a) Petitions seeking pardon, commutation, or reprieve
15 shall be addressed to the Governor and filed with the Prisoner
16 Review Board. The petition shall be in writing and signed by
17 the person under conviction or by a person on his behalf. It
18 shall contain a brief history of the case, the reasons for
19 seeking executive clemency, and other relevant information the
20 Board may require.

21 (a-5) After a petition has been denied by the Governor,
22 the Board may not accept a repeat petition for executive
23 clemency for the same person until one full year has elapsed
24 from the date of the denial. The Chairman of the Board may
25 waive the one-year requirement if the petitioner offers in

1 writing new information that was unavailable to the petitioner
2 at the time of the filing of the prior petition and which the
3 Chairman determines to be significant. The Chairman also may
4 waive the one-year waiting period if the petitioner can show
5 that a change in circumstances of a compelling humanitarian
6 nature has arisen since the denial of the prior petition.

7 (b) Notice of the proposed application shall be given by
8 the Board to the committing court and the state's attorney of
9 the county where the conviction was had.

10 (b-5) Victims registered with the Board shall receive
11 reasonable written notice not less than 30 days prior to the
12 executive clemency hearing date. The victim has the right to
13 submit a victim statement, in support or opposition, to the
14 Prisoner Review Board for consideration at an executive
15 clemency hearing as provided in subsection (c) of this
16 Section. Victim statements provided to the Board shall be
17 confidential and privileged, including any statements received
18 prior to the effective date of this amendatory Act of the 101st
19 General Assembly, except if the statement was an oral
20 statement made by the victim at a hearing open to the public.

21 (c) The Board shall, upon due notice, give a hearing to
22 each application, allowing representation by counsel, if
23 desired, after which it shall confidentially advise the
24 Governor by a written report of its recommendations which
25 shall be determined by majority vote. The written report to
26 the Governor shall be confidential and privileged, including

1 any reports made prior to the effective date of this
2 amendatory Act of the 101st General Assembly. The Board shall
3 meet to consider such petitions no less than 4 times each year.

4 (d) The Governor shall decide each application and
5 communicate his decision to the Board which shall notify the
6 petitioner.

7 In the event a petitioner who has been convicted of a Class
8 X felony is granted a release, after the Governor has
9 communicated such decision to the Board, the Board shall give
10 written notice to the Sheriff of the county from which the
11 offender was sentenced if such sheriff has requested that such
12 notice be given on a continuing basis. In cases where arrest of
13 the offender or the commission of the offense took place in any
14 municipality with a population of more than 10,000 persons,
15 the Board shall also give written notice to the proper law
16 enforcement agency for said municipality which has requested
17 notice on a continuing basis.

18 (e) Nothing in this Section shall be construed to limit
19 the power of the Governor under the constitution to grant a
20 reprieve, commutation of sentence, or pardon.

21 (Source: P.A. 103-51, eff. 1-1-24.)

22 (730 ILCS 5/3-3-14)

23 Sec. 3-3-14. Procedure for medical release.

24 (a) Definitions.

25 (1) As used in this Section, "medically incapacitated"

1 means that a petitioner ~~an inmate~~ has any diagnosable
2 medical condition, including dementia and severe,
3 permanent medical or cognitive disability, that prevents
4 the petitioner ~~inmate~~ from completing more than one
5 activity of daily living without assistance or that
6 incapacitates the petitioner ~~inmate~~ to the extent that
7 institutional confinement does not offer additional
8 restrictions, and that the condition is unlikely to
9 improve noticeably in the future.

10 (2) As used in this Section, "terminal illness" means
11 a condition that satisfies all of the following criteria:

12 (i) the condition is irreversible and incurable;

13 and

14 (ii) in accordance with medical standards and a
15 reasonable degree of medical certainty, based on an
16 individual assessment of the petitioner ~~inmate~~, the
17 condition is likely to cause death to the petitioner
18 ~~inmate~~ within 18 months.

19 (b) The Prisoner Review Board shall consider an
20 application for compassionate release on behalf of any
21 petitioner ~~inmate~~ who meets any of the following:

22 (1) is suffering from a terminal illness; or

23 (2) has been diagnosed with a condition that will
24 result in medical incapacity within the next 6 months; or

25 (3) has become medically incapacitated subsequent to
26 sentencing due to illness or injury.

1 (c) Initial application.

2 (1) An initial application for medical release may be
3 filed with the Prisoner Review Board by the petitioner ~~an~~
4 ~~inmate~~, a prison official, a medical professional who has
5 treated or diagnosed the petitioner ~~inmate~~, or the
6 petitioner's ~~an inmate's~~ spouse, parent, guardian,
7 grandparent, aunt or uncle, sibling, child over the age of
8 eighteen years, or attorney. If the initial application is
9 made by someone other than the petitioner ~~inmate~~, the
10 petitioner ~~inmate~~, or if the petitioner ~~inmate~~ is
11 medically unable to consent, the guardian or family member
12 designated to represent the petitioner's ~~inmate's~~
13 interests must consent to the application at the time of
14 the institutional hearing.

15 (2) Application materials shall be maintained on the
16 Prisoner Review Board's website and the Department of
17 Corrections' website and maintained in a clearly visible
18 place within the law library and the infirmary of every
19 penal institution and facility operated by the Department
20 of Corrections.

21 (3) The initial application need not be notarized, can
22 be sent via email or facsimile, and must contain the
23 following information:

24 (i) the petitioner's ~~inmate's~~ name and Illinois
25 Department of Corrections number;

26 (ii) the petitioner's ~~inmate's~~ diagnosis;

1 (iii) a statement that the petitioner ~~inmate~~ meets
2 one of the following diagnostic criteria:

3 (A) the petitioner ~~inmate~~ is suffering from a
4 terminal illness;

5 (B) the petitioner ~~inmate~~ has been diagnosed
6 with a condition that will result in medical
7 incapacity within the next 6 months; or

8 (C) the petitioner ~~inmate~~ has become medically
9 incapacitated subsequent to sentencing due to
10 illness or injury.

11 (3.5) The Prisoner Review Board shall place no
12 additional restrictions, limitations, or requirements on
13 applications from petitioners.

14 (4) Upon receiving the petitioner's ~~inmate's~~ initial
15 application, the Board shall order the Department of
16 Corrections to have a physician or nurse practitioner
17 evaluate the petitioner ~~inmate~~ and create a written
18 evaluation within ten days of the Board's order. The
19 evaluation shall include but need not be limited to:

20 (i) a concise statement of the petitioner ~~inmate's~~
21 medical diagnosis, including prognosis, likelihood of
22 recovery, and primary symptoms, to include
23 incapacitation; and

24 (ii) a statement confirming or denying that the
25 petitioner ~~inmate~~ meets one of the criteria stated in
26 subsection (b) of this Section.

1 (5) Upon a determination that the petitioner is
2 eligible for a hearing, the Prisoner Review Board shall:

3 (i) provide public notice of the petitioner's
4 name, docket number, counsel, and hearing date; and

5 (ii) provide a copy of the evaluation and any
6 medical records provided by the Department of
7 Corrections to the petitioner or the petitioner's
8 attorney upon scheduling the institutional hearing.

9 (d) Institutional hearing. ~~No public institutional hearing~~
10 ~~is required for consideration of a petition, but shall be~~
11 ~~granted at the request of the petitioner.~~ Hearings are public
12 unless the petitioner requests a non-public hearing. The
13 petitioner has a right to attend the hearing and to speak on
14 the petitioner's own behalf. The petitioner ~~inmate~~ may be
15 represented by counsel and may present witnesses to the Board
16 members. Hearings shall be governed by the Open Parole
17 Hearings Act. Members of the public shall be permitted to
18 freely attend public hearings without restriction.

19 (e) Voting procedure. Petitions shall be considered by
20 three-member panels, and decisions shall be made by simple
21 majority. Voting shall take place during the public hearing.

22 (f) Consideration. In considering a petition for release
23 under the statute, the Prisoner Review Board may consider the
24 following factors:

25 (i) the petitioner's ~~inmate's~~ diagnosis and
26 likelihood of recovery;

1 (ii) the approximate cost of health care to the
2 State should the petitioner ~~inmate~~ remain in custody;

3 (iii) the impact that the petitioner's ~~inmate's~~
4 continued incarceration may have on the provision of
5 medical care within the Department;

6 (iv) the present likelihood of and ability to pose
7 a substantial danger to the physical safety of a
8 specifically identifiable person or persons;

9 (v) any statements by the victim regarding
10 release; and

11 (vi) whether the petitioner's ~~inmate's~~ condition
12 was explicitly disclosed to the original sentencing
13 judge and taken into account at the time of
14 sentencing.

15 (f-1) Upon denying an eligible petitioner's application
16 for medical release, the Prisoner Review Board shall publish a
17 decision letter outlining the reason for denial. The decision
18 letter must include an explanation of each statutory factor
19 and the estimated annual cost of the petitioner's continued
20 incarceration, including the petitioner's medical care.

21 (g) Petitioners ~~Inmates~~ granted medical release shall be
22 released on mandatory supervised release for a period of 5
23 years subject to Section 3-3-8, which shall operate to
24 discharge any remaining term of years imposed upon him or her.
25 However, in no event shall the eligible person serve a period
26 of mandatory supervised release greater than the aggregate of

1 the discharged underlying sentence and the mandatory
2 supervised release period as set forth in Section 5-4.5-20.

3 (h) Within 90 days of the receipt of the initial
4 application, the Prisoner Review Board shall conduct a hearing
5 if a hearing is requested and render a decision granting or
6 denying the petitioner's request for release.

7 (i) Nothing in this statute shall preclude a petitioner
8 from seeking alternative forms of release, including clemency,
9 relief from the sentencing court, post-conviction relief, or
10 any other legal remedy.

11 (j) This act applies retroactively, and shall be
12 applicable to all currently incarcerated people in Illinois.

13 (k) Data report. The Department of Corrections and the
14 Prisoner Review Board shall release a report annually
15 published on their websites that reports the following
16 information about the Medical Release Program:

17 (1) The number of applications for medical release
18 received by the Board in the preceding year, and
19 information about those applications, including:

20 (i) demographic data about the petitioner
21 ~~individual~~, including race or ethnicity, gender, age,
22 and institution;

23 (ii) the highest class of offense for which the
24 petitioner ~~individual~~ is incarcerated;

25 (iii) the relationship of the petitioner ~~applicant~~
26 to the person completing the application;

1 (iv) whether the petitioner ~~applicant~~ had applied
2 for medical release before and been denied, and, if
3 so, when;

4 (v) whether the petitioner ~~person~~ applied as a
5 person who is medically incapacitated or a person who
6 is terminally ill; ~~and~~

7 (vi) a basic description of the underlying medical
8 condition that led to the application ; ~~and~~.

9 (vii) the institution in which the petitioner was
10 confined at the time of the application.

11 (2) The number of medical statements from the
12 Department of Corrections received by the Board.

13 (3) The number of institutional hearings on medical
14 release applications conducted by the Board including:-

15 (i) whether the petitioner was represented by an
16 attorney; and

17 (ii) whether the application was considered in a
18 public or non-public hearing.

19 (4) The number of people approved for medical release,
20 and information about them, including:

21 (i) demographic data about the individual
22 including race or ethnicity, gender, age, and zip code
23 to which they were released;

24 (ii) whether the person applied as a person who is
25 medically incapacitated or a person who is terminally
26 ill;

1 (iii) a basic description of the underlying
2 medical condition that led to the application;~~and~~

3 (iv) a basic description of the medical setting
4 the person was released to; ~~and~~

5 (v) whether the petitioner was represented by an
6 attorney; and

7 (vi) whether the application was considered in a
8 public or non-public hearing.

9 (5) The number of people released on the medical
10 release program.

11 (6) The number of people approved for medical release
12 who experienced more than a one-month delay between
13 release decision and ultimate release, including:

14 (i) demographic data about the individuals
15 including race or ethnicity, gender and age;

16 (ii) the reason for the delay;

17 (iii) whether the person remains incarcerated; and

18 (iv) a basic description of the underlying medical
19 condition of the applying person.

20 (7) For those individuals released on mandatory
21 supervised release due to a granted application for
22 medical release:

23 (i) the number of individuals who were serving
24 terms of mandatory supervised release because of
25 medical release applications during the previous year;

26 (ii) the number of individuals who had their

1 mandatory supervised release revoked; and

2 (iii) the number of individuals who died during
3 the previous year.

4 (8) Information on seriously ill individuals
5 incarcerated at the Department of Corrections, including:

6 (i) the number of people currently receiving
7 full-time one-on-one medical care or assistance with
8 activities of daily living within Department of
9 Corrections facilities and whether that care is
10 provided by a medical practitioner or an incarcerated
11 person inmate, along with the institutions at which
12 they are incarcerated; and

13 (ii) the number of people who spent more than one
14 month in outside hospital care during the previous
15 year and their home institutions.

16 All the information provided in this report shall be
17 provided in aggregate, and nothing shall be construed to
18 require the public dissemination of any personal medical
19 information.

20 (Source: P.A. 102-494, eff. 1-1-22; 102-813, eff. 5-13-22.)

21 (730 ILCS 5/3-3-16 new)

22 Sec. 3-3-16. Survivor Safety and Support Fund.

23 (a) The Survivor Safety and Support Fund is created as a
24 special fund in the State treasury. The Fund shall be used to
25 support survivors who have been found to be a party of an

1 ongoing criminal or civil case against a petitioner or parole
2 candidate or are registered victims through the Prisoner
3 Review Board or Department of Corrections.

4 (b) The Survivor Safety and Support Fund shall be limited
5 to the following expenditures:

6 (1) to support housing for victims;

7 (2) to cover transportation for victims; or

8 (3) for daily essentials to support survivors when an
9 individual is scheduled for release or has been released.

10 (730 ILCS 5/3-5-1)

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

12 (a) The Department of Corrections and the Department of
13 Juvenile Justice shall maintain a master record file on each
14 person committed to it, which shall contain the following
15 information:

16 (1) all information from the committing court;

17 (1.5) ethnic and racial background data collected in
18 accordance with Section 4.5 of the Criminal Identification
19 Act and Section 2-5 of the No Representation Without
20 Population Act;

21 (1.6) the committed person's last known complete
22 street address prior to incarceration or legal residence
23 collected in accordance with Section 2-5 of the No
24 Representation Without Population Act;

25 (2) reception summary;

1 (3) evaluation and assignment reports and
2 recommendations;

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

4 (5) reports of disciplinary infractions and
5 disposition, including tickets and Administrative Review
6 Board action;

7 (6) any parole or aftercare release plan;

8 (7) any parole or aftercare release reports;

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

10 (9) criminal history;

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

12 (11) information regarding associations and family
13 relationships;

14 (12) any grievances filed and responses to those
15 grievances;

16 (13) other information that the respective Department
17 determines is relevant to the secure confinement and
18 rehabilitation of the committed person;

19 (14) the last known address provided by the person
20 committed; and

21 (15) all medical and dental records.

22 (b) Except as provided in subsections (f) and (f-5), all
23 ~~All~~ files shall be confidential and access shall be limited to
24 authorized personnel of the respective Department or by
25 disclosure in accordance with a court order or subpoena.
26 Personnel of other correctional, welfare or law enforcement

1 agencies may have access to files under rules and regulations
2 of the respective Department. The respective Department shall
3 keep a record of all outside personnel who have access to
4 files, the files reviewed, any file material copied, and the
5 purpose of access. If the respective Department or the
6 Prisoner Review Board makes a determination under this Code
7 which affects the length of the period of confinement or
8 commitment, the committed person and his counsel shall be
9 advised of factual information relied upon by the respective
10 Department or Board to make the determination, provided that
11 the Department or Board shall not be required to advise a
12 person committed to the Department of Juvenile Justice any
13 such information which in the opinion of the Department of
14 Juvenile Justice or Board would be detrimental to his
15 treatment or rehabilitation.

16 (c) The master file shall be maintained at a place
17 convenient to its use by personnel of the respective
18 Department in charge of the person. When custody of a person is
19 transferred from the Department to another department or
20 agency, a summary of the file shall be forwarded to the
21 receiving agency with such other information required by law
22 or requested by the agency under rules and regulations of the
23 respective Department.

24 (d) The master file of a person no longer in the custody of
25 the respective Department shall be placed on inactive status
26 and its use shall be restricted subject to rules and

1 regulations of the Department.

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

6 (f) A committed person may request a summary of the
7 committed person's master record file once per year and the
8 committed person's attorney may request one summary of the
9 committed person's master record file once per year. The
10 Department shall create a form for requesting this summary,
11 and shall make that form available to committed persons and to
12 the public on its website. Upon receipt of the request form,
13 the Department shall provide the summary within 15 days. The
14 summary must contain, unless otherwise prohibited by law:

15 (1) the person's name, ethnic, racial, last known
16 street address prior to incarceration or legal residence,
17 and other identifying information;

18 (2) all digitally available information from the
19 committing court;

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

22 (4) the person's complete assignment history in the
23 Department of Corrections;

24 (5) the person's disciplinary card;

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

1 (7) any available records about up to 5 specific
2 grievances filed by the person, as identified by the
3 requester; and

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

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

10 (f-5) At least 60 days before a person's executive
11 clemency, medical release, or parole hearing, if requested,
12 the Department of Corrections shall provide the person and the
13 person's legal counsel, if retained, a copy of (i) the
14 person's disciplinary card and (ii) any available records of
15 the person's participation in programming and education.

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

22 (h) Subject to appropriation, on or before July 1, 2027,
23 the Department of Corrections shall digitalize all medical and
24 dental records in the master record files and all other
25 information that the Department maintains concerning its
26 correctional institutions and facilities in relation to

1 medical records, dental records, and medical and dental needs
2 of committed persons.

3 (i) Subject to appropriation, on or before July 1, 2029,
4 the Department of Corrections shall digitalize all information
5 in the master record files and all other information that the
6 Department maintains concerning its correctional institutions
7 and facilities.

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

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

18 (Source: P.A. 102-776, eff. 1-1-23; 102-784, eff. 5-13-22;
19 103-18, eff. 1-1-24; 103-71, eff. 6-9-23; 103-154, eff.
20 6-30-23; 103-605, eff. 7-1-24.)

21 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

22 Sec. 3-14-1. Release from the institution.

23 (a) Upon release of a person on parole, mandatory release,
24 final discharge, or pardon, the Department shall return all
25 property held for him, provide him with suitable clothing and

1 procure necessary transportation for him to his designated
2 place of residence and employment. It may provide such person
3 with a grant of money for travel and expenses which may be paid
4 in installments. The amount of the money grant shall be
5 determined by the Department.

6 (a-1) The Department shall, before a wrongfully imprisoned
7 person, as defined in Section 3-1-2 of this Code, is
8 discharged from the Department, provide him or her with any
9 documents necessary after discharge.

10 (a-2) The Department of Corrections may establish and
11 maintain, in any institution it administers, revolving funds
12 to be known as "Travel and Allowances Revolving Funds". These
13 revolving funds shall be used for advancing travel and expense
14 allowances to committed, paroled, and discharged prisoners.
15 The moneys paid into such revolving funds shall be from
16 appropriations to the Department for Committed, Paroled, and
17 Discharged Prisoners.

18 (a-3) Upon release of a person who is eligible to vote on
19 parole, mandatory release, final discharge, or pardon, the
20 Department shall provide the person with a form that informs
21 him or her that his or her voting rights have been restored and
22 a voter registration application. The Department shall have
23 available voter registration applications in the languages
24 provided by the Illinois State Board of Elections. The form
25 that informs the person that his or her rights have been
26 restored shall include the following information:

1 (1) All voting rights are restored upon release from
2 the Department's custody.

3 (2) A person who is eligible to vote must register in
4 order to be able to vote.

5 The Department of Corrections shall confirm that the
6 person received the voter registration application and has
7 been informed that his or her voting rights have been
8 restored.

9 (a-4) Prior to release of a person on parole, mandatory
10 supervised release, final discharge, or pardon, the Department
11 shall screen every person for Medicaid eligibility. Officials
12 of the correctional institution or facility where the
13 committed person is assigned shall assist an eligible person
14 to complete a Medicaid application to ensure that the person
15 begins receiving benefits as soon as possible after his or her
16 release. The application must include the eligible person's
17 address associated with his or her residence upon release from
18 the facility. If the residence is temporary, the eligible
19 person must notify the Department of Human Services of his or
20 her change in address upon transition to permanent housing.

21 (a-5) Upon release of a person from its custody to parole,
22 upon mandatory supervised release, or upon final discharge,
23 the Department shall run a LEADS report and shall notify the
24 person of all in-effect orders of protection issued against
25 the person under Article 112A of the Code of Criminal
26 Procedure of 1963 or under the Illinois Domestic Violence Act

1 of 1986 that are identified in the LEADS report.

2 (b) (Blank).

3 (c) Except as otherwise provided in this Code, the
4 Department shall establish procedures to provide written
5 notification of any release of any person who has been
6 convicted of a felony to the State's Attorney and sheriff of
7 the county from which the offender was committed, and the
8 State's Attorney and sheriff of the county into which the
9 offender is to be paroled or released. Except as otherwise
10 provided in this Code, the Department shall establish
11 procedures to provide written notification to the proper law
12 enforcement agency for any municipality of any release of any
13 person who has been convicted of a felony if the arrest of the
14 offender or the commission of the offense took place in the
15 municipality, if the offender is to be paroled or released
16 into the municipality, or if the offender resided in the
17 municipality at the time of the commission of the offense. If a
18 person convicted of a felony who is in the custody of the
19 Department of Corrections or on parole or mandatory supervised
20 release informs the Department that he or she has resided,
21 resides, or will reside at an address that is a housing
22 facility owned, managed, operated, or leased by a public
23 housing agency, the Department must send written notification
24 of that information to the public housing agency that owns,
25 manages, operates, or leases the housing facility. The written
26 notification shall, when possible, be given at least 14 days

1 before release of the person from custody, or as soon
2 thereafter as possible. The written notification shall be
3 provided electronically if the State's Attorney, sheriff,
4 proper law enforcement agency, or public housing agency has
5 provided the Department with an accurate and up to date email
6 address.

7 (c-1) (Blank).

8 (c-2) The Department shall establish procedures to provide
9 notice to the Illinois State Police of the release or
10 discharge of persons convicted of violations of the
11 Methamphetamine Control and Community Protection Act or a
12 violation of the Methamphetamine Precursor Control Act. The
13 Illinois State Police shall make this information available to
14 local, State, or federal law enforcement agencies upon
15 request.

16 (c-5) If a person on parole or mandatory supervised
17 release becomes a resident of a facility licensed or regulated
18 by the Department of Public Health, the Illinois Department of
19 Public Aid, or the Illinois Department of Human Services, the
20 Department of Corrections shall provide copies of the
21 following information to the appropriate licensing or
22 regulating Department and the licensed or regulated facility
23 where the person becomes a resident:

24 (1) The mittimus and any pre-sentence investigation
25 reports.

26 (2) The social evaluation prepared pursuant to Section

1 3-8-2.

2 (3) Any pre-release evaluation conducted pursuant to
3 subsection (j) of Section 3-6-2.

4 (4) Reports of disciplinary infractions and
5 dispositions.

6 (5) Any parole plan, including orders issued by the
7 Prisoner Review Board, and any violation reports and
8 dispositions.

9 (6) The name and contact information for the assigned
10 parole agent and parole supervisor.

11 This information shall be provided within 3 days of the
12 person becoming a resident of the facility.

13 (c-10) If a person on parole or mandatory supervised
14 release becomes a resident of a facility licensed or regulated
15 by the Department of Public Health, the Illinois Department of
16 Public Aid, or the Illinois Department of Human Services, the
17 Department of Corrections shall provide written notification
18 of such residence to the following:

19 (1) The Prisoner Review Board.

20 (2) The chief of police and sheriff in the
21 municipality and county in which the licensed facility is
22 located.

23 The notification shall be provided within 3 days of the
24 person becoming a resident of the facility.

25 (d) Upon the release of a committed person on parole,
26 mandatory supervised release, final discharge, or pardon, the

1 Department shall provide such person with information
2 concerning programs and services of the Illinois Department of
3 Public Health to ascertain whether such person has been
4 exposed to the human immunodeficiency virus (HIV) or any
5 identified causative agent of Acquired Immunodeficiency
6 Syndrome (AIDS).

7 (e) Upon the release of a committed person on parole,
8 mandatory supervised release, final discharge, pardon, or who
9 has been wrongfully imprisoned, the Department shall verify
10 the released person's full name, date of birth, and social
11 security number. If verification is made by the Department by
12 obtaining a certified copy of the released person's birth
13 certificate and the released person's social security card or
14 other documents authorized by the Secretary, the Department
15 shall provide the birth certificate and social security card
16 or other documents authorized by the Secretary to the released
17 person. If verification by the Department is done by means
18 other than obtaining a certified copy of the released person's
19 birth certificate and the released person's social security
20 card or other documents authorized by the Secretary, the
21 Department shall complete a verification form, prescribed by
22 the Secretary of State, and shall provide that verification
23 form to the released person.

24 (f) Forty-five days prior to the scheduled discharge of a
25 person committed to the custody of the Department of
26 Corrections, the Department shall give the person:

1 (1) who is otherwise uninsured an opportunity to apply
2 for health care coverage including medical assistance
3 under Article V of the Illinois Public Aid Code in
4 accordance with subsection (b) of Section 1-8.5 of the
5 Illinois Public Aid Code, and the Department of
6 Corrections shall provide assistance with completion of
7 the application for health care coverage including medical
8 assistance;

9 (2) information about obtaining a standard Illinois
10 Identification Card or a limited-term Illinois
11 Identification Card under Section 4 of the Illinois
12 Identification Card Act if the person has not been issued
13 an Illinois Identification Card under subsection (a-20) of
14 Section 4 of the Illinois Identification Card Act;

15 (3) information about voter registration and may
16 distribute information prepared by the State Board of
17 Elections. The Department of Corrections may enter into an
18 interagency contract with the State Board of Elections to
19 participate in the automatic voter registration program
20 and be a designated automatic voter registration agency
21 under Section 1A-16.2 of the Election Code;

22 (4) information about job listings upon discharge from
23 the correctional institution or facility;

24 (5) information about available housing upon discharge
25 from the correctional institution or facility;

26 (6) a directory of elected State officials and of

1 officials elected in the county and municipality, if any,
2 in which the committed person intends to reside upon
3 discharge from the correctional institution or facility;
4 and

5 (7) any other information that the Department of
6 Corrections deems necessary to provide the committed
7 person in order for the committed person to reenter the
8 community and avoid recidivism.

9 (g) Sixty days before the scheduled discharge of a person
10 committed to the custody of the Department or upon receipt of
11 the person's certified birth certificate and social security
12 card as set forth in subsection (d) of Section 3-8-1 of this
13 Act, whichever occurs later, the Department shall transmit an
14 application for an Identification Card to the Secretary of
15 State, in accordance with subsection (a-20) of Section 4 of
16 the Illinois Identification Card Act.

17 The Department may adopt rules to implement this Section.

18 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
19 102-606, eff. 1-1-22; 102-813, eff. 5-13-22; 103-345, eff.
20 1-1-24.)

21 (730 ILCS 5/5-4.5-115)

22 Sec. 5-4.5-115. Parole review of persons under the age of
23 21 at the time of the commission of an offense.

24 (a) For purposes of this Section, "victim" means a victim
25 of a violent crime as defined in subsection (a) of Section 3 of

1 the Rights of Crime Victims and Witnesses Act including a
2 witness as defined in subsection (b) of Section 3 of the Rights
3 of Crime Victims and Witnesses Act; any person legally related
4 to the victim by blood, marriage, adoption, or guardianship;
5 any friend of the victim; or any concerned citizen.

6 (b) A person under 21 years of age at the time of the
7 commission of an offense or offenses, other than first degree
8 murder, and who is not serving a sentence for first degree
9 murder and who is sentenced on or after June 1, 2019 (the
10 effective date of Public Act 100-1182) shall be eligible for
11 parole review by the Prisoner Review Board after serving 10
12 years or more of his or her sentence or sentences, except for
13 those serving a sentence or sentences for: (1) aggravated
14 criminal sexual assault who shall be eligible for parole
15 review by the Prisoner Review Board after serving 20 years or
16 more of his or her sentence or sentences or (2) predatory
17 criminal sexual assault of a child who shall not be eligible
18 for parole review by the Prisoner Review Board under this
19 Section. A person under 21 years of age at the time of the
20 commission of first degree murder who is sentenced on or after
21 June 1, 2019 (the effective date of Public Act 100-1182) shall
22 be eligible for parole review by the Prisoner Review Board
23 after serving 20 years or more of his or her sentence or
24 sentences, except for those subject to a term of natural life
25 imprisonment under Section 5-8-1 of this Code or any person
26 subject to sentencing under subsection (c) of Section

1 5-4.5-105 of this Code, who shall be eligible for parole
2 review by the Prisoner Review Board after serving 40 years or
3 more of his or her sentence or sentences.

4 (c) Three years prior to becoming eligible for parole
5 review, the eligible person may file his or her petition for
6 parole review with the Prisoner Review Board. The petition
7 shall include a copy of the order of commitment and sentence to
8 the Department of Corrections for the offense or offenses for
9 which review is sought. Within 30 days of receipt of this
10 petition, the Prisoner Review Board shall determine whether
11 the petition is appropriately filed, and if so, shall set a
12 date for parole review 3 years from receipt of the petition and
13 notify the Department of Corrections within 10 business days.
14 If the Prisoner Review Board determines that the petition is
15 not appropriately filed, it shall notify the petitioner in
16 writing, including a basis for its determination.

17 (d) Within 6 months of the Prisoner Review Board's
18 determination that the petition was appropriately filed, a
19 representative from the Department of Corrections shall meet
20 with the eligible person and provide the inmate information
21 about the parole hearing process and personalized
22 recommendations for the inmate regarding his or her work
23 assignments, rehabilitative programs, and institutional
24 behavior. Following this meeting, the eligible person has 7
25 calendar days to file a written request to the representative
26 from the Department of Corrections who met with the eligible

1 person of any additional programs and services which the
2 eligible person believes should be made available to prepare
3 the eligible person for return to the community.

4 (e) One year prior to the person being eligible for
5 parole, counsel shall be appointed by the Prisoner Review
6 Board upon a finding of indigency. The eligible person may
7 waive appointed counsel or retain his or her own counsel at his
8 or her own expense.

9 (f) Nine months prior to the hearing, the Prisoner Review
10 Board shall provide the eligible person, and his or her
11 counsel, any written documents or materials it will be
12 considering in making its decision unless the written
13 documents or materials are specifically found to: (1) include
14 information which, if disclosed, would damage the therapeutic
15 relationship between the inmate and a mental health
16 professional; (2) subject any person to the actual risk of
17 physical harm; (3) threaten the safety or security of the
18 Department or an institution. In accordance with Section
19 4.5(d)(4) of the Rights of Crime Victims and Witnesses Act and
20 Section 10 of the Open Parole Hearings Act, victim statements
21 provided to the Board shall be confidential and privileged,
22 including any statements received prior to the effective date
23 of this amendatory Act of the 101st General Assembly, except
24 if the statement was an oral statement made by the victim at a
25 hearing open to the public. Victim statements shall not be
26 considered public documents under the provisions of the

1 Freedom of Information Act. The inmate or his or her attorney
2 shall not be given a copy of the statement, but shall be
3 informed of the existence of a victim statement and the
4 position taken by the victim on the inmate's request for
5 parole. This shall not be construed to permit disclosure to an
6 inmate of any information which might result in the risk of
7 threats or physical harm to a victim. The Prisoner Review
8 Board shall have an ongoing duty to provide the eligible
9 person, and his or her counsel, with any further documents or
10 materials that come into its possession prior to the hearing
11 subject to the limitations contained in this subsection.

12 (g) Not less than 12 months prior to the hearing, the
13 Prisoner Review Board shall provide notification to the
14 State's Attorney of the county from which the person was
15 committed and written notification to the victim or family of
16 the victim of the scheduled hearing place, date, and
17 approximate time. The written notification shall contain: (1)
18 information about their right to be present, appear in person
19 at the parole hearing, and their right to make an oral
20 statement and submit information in writing, by videotape,
21 tape recording, or other electronic means; (2) a toll-free
22 number to call for further information about the parole review
23 process; and (3) information regarding available resources,
24 including trauma-informed therapy, they may access. If the
25 Board does not have knowledge of the current address of the
26 victim or family of the victim, it shall notify the State's

1 Attorney of the county of commitment and request assistance in
2 locating the victim or family of the victim. Those victims or
3 family of the victims who advise the Board in writing that they
4 no longer wish to be notified shall not receive future
5 notices. A victim shall have the right to submit information
6 by videotape, tape recording, or other electronic means. The
7 victim may submit this material prior to or at the parole
8 hearing. The victim also has the right to be heard at the
9 parole hearing.

10 (h) The hearing conducted by the Prisoner Review Board
11 shall be governed by Sections 15 and 20, subsection (f) of
12 Section 5, subsections (a), (a-5), (b), (b-5), and (c) of
13 Section 10, and subsection (d) of Section 25 of the Open Parole
14 Hearings Act and Part 1610 of Title 20 of the Illinois
15 Administrative Code. The eligible person has a right to be
16 present at the Prisoner Review Board hearing, unless the
17 Prisoner Review Board determines the eligible person's
18 presence is unduly burdensome when conducting a hearing under
19 paragraph (6.6) of subsection (a) of Section 3-3-2 of this
20 Code. If a psychological evaluation is submitted for the
21 Prisoner Review Board's consideration, it shall be prepared by
22 a person who has expertise in adolescent brain development and
23 behavior, and shall take into consideration the diminished
24 culpability of youthful offenders, the hallmark features of
25 youth, and any subsequent growth and increased maturity of the
26 person. At the hearing, the eligible person shall have the

1 right to make a statement on his or her own behalf.

2 (i) Only upon motion for good cause shall the date for the
3 Prisoner Review Board hearing, as set by subsection (b) of
4 this Section, be changed. No less than 15 days prior to the
5 hearing, the Prisoner Review Board shall notify the victim or
6 victim representative, the attorney, and the eligible person
7 of the exact date and time of the hearing. All hearings shall
8 be open to the public.

9 (j) (Blank). ~~The Prisoner Review Board shall not parole~~
10 ~~the eligible person if it determines that:~~

11 ~~(1) there is a substantial risk that the eligible~~
12 ~~person will not conform to reasonable conditions of parole~~
13 ~~or aftercare release; or~~

14 ~~(2) the eligible person's release at that time would~~
15 ~~depreciate the seriousness of his or her offense or promote~~
16 ~~disrespect for the law; or~~

17 ~~(3) the eligible person's release would have a~~
18 ~~substantially adverse effect on institutional discipline.~~

19 ~~In considering the factors affecting the release~~
20 ~~determination under 20 Ill. Adm. Code 1610.50(b), the Prisoner~~
21 ~~Review Board panel shall consider the diminished culpability~~
22 ~~of youthful offenders, the hallmark features of youth, and any~~
23 ~~subsequent growth and maturity of the youthful offender during~~
24 ~~incarceration.~~

25 (j-5) In deciding whether to grant or deny parole, the
26 Board shall consider the following factors:

1 (1) participation in rehabilitative programming
2 available to the petitioner, including, but not limited
3 to, educational courses, vocational courses, life skills
4 courses, individual or group counseling courses, civics
5 education courses, peer education courses, independent
6 studies courses, substance abuse counseling courses, and
7 behavior modification courses;

8 (2) participation in professional licensing courses or
9 on-the-job training courses;

10 (3) letters from correctional staff, educational
11 faculty, community members, friends, and other
12 incarcerated persons;

13 (4) the petitioner's potential for rehabilitation or
14 the evidence of rehabilitation in the petitioner;

15 (5) the applicant's age at the time of the offense;

16 (6) the circumstances of the offense and the
17 petitioner's role and degree of participation in the
18 offense;

19 (7) the presence of a cognitive or developmental
20 disability in the petitioner at the time of the offense;

21 (8) the petitioner's family, home environment,
22 educational and social background at the time of the
23 offense;

24 (9) evidence that the petitioner has suffered from
25 post-traumatic stress disorder, adverse childhood
26 experiences, or other traumas that could have been a

1 contributing factor to a person's criminal behavior and
2 participation in the offense;

3 (10) the presence or expression by the petitioner of
4 remorse, compassion, or insight of harm and collateral
5 effects experienced by the victims;

6 (11) the commission of a serious disciplinary
7 infraction within the previous 5 years;

8 (12) a pattern of fewer serious institutional
9 disciplinary infractions within the previous 2 years;

10 (13) evidence that the petitioner has any serious
11 medical conditions;

12 (14) evidence that the Department is unable to meet
13 the petitioner's medical needs;

14 (15) the petitioner's reentry plan, including, but not
15 limited to, residence plans, employment plans, continued
16 education plans, rehabilitation plans, and counseling
17 plans.

18 No one factor in this subsection (j-5) shall be
19 dispositive. In considering the factors affecting the release
20 determination under 20 Ill. Adm. Code 1610.50(b), the Prisoner
21 Review Board panel shall consider the diminished culpability
22 of youthful offenders, the hallmark features of youth, and any
23 subsequent growth and maturity of the youthful offender during
24 incarceration.

25 (k) Unless denied parole under subsection (j) of this
26 Section and subject to the provisions of Section 3-3-9 of this

1 Code: (1) the eligible person serving a sentence for any
2 non-first degree murder offense or offenses, shall be released
3 on parole which shall operate to discharge any remaining term
4 of years sentence imposed upon him or her, notwithstanding any
5 required mandatory supervised release period the eligible
6 person is required to serve; and (2) the eligible person
7 serving a sentence for any first degree murder offense, shall
8 be released on mandatory supervised release for a period of 10
9 years subject to Section 3-3-8, which shall operate to
10 discharge any remaining term of years sentence imposed upon
11 him or her, however in no event shall the eligible person serve
12 a period of mandatory supervised release greater than the
13 aggregate of the discharged underlying sentence and the
14 mandatory supervised release period as sent forth in Section
15 5-4.5-20.

16 (l) If the Prisoner Review Board denies parole after
17 conducting the hearing under subsection (j) of this Section,
18 it shall issue a written decision which states the rationale
19 for denial, including the primary factors considered. This
20 decision shall be provided to the eligible person and his or
21 her counsel within 30 days.

22 (m) A person denied parole under subsection (j) of this
23 Section, who is not serving a sentence for either first degree
24 murder or aggravated criminal sexual assault, shall be
25 eligible for a second parole review by the Prisoner Review
26 Board 5 years after the written decision under subsection (l)

1 of this Section; a person denied parole under subsection (j)
2 of this Section, who is serving a sentence or sentences for
3 first degree murder or aggravated criminal sexual assault
4 shall be eligible for a second and final parole review by the
5 Prisoner Review Board 10 years after the written decision
6 under subsection (k) of this Section. The procedures for a
7 second parole review shall be governed by subsections (c)
8 through (k) of this Section.

9 (n) A person denied parole under subsection (m) of this
10 Section, who is not serving a sentence for either first degree
11 murder or aggravated criminal sexual assault, shall be
12 eligible for a third and final parole review by the Prisoner
13 Review Board 5 years after the written decision under
14 subsection (l) of this Section. The procedures for the third
15 and final parole review shall be governed by subsections (c)
16 through (k) of this Section.

17 (o) Notwithstanding anything else to the contrary in this
18 Section, nothing in this Section shall be construed to delay
19 parole or mandatory supervised release consideration for
20 petitioners who are or will be eligible for release earlier
21 than this Section provides. Nothing in this Section shall be
22 construed as a limit, substitution, or bar on a person's right
23 to sentencing relief, or any other manner of relief, obtained
24 by order of a court in proceedings other than as provided in
25 this Section.

26 (Source: P.A. 101-288, eff. 1-1-20; 102-1128, eff. 1-1-24.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.

1	INDEX	
2	Statutes amended in order of appearance	
3	30 ILCS 105/5.1030 new	
4	40 ILCS 5/18-127	from Ch. 108 1/2, par. 18-127
5	725 ILCS 120/4.5	
6	725 ILCS 120/5	from Ch. 38, par. 1405
7	725 ILCS 120/8.5	
8	730 ILCS 5/3-3-1	from Ch. 38, par. 1003-3-1
9	730 ILCS 5/3-3-1.5 new	
10	730 ILCS 5/3-3-2	from Ch. 38, par. 1003-3-2
11	730 ILCS 5/3-3-5	from Ch. 38, par. 1003-3-5
12	730 ILCS 5/3-3-8	from Ch. 38, par. 1003-3-8
13	730 ILCS 5/3-3-9	from Ch. 38, par. 1003-3-9
14	730 ILCS 5/3-3-13	from Ch. 38, par. 1003-3-13
15	730 ILCS 5/3-3-14	
16	730 ILCS 5/3-3-16 new	
17	730 ILCS 5/3-5-1	
18	730 ILCS 5/3-14-1	from Ch. 38, par. 1003-14-1
19	730 ILCS 5/5-4.5-115	