

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 3. The Illinois Pension Code is amended by  
5 changing Section 18-127 as follows:

6 (40 ILCS 5/18-127) (from Ch. 108 1/2, par. 18-127)

7 Sec. 18-127. Retirement annuity - suspension on  
8 reemployment.

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

15 If such a participant resumes service as a judge, he or she  
16 shall receive credit for any additional service. Upon  
17 subsequent retirement, his or her retirement annuity shall be  
18 the amount previously granted, plus the amount earned by the  
19 additional judicial service under the provisions in effect  
20 during the period of such additional service. However, if the  
21 participant was receiving the maximum rate of annuity at the  
22 time of re-employment, he or she may elect, in a written  
23 direction filed with the board, not to receive any additional

1 service credit during the period of re-employment. In such  
2 case, contributions shall not be required during the period of  
3 re-employment. Any such election shall be irrevocable.

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

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

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

21 (e) A participant receiving a retirement annuity under  
22 this Article who serves as a part-time employee in any of the  
23 following positions: Legislative Inspector General, Special  
24 Legislative Inspector General, employee of the Office of the  
25 Legislative Inspector General, Executive Director of the  
26 Legislative Ethics Commission, ~~or~~ staff of the Legislative

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

15 (f) A participant receiving a retirement annuity under  
16 this Article who has made an election under Section 1-123 and  
17 who is serving either as legal counsel in the Office of the  
18 Governor or as Chief Deputy Attorney General shall not be  
19 deemed to be regularly employed for compensation by an  
20 employer other than a county, nor to have resumed service as a  
21 judge, on the basis of that service, and the retirement  
22 annuity payments and other benefits of that person under this  
23 Code shall not be suspended, diminished, or otherwise impaired  
24 solely as a consequence of that service. This subsection (f)  
25 applies without regard to whether the person is in service as a  
26 judge under this Article on or after the effective date of this

1 amendatory Act of the 93rd General Assembly.

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

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

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

17 (725 ILCS 120/4.5)

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

22 (a) At the request of the crime victim, law enforcement  
23 authorities investigating the case shall provide notice of the  
24 status of the investigation, except where the State's Attorney

1 determines that disclosure of such information would  
2 unreasonably interfere with the investigation, until such time  
3 as the alleged assailant is apprehended or the investigation  
4 is closed.

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

10 (a-6) The Prisoner Review Board shall publish on its  
11 official public website and provide to registered victims  
12 information regarding how to submit a victim impact statement.  
13 The Prisoner Review Board shall consider victim impact  
14 statements from any registered victims. Any registered victim,  
15 including a person who has had a final, plenary,  
16 non-emergency, or emergency protective order granted against  
17 the petitioner or parole candidate under Article 112A of the  
18 Code of Criminal Procedure of 1963, the Illinois Domestic  
19 Violence Act of 1986, the Stalking No Contact Order Act, or the  
20 Civil No Contact Order Act, may present victim statements that  
21 the Prisoner Review Board shall consider in its deliberations.

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

23 (1) shall provide notice of the filing of an  
24 information, the return of an indictment, or the filing of  
25 a petition to adjudicate a minor as a delinquent for a  
26 violent crime;

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

8           (3) or victim advocate personnel shall provide  
9           information of social services and financial assistance  
10          available for victims of crime, including information of  
11          how to apply for these services and assistance;

12          (3.5) or victim advocate personnel shall provide  
13          information about available victim services, including  
14          referrals to programs, counselors, and agencies that  
15          assist a victim to deal with trauma, loss, and grief;

16          (4) shall assist in having any stolen or other  
17          personal property held by law enforcement authorities for  
18          evidentiary or other purposes returned as expeditiously as  
19          possible, pursuant to the procedures set out in Section  
20          115-9 of the Code of Criminal Procedure of 1963;

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

26          (6) shall provide, whenever possible, a secure waiting

1 area during court proceedings that does not require  
2 victims to be in close proximity to defendants or  
3 juveniles accused of a violent crime, and their families  
4 and friends;

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

11 (8) (blank);

12 (8.5) shall inform the victim of the right to be  
13 present at all court proceedings, unless the victim is to  
14 testify and the court determines that the victim's  
15 testimony would be materially affected if the victim hears  
16 other testimony at trial;

17 (9) shall inform the victim of the right to have  
18 present at all court proceedings, subject to the rules of  
19 evidence and confidentiality, an advocate and other  
20 support person of the victim's choice;

21 (9.3) shall inform the victim of the right to retain  
22 an attorney, at the victim's own expense, who, upon  
23 written notice filed with the clerk of the court and  
24 State's Attorney, is to receive copies of all notices,  
25 motions, and court orders filed thereafter in the case, in  
26 the same manner as if the victim were a named party in the

1 case;

2 (9.5) shall inform the victim of (A) the victim's  
3 right under Section 6 of this Act to make a statement at  
4 the sentencing hearing; (B) the right of the victim's  
5 spouse, guardian, parent, grandparent, and other immediate  
6 family and household members under Section 6 of this Act  
7 to present a statement at sentencing; and (C) if a  
8 presentence report is to be prepared, the right of the  
9 victim's spouse, guardian, parent, grandparent, and other  
10 immediate family and household members to submit  
11 information to the preparer of the presentence report  
12 about the effect the offense has had on the victim and the  
13 person;

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

21 (11) shall request restitution at sentencing and as  
22 part of a plea agreement if the victim requests  
23 restitution;

24 (12) shall, upon the court entering a verdict of not  
25 guilty by reason of insanity, inform the victim of the  
26 notification services available from the Department of

1 Human Services, including the statewide telephone number,  
2 under subparagraph (d) (2) of this Section;

3 (13) shall provide notice within a reasonable time  
4 after receipt of notice from the custodian, of the release  
5 of the defendant on pretrial release or personal  
6 recognizance or the release from detention of a minor who  
7 has been detained;

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

11 (15) shall make all reasonable efforts to consult with  
12 the crime victim before the Office of the State's Attorney  
13 makes an offer of a plea bargain to the defendant or enters  
14 into negotiations with the defendant concerning a possible  
15 plea agreement, and shall consider the written statement,  
16 if prepared prior to entering into a plea agreement. The  
17 right to consult with the prosecutor does not include the  
18 right to veto a plea agreement or to insist the case go to  
19 trial. If the State's Attorney has not consulted with the  
20 victim prior to making an offer or entering into plea  
21 negotiations with the defendant, the Office of the State's  
22 Attorney shall notify the victim of the offer or the  
23 negotiations within 2 business days and confer with the  
24 victim;

25 (16) shall provide notice of the ultimate disposition  
26 of the cases arising from an indictment or an information,

1 or a petition to have a juvenile adjudicated as a  
2 delinquent for a violent crime;

3 (17) shall provide notice of any appeal taken by the  
4 defendant and information on how to contact the  
5 appropriate agency handling the appeal, and how to request  
6 notice of any hearing, oral argument, or decision of an  
7 appellate court;

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

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

20 (20) shall, within a reasonable time, offer to meet  
21 with the crime victim regarding the decision of the  
22 State's Attorney not to charge an offense, and shall meet  
23 with the victim, if the victim agrees. The victim has a  
24 right to have an attorney, advocate, and other support  
25 person of the victim's choice attend this meeting with the  
26 victim; and

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

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

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

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

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

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

10           (4) Assertion of and enforcement of rights.

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

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

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

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

23          (D) The court shall take up and decide any motion  
24          or request asserting or seeking enforcement of a  
25          victim's right without delay, unless a specific time  
26          period is specified by law or court rule. The reasons

1           for any decision denying the motion or request shall  
2           be clearly stated on the record.

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

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

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

19                   (iii) have the authority to make  
20                   recommendations to employees and offices of the  
21                   State of Illinois to respond more effectively to  
22                   the needs of crime victims, including regarding  
23                   the violation of the rights of a crime victim.

24           (F) Crime victims' rights may also be asserted by  
25           filing a complaint for mandamus, injunctive, or  
26           declaratory relief in the jurisdiction in which the

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

16 (5) Violation of rights and remedies.

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

23 (A-5) Consideration of an issue of a substantive  
24 nature or an issue that implicates the constitutional  
25 or statutory right of a victim at a court proceeding  
26 labeled as a status hearing shall constitute a per se

1 violation of a victim's right.

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

15 The court shall impose a mandatory training course  
16 provided by the Attorney General for the employee under  
17 item (ii) of subparagraph (E) of paragraph (4), which must  
18 be successfully completed within 6 months of the entry of  
19 the court order.

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

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

24 (7) Right to attend trial. A party must file a written  
25 motion to exclude a victim from trial at least 60 days  
26 prior to the date set for trial. The motion must state with

1 specificity the reason exclusion is necessary to protect a  
2 constitutional right of the party, and must contain an  
3 offer of proof. The court shall rule on the motion within  
4 30 days. If the motion is granted, the court shall set  
5 forth on the record the facts that support its finding  
6 that the victim's testimony will be materially affected if  
7 the victim hears other testimony at trial.

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

10 (A) A party who intends to call an advocate as a  
11 witness at trial must seek permission of the court  
12 before the subpoena is issued. The party must file a  
13 written motion at least 90 days before trial that sets  
14 forth specifically the issues on which the advocate's  
15 testimony is sought and an offer of proof regarding  
16 (i) the content of the anticipated testimony of the  
17 advocate; and (ii) the relevance, admissibility, and  
18 materiality of the anticipated testimony. The court  
19 shall consider the motion and make findings within 30  
20 days of the filing of the motion. If the court finds by  
21 a preponderance of the evidence that: (i) the  
22 anticipated testimony is not protected by an absolute  
23 privilege; and (ii) the anticipated testimony contains  
24 relevant, admissible, and material evidence that is  
25 not available through other witnesses or evidence, the  
26 court shall issue a subpoena requiring the advocate to

1 appear to testify at an in camera hearing. The  
2 prosecuting attorney and the victim shall have 15 days  
3 to seek appellate review before the advocate is  
4 required to testify at an ex parte in camera  
5 proceeding.

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

23 (B) If a victim has asserted the right to have a  
24 support person present at the court proceedings, the  
25 victim shall provide the name of the person the victim  
26 has chosen to be the victim's support person to the

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

13 If the prosecuting attorney intends to call the  
14 support person as a witness during the State's  
15 case-in-chief, the prosecuting attorney shall inform  
16 the court of this intent in the response to the  
17 defendant's written motion. The victim may choose a  
18 different person to be the victim's support person.  
19 The court may allow the defendant to inquire about  
20 matters outside the scope of the direct examination  
21 during cross-examination. If the court allows the  
22 defendant to do so, the support person shall be  
23 allowed to remain in the courtroom after the support  
24 person has testified. A defendant who fails to  
25 question the support person about matters outside the  
26 scope of direct examination during the State's

1 case-in-chief waives the right to challenge the  
2 presence of the support person on appeal. The court  
3 shall allow the support person to testify if called as  
4 a witness in the defendant's case-in-chief or the  
5 State's rebuttal.

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

13 If the prosecuting attorney does not intend to  
14 call the support person in the State's case-in-chief,  
15 the court shall verify with the support person whether  
16 the support person, if called as a witness, would  
17 testify as set forth in the offer of proof. If the  
18 court finds that the support person would testify as  
19 set forth in the offer of proof, the court shall rule  
20 on the relevance, materiality, and admissibility of  
21 the anticipated testimony. If the court rules the  
22 anticipated testimony is admissible, the court shall  
23 issue the subpoena. The support person may remain in  
24 the courtroom after the support person testifies and  
25 shall be allowed to testify in rebuttal.

26 If the court excludes the victim's support person

1 during the State's case-in-chief, the victim shall be  
2 allowed to choose another support person to be present  
3 in court.

4 If the victim fails to designate a support person  
5 within 60 days of trial and the defendant has  
6 subpoenaed the support person to testify at trial, the  
7 court may exclude the support person from the trial  
8 until the support person testifies. If the court  
9 excludes the support person the victim may choose  
10 another person as a support person.

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

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

21 (i) the testimony or records are not protected  
22 by an absolute privilege and

23 (ii) the testimony or records contain  
24 relevant, admissible, and material evidence that  
25 is not available through other witnesses or  
26 evidence, the court shall issue a subpoena

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

21                (B) A prosecuting attorney who seeks to subpoena  
22          information or records concerning the victim that are  
23          confidential or privileged by law must first request  
24          the written consent of the crime victim. If the victim  
25          does not provide such written consent, including where  
26          necessary the appropriate signed document required for

1           waiving privilege, the prosecuting attorney must serve  
2           the subpoena at least 21 days prior to the date a  
3           response or appearance is required to allow the  
4           subject of the subpoena time to file a motion to quash  
5           or request a hearing. The prosecuting attorney must  
6           also send a written notice to the victim at least 21  
7           days prior to the response date to allow the victim to  
8           file a motion or request a hearing. The notice to the  
9           victim shall inform the victim (i) that a subpoena has  
10          been issued for confidential information or records  
11          concerning the victim, (ii) that the victim has the  
12          right to request a hearing prior to the response date  
13          of the subpoena, and (iii) how to request the hearing.  
14          The notice to the victim shall also include a copy of  
15          the subpoena. If requested, a hearing regarding the  
16          subpoena shall occur before information or records are  
17          provided to the prosecuting attorney.

18          (10) Right to notice of court proceedings. If the  
19          victim is not present at a court proceeding in which a  
20          right of the victim is at issue, the court shall ask the  
21          prosecuting attorney whether the victim was notified of  
22          the time, place, and purpose of the court proceeding and  
23          that the victim had a right to be heard at the court  
24          proceeding. If the court determines that timely notice was  
25          not given or that the victim was not adequately informed  
26          of the nature of the court proceeding, the court shall not

1 rule on any substantive issues, accept a plea, or impose a  
2 sentence and shall continue the hearing for the time  
3 necessary to notify the victim of the time, place and  
4 nature of the court proceeding. The time between court  
5 proceedings shall not be attributable to the State under  
6 Section 103-5 of the Code of Criminal Procedure of 1963.

7 (11) Right to timely disposition of the case. A victim  
8 has the right to timely disposition of the case so as to  
9 minimize the stress, cost, and inconvenience resulting  
10 from the victim's involvement in the case. Before ruling  
11 on a motion to continue trial or other court proceeding,  
12 the court shall inquire into the circumstances for the  
13 request for the delay and, if the victim has provided  
14 written notice of the assertion of the right to a timely  
15 disposition, and whether the victim objects to the delay.  
16 If the victim objects, the prosecutor shall inform the  
17 court of the victim's objections. If the prosecutor has  
18 not conferred with the victim about the continuance, the  
19 prosecutor shall inform the court of the attempts to  
20 confer. If the court finds the attempts of the prosecutor  
21 to confer with the victim were inadequate to protect the  
22 victim's right to be heard, the court shall give the  
23 prosecutor at least 3 but not more than 5 business days to  
24 confer with the victim. In ruling on a motion to continue,  
25 the court shall consider the reasons for the requested  
26 continuance, the number and length of continuances that

1 have been granted, the victim's objections and procedures  
2 to avoid further delays. If a continuance is granted over  
3 the victim's objection, the court shall specify on the  
4 record the reasons for the continuance and the procedures  
5 that have been or will be taken to avoid further delays.

6 (12) Right to Restitution.

7 (A) If the victim has asserted the right to  
8 restitution and the amount of restitution is known at  
9 the time of sentencing, the court shall enter the  
10 judgment of restitution at the time of sentencing.

11 (B) If the victim has asserted the right to  
12 restitution and the amount of restitution is not known  
13 at the time of sentencing, the prosecutor shall,  
14 within 5 days after sentencing, notify the victim what  
15 information and documentation related to restitution  
16 is needed and that the information and documentation  
17 must be provided to the prosecutor within 45 days  
18 after sentencing. Failure to timely provide  
19 information and documentation related to restitution  
20 shall be deemed a waiver of the right to restitution.  
21 The prosecutor shall file and serve within 60 days  
22 after sentencing a proposed judgment for restitution  
23 and a notice that includes information concerning the  
24 identity of any victims or other persons seeking  
25 restitution, whether any victim or other person  
26 expressly declines restitution, the nature and amount

1 of any damages together with any supporting  
2 documentation, a restitution amount recommendation,  
3 and the names of any co-defendants and their case  
4 numbers. Within 30 days after receipt of the proposed  
5 judgment for restitution, the defendant shall file any  
6 objection to the proposed judgment, a statement of  
7 grounds for the objection, and a financial statement.  
8 If the defendant does not file an objection, the court  
9 may enter the judgment for restitution without further  
10 proceedings. If the defendant files an objection and  
11 either party requests a hearing, the court shall  
12 schedule a hearing.

13 (13) Access to presentence reports.

14 (A) The victim may request a copy of the  
15 presentence report prepared under the Unified Code of  
16 Corrections from the State's Attorney. The State's  
17 Attorney shall redact the following information before  
18 providing a copy of the report:

19 (i) the defendant's mental history and  
20 condition;

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

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

25 (B) The State's Attorney or the defendant may  
26 request the court redact other information in the

1 report that may endanger the safety of any person.

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

6 (D) The State's Attorney must advise the victim  
7 that the victim must maintain the confidentiality of  
8 the report and other information. Any dissemination of  
9 the report or information that was not stated at a  
10 court proceeding constitutes indirect criminal  
11 contempt of court.

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

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

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

10       (d) Procedures after the imposition of sentence.

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

1 and dates of such furlough. Upon written request by the  
2 victim or any other concerned citizen, the State's  
3 Attorney shall notify the person once of the times and  
4 dates of release of a prisoner sentenced to periodic  
5 imprisonment. Notification shall be based on the most  
6 recent information as to the victim's or other concerned  
7 citizen's residence or other location available to the  
8 notifying authority.

9 (1.5) The Prisoner Review Board shall notify a victim  
10 of a prisoner's pardon, commutation of sentence, release  
11 on furlough, or early release from State custody, if the  
12 victim has previously requested that notification. The  
13 notification shall be based upon the most recent  
14 information available to the Board as to the victim's  
15 residence or other location. The notification requirement  
16 under this paragraph (1.5) is in addition to any  
17 notification requirements under any other statewide victim  
18 notification systems. The Board shall document its efforts  
19 to provide the required notification if a victim alleges  
20 lack of notification under this paragraph (1.5).

21 (2) When the defendant has been committed to the  
22 Department of Human Services pursuant to Section 5-2-4 or  
23 any other provision of the Unified Code of Corrections,  
24 the victim may request to be notified by the releasing  
25 authority of the approval by the court of an on-grounds  
26 pass, a supervised off-grounds pass, an unsupervised

1 off-grounds pass, or conditional release; the release on  
2 an off-grounds pass; the return from an off-grounds pass;  
3 transfer to another facility; conditional release; escape;  
4 death; or final discharge from State custody. The  
5 Department of Human Services shall establish and maintain  
6 a statewide telephone number to be used by victims to make  
7 notification requests under these provisions and shall  
8 publicize this telephone number on its website and to the  
9 State's Attorney of each county.

10 (3) In the event of an escape from State custody, the  
11 Department of Corrections or the Department of Juvenile  
12 Justice immediately shall notify the Prisoner Review Board  
13 of the escape and the Prisoner Review Board shall notify  
14 the victim. The notification shall be based upon the most  
15 recent information as to the victim's residence or other  
16 location available to the Board. When no such information  
17 is available, the Board shall make all reasonable efforts  
18 to obtain the information and make the notification. When  
19 the escapee is apprehended, the Department of Corrections  
20 or the Department of Juvenile Justice immediately shall  
21 notify the Prisoner Review Board and the Board shall  
22 notify the victim. The notification requirement under this  
23 paragraph (3) is in addition to any notification  
24 requirements under any other statewide victim notification  
25 systems. The Board shall document its efforts to provide  
26 the required notification if a victim alleges lack of

1       notification under this paragraph (3).

2           (4) The victim of the crime for which the prisoner has  
3       been sentenced has the right to register with the Prisoner  
4       Review Board's victim registry. Victims registered with  
5       the Board shall receive reasonable written notice not less  
6       than 30 days prior to the parole hearing or target  
7       aftercare release date. The victim has the right to submit  
8       a victim statement for consideration by the Prisoner  
9       Review Board or the Department of Juvenile Justice in  
10      writing, on film, videotape, or other electronic means, or  
11      in the form of a recording prior to the parole hearing or  
12      target aftercare release date, or in person at the parole  
13      hearing or aftercare release protest hearing, or by  
14      calling the toll-free number established in subsection (f)  
15      of this Section. The victim shall be notified within 7  
16      days after the prisoner has been granted parole or  
17      aftercare release and shall be informed of the right to  
18      inspect the registry of parole decisions, established  
19      under subsection (g) of Section 3-3-5 of the Unified Code  
20      of Corrections. The provisions of this paragraph (4) are  
21      subject to the Open Parole Hearings Act. Victim statements  
22      provided to the Board shall be confidential and  
23      privileged, including any statements received prior to  
24      January 1, 2020 (the effective date of Public Act  
25      101-288), except if the statement was an oral statement  
26      made by the victim at a hearing open to the public.

1           (4-1) The crime victim, including any person who has  
2           had a final, plenary, non-emergency, or emergency  
3           protective order granted against the petitioner or parole  
4           candidate under Article 112A of the Code of Criminal  
5           Procedure of 1963, the Illinois Domestic Violence Act of  
6           1986, the Stalking No Contact Order Act, or the Civil No  
7           Contact Order Act, has the right to submit a victim  
8           statement, in support or opposition, for consideration by  
9           the Prisoner Review Board or the Department of Juvenile  
10          Justice prior to or at a hearing to determine the  
11          conditions of mandatory supervised release of a person  
12          sentenced to a determinate sentence or at a hearing on  
13          revocation of mandatory supervised release of a person  
14          sentenced to a determinate sentence. A victim statement  
15          may be submitted in writing, on film, videotape, or other  
16          electronic means, or in the form of a recording, or orally  
17          at a hearing, or by calling the toll-free number  
18          established in subsection (f) of this Section. Victim  
19          statements provided to the Board shall be confidential and  
20          privileged, including any statements received prior to  
21          January 1, 2020 (the effective date of Public Act  
22          101-288), except if the statement was an oral statement  
23          made by the victim at a hearing open to the public.

24          (4-2) The crime victim, including any person who has  
25          had a final, plenary, non-emergency, or emergency  
26          protective order granted against the petitioner or parole

1 candidate under Article 112A of the Code of Criminal  
2 Procedure of 1963, the Illinois Domestic Violence Act of  
3 1986, the Stalking No Contact Order Act, or the Civil No  
4 Contact Order Act, has the right to submit a victim  
5 statement, in support or opposition, to the Prisoner  
6 Review Board for consideration at an executive clemency  
7 hearing as provided in Section 3-3-13 of the Unified Code  
8 of Corrections. A victim statement may be submitted in  
9 writing, on film, videotape, or other electronic means, or  
10 in the form of a recording prior to a hearing, or orally at  
11 a hearing, or by calling the toll-free number established  
12 in subsection (f) of this Section. Victim statements  
13 provided to the Board shall be confidential and  
14 privileged, including any statements received prior to  
15 January 1, 2020 (the effective date of Public Act  
16 101-288), except if the statement was an oral statement  
17 made by the victim at a hearing open to the public.

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

23 (6) At the written or oral request of the victim of the  
24 crime for which the prisoner was sentenced or the State's  
25 Attorney of the county where the person seeking parole or  
26 aftercare release was prosecuted, the Prisoner Review

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

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

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

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

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

13 (f) The Prisoner Review Board shall establish a toll-free  
14 number that may be accessed by the crime victim to present a  
15 victim statement to the Board in accordance with paragraphs  
16 (4), (4-1), and (4-2) of subsection (d). The Prisoner Review  
17 Board shall provide registered and identified victims with the  
18 contact information for the State victim assistance hotline as  
19 part of its process to obtain a victim witness statement and as  
20 part of its notification.

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

24 (Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20;  
25 101-652, eff. 1-1-23; 102-22, eff. 6-25-21; 102-558, eff.  
26 8-20-21; 102-813, eff. 5-13-22.)

1 (725 ILCS 120/5) (from Ch. 38, par. 1405)

2 Sec. 5. Rights of witnesses.

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

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

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

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

22 (4) to be provided with notice by the Office of the  
23 State's Attorney, where necessary, of the right to have a  
24 translator present whenever the witness' presence is  
25 required and, in compliance with the federal Americans

1 with Disabilities Act of 1990, to be provided with notice  
2 of the right to communications access through a sign  
3 language interpreter or by other means.

4 (b) At the written request of the witness, the witness  
5 shall:

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

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

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

26 (4) receive notice from the Prisoner Review Board or

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

7 (c) The crime victim, including any person who has had a  
8 final, plenary, non-emergency, or emergency protective order  
9 granted against the petitioner or parole candidate under  
10 Article 112A of the Code of Criminal Procedure of 1963, the  
11 Illinois Domestic Violence Act of 1986, the Stalking No  
12 Contact Order Act, or the Civil No Contact Order Act, has the  
13 right to submit a victim statement, in support or opposition,  
14 to the Prisoner Review Board for consideration at a medical  
15 release hearing as provided in Section 3-3-14 of the Unified  
16 Code of Corrections. A victim statement may be submitted in  
17 writing, on film, videotape, or other electronic means, or in  
18 the form of a recording prior to a hearing, or orally at a  
19 hearing, or by calling the toll-free number established in  
20 subsection (f) of Section 4.5. Victim statements provided to  
21 the Board shall be confidential and privileged, including any  
22 statements received prior to the effective date of this  
23 amendatory Act of the 102nd General Assembly, except if the  
24 statement was an oral statement made by the victim at a hearing  
25 open to the public.

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

1 (725 ILCS 120/8.5)

2 Sec. 8.5. Statewide victim and witness notification  
3 system.

4 (a) The Attorney General may establish a crime victim and  
5 witness notification system to assist public officials in  
6 carrying out their duties to notify and inform crime victims  
7 and witnesses under Section 4.5 of this Act or under  
8 subsections (a), (a-2), and (a-3) of Section 120 of the Sex  
9 Offender Community Notification Law. The system shall download  
10 necessary information from participating officials into its  
11 computers, where it shall be maintained, updated, and  
12 automatically transmitted to victims and witnesses by  
13 telephone, computer, written notice, SMS text message, or  
14 other electronic means.

15 (b) The Illinois Department of Corrections, the Department  
16 of Juvenile Justice, the Department of Human Services, and the  
17 Prisoner Review Board shall cooperate with the Attorney  
18 General in the implementation of this Section and shall  
19 provide information as necessary to the effective operation of  
20 the system.

21 (c) State's attorneys, circuit court clerks, and local law  
22 enforcement and correctional authorities may enter into  
23 agreements with the Attorney General for participation in the  
24 system. The Attorney General may provide those who elect to  
25 participate with the equipment, software, or training

1 necessary to bring their offices into the system.

2 (d) The provision of information to crime victims and  
3 witnesses through the Attorney General's notification system  
4 satisfies a given State or local official's corresponding  
5 obligation to provide the information.

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

9 (f) (Blank).

10 (g) There is established in the Office of the Attorney  
11 General a Crime Victim and Witness Notification Advisory  
12 Committee consisting of those victims advocates, sheriffs,  
13 State's Attorneys, circuit court clerks, Illinois Department  
14 of Corrections, the Department of Juvenile Justice, and  
15 Prisoner Review Board employees that the Attorney General  
16 chooses to appoint. The Attorney General shall designate one  
17 member to chair the Committee.

18 (1) The Committee shall consult with and advise the  
19 Attorney General as to the exercise of the Attorney  
20 General's authority under this Section, including, but not  
21 limited to:

22 (i) the design, scope, and operation of the  
23 notification system;

24 (ii) the content of any rules adopted to implement  
25 this Section;

26 (iii) the procurement of hardware, software, and

1 support for the system, including choice of supplier  
2 or operator; and

3 (iv) the acceptance of agreements with and the  
4 award of equipment, software, or training to officials  
5 that seek to participate in the system.

6 (2) The Committee shall review the status and  
7 operation of the system and report any findings and  
8 recommendations for changes to the Attorney General and  
9 the General Assembly by November 1 of each year.

10 (3) The members of the Committee shall receive no  
11 compensation for their services as members of the  
12 Committee, but may be reimbursed for their actual expenses  
13 incurred in serving on the Committee.

14 (h) The Attorney General shall not release the names,  
15 addresses, phone numbers, personal identification numbers, or  
16 email addresses of any person registered to receive  
17 notifications to any other person except State or local  
18 officials using the notification system to satisfy the  
19 official's obligation to provide the information. The Attorney  
20 General may grant limited access to the Automated Victim  
21 Notification system (AVN) to law enforcement, prosecution, and  
22 other agencies that provide service to victims of violent  
23 crime to assist victims in enrolling and utilizing the AVN  
24 system.

25 (i) The Attorney General shall conduct an internal review  
26 of the witness notification system to review timely notice to

1 victims and witnesses throughout the State and shall make  
2 recommendations to the General Assembly for improvements in  
3 the procedures and technologies used in the system. The  
4 Attorney General shall submit the recommendations to the  
5 General Assembly on or before July 1, 2026.

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

7 Section 10. The Unified Code of Corrections is amended by  
8 changing Sections 3-3-1, 3-3-2, 3-3-5, 3-3-8, 3-3-9, 3-3-13,  
9 3-3-14, 3-5-1, 3-14-1, 5-4.5-115 and by adding Section 3-3-1.5  
10 as follows:

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

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

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

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

19 (1.2) the paroling authority for persons eligible for  
20 parole review under Section 5-4.5-115;

21 (1.5) (blank);

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

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

3           (4) the authority for establishing release dates for  
4           certain prisoners sentenced under the law in existence  
5           prior to the effective date of this amendatory Act of  
6           1977, in accordance with Section 3-3-2.1 of this Code;

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

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

15          (7) the authority to release medically infirm or  
16          disabled prisoners under Section 3-3-14.

17          (b) The Board shall consist of 15 persons appointed by the  
18          Governor by and with the advice and consent of the Senate. One  
19          member of the Board shall be designated by the Governor to be  
20          Chairman and shall serve as Chairman at the pleasure of the  
21          Governor. The members of the Board shall have had at least 5  
22          years of actual experience in the fields of penology,  
23          corrections work, advocacy for victims of crime and their  
24          families, advocacy for survivors of domestic violence, sexual  
25          violence, or intimate partner violence, law enforcement,  
26          sociology, law, education, social work, medicine, psychology,

1 other behavioral sciences, or a combination thereof. At least  
2 ~~3~~ 6 members so appointed must have at least 3 years experience  
3 in the field of juvenile matters. A total of 7 members must  
4 have at least 5 years' experience as a law enforcement  
5 officer, parole officer, prosecutor, criminal defense  
6 attorney, or judge. No more than 8 Board members may be members  
7 of the same political party.

8 Each member of the Board shall serve on a full-time basis  
9 and shall not hold any other salaried public office, whether  
10 elective or appointive, nor any other office or position of  
11 profit, nor engage in any other business, employment, or  
12 vocation. The Chairman of the Board shall receive the same  
13 salary as the Chairperson of the Illinois Human Rights  
14 Commission ~~\$35,000 a year, or an amount set by the~~  
15 ~~Compensation Review Board, whichever is greater,~~ and each  
16 other member shall receive the same salary as members of the  
17 Illinois Human Rights Commission ~~\$30,000, or an amount set by~~  
18 ~~the Compensation Review Board, whichever is greater.~~ The  
19 changes made to the salary of the Chairman of the Board and to  
20 the salaries of other members of the Board by this amendatory  
21 Act of the 104th General Assembly apply only to persons who are  
22 appointed or reappointed to those positions on or after the  
23 effective date of this amendatory Act of the 104th General  
24 Assembly.

25 (c) Notwithstanding any other provision of this Section,  
26 the term of each member of the Board who was appointed by the

1 Governor and is in office on June 30, 2003 shall terminate at  
2 the close of business on that date or when all of the successor  
3 members to be appointed pursuant to this amendatory Act of the  
4 93rd General Assembly have been appointed by the Governor,  
5 whichever occurs later. As soon as possible, the Governor  
6 shall appoint persons to fill the vacancies created by this  
7 amendatory Act.

8 Of the initial members appointed under this amendatory Act  
9 of the 93rd General Assembly, the Governor shall appoint 5  
10 members whose terms shall expire on the third Monday in  
11 January 2005, 5 members whose terms shall expire on the third  
12 Monday in January 2007, and 5 members whose terms shall expire  
13 on the third Monday in January 2009. Their respective  
14 successors shall be appointed for terms of 6 years from the  
15 third Monday in January of the year of appointment. Each  
16 member shall serve until his or her successor is appointed and  
17 qualified.

18 Notwithstanding any other provision of this Section, any  
19 member appointed after January 1, 2026 shall be appointed for  
20 an 8-year term that begins upon the date of appointment or  
21 reappointment. Each member shall serve until the member's  
22 successor is appointed and qualified.

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

26 (d) The Chairman of the Board shall be its chief executive

1 and administrative officer. The Board may have an Executive  
2 Director; if so, the Executive Director shall be appointed by  
3 the Governor with the advice and consent of the Senate. The  
4 salary and duties of the Executive Director shall be fixed by  
5 the Board.

6 (e) Each member and commissioner of the Prisoner Review  
7 Board shall be required to complete a training course  
8 developed and administered in consultation with the Department  
9 of Corrections. The training shall be provided to new members  
10 and commissioners of the Prisoner Review Board within 30 days  
11 of the start of their service and before they take part in any  
12 hearings. The training shall cover topics, including, but not  
13 limited to:

14 (1) the prison and incarceration system, including a  
15 tour of a correctional institution or facility and a  
16 meeting with the facility administration;

17 (2) the nature and benefits of rehabilitative  
18 corrections;

19 (3) rehabilitative programming provided by the  
20 Department of Corrections available to incarcerated  
21 individuals; and

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

24 In addition to the training course, each member and  
25 commissioner of the Board shall also be required to  
26 participate in 20 hours of continuing education or training

1 per year. Training shall cover, but shall not be limited to,  
2 the following topics: domestic violence, restorative justice,  
3 racial bias, risk assessment bias, law enforcement bias,  
4 prevalence of wrongful convictions, prosecutorial misconduct,  
5 police misconduct, mental health, cognitive behavioral  
6 therapy, trauma, the age-crime curve, recidivism, and the  
7 benefits of rehabilitative, educational, vocational, and  
8 health, programming in correctional facilities. Documentation  
9 of completion shall be submitted to and recorded by the  
10 Department of Corrections and made available to the public  
11 upon request.

12 The 20 hours of continuing education or training per year  
13 required in this subsection shall include a training course  
14 developed and administered by the entity administering the  
15 Illinois Domestic Violence Hotline. The training shall be  
16 provided to new members and commissioners of the Prisoner  
17 Review Board within 30 days of the start of their service and  
18 before they take part in any hearings.

19 This training shall be tailored specifically to the  
20 members of the Board and shall cover topics, including, but  
21 not limited to:

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

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

26 (3) criminalization of survivors of domestic violence

1 and gender-based violence;

2 (4) behavioral patterns and relationship dynamics  
3 within the cycle of violence;

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

7 (6) resources available to victims of domestic  
8 violence and gender-based violence and their household  
9 members; and

10 (7) the Illinois Domestic Violence Act of 1986, the  
11 Stalking No Contact Order Act, the Civil No Contact Order  
12 Act, and the legal process regarding protective orders.

13 (f) The Board may appoint commissioners to assist it in  
14 such manner as it directs and may discharge them at will.  
15 Commissioners shall not be subject to the Personnel Code. Any  
16 commissioner appointed shall be an attorney licensed to  
17 practice law in the State of Illinois. The Board in its  
18 discretion may assign any hearing to a commissioner, except  
19 that, in hearings requiring a quorum of the Board, only  
20 members shall participate, and in hearings requiring at least  
21 3 members, at least 2 members shall participate. No  
22 commissioner may act as the lead member or point of contact for  
23 any institutional hearing.

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

25 (730 ILCS 5/3-3-1.5 new)

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

2           (a) There is established a Director of Victim and Witness  
3 Services under the jurisdiction of the Prisoner Review Board.  
4 The Victim and Witness Services Director shall be hired by the  
5 Prisoner Review Board. The Victim and Witness Services  
6 Director shall be responsible for ensuring that victims  
7 receive appropriate notice and the opportunity to provide a  
8 victim impact statement in accordance with this Act. The  
9 Victim and Witness Services Director shall also be responsible  
10 for coordinating with other agencies to improve victim  
11 notification processes, and identifying ways to better serve  
12 victims.

13           (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

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

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

23           (1) hear by at least one member and through a panel of  
24 at least 3 members decide, cases of prisoners who were  
25 sentenced under the law in effect prior to February 1,

1           1978 (the effective date of Public Act 81-1099), and who  
2           are eligible for parole;

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

19          (3) hear by at least one member and through a panel of  
20          at least 3 members decide, the conditions of mandatory  
21          supervised release and the time of discharge from  
22          mandatory supervised release, impose sanctions for  
23          violations of mandatory supervised release, and revoke  
24          mandatory supervised release for those sentenced under the  
25          law in effect after February 1, 1978 (the effective date  
26          of Public Act 81-1099);

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

9           (3.6) hear by at least one member and through a panel  
10          of at least 3 members decide whether to revoke aftercare  
11          release for those committed to the Department of Juvenile  
12          Justice under the Juvenile Court Act of 1987;

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

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

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

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

15 (6.5) hear by at least one member who is qualified in  
16 the field of juvenile matters and through a panel of at  
17 least 3 members, 2 of whom are qualified in the field of  
18 juvenile matters, decide parole review cases in accordance  
19 with Section 5-4.5-115 of this Code and make release  
20 determinations of persons under the age of 21 at the time  
21 of the commission of an offense or offenses, other than  
22 those persons serving sentences for first degree murder or  
23 aggravated criminal sexual assault;

24 (6.6) hear by at least a quorum of the Prisoner Review  
25 Board and decide by a majority of members present at the  
26 hearing, in accordance with Section 5-4.5-115 of this

1 Code, release determinations of persons under the age of  
2 21 at the time of the commission of an offense or offenses  
3 of those persons serving sentences for first degree murder  
4 or aggravated criminal sexual assault;

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

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

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

21 (10) upon a petition by a person who has been  
22 convicted of a Class 3 or Class 4 felony and who meets the  
23 requirements of this paragraph, hear by at least 3 members  
24 and, with the unanimous vote of a panel of 3 members, issue  
25 a certificate of eligibility for sealing recommending that  
26 the court order the sealing of all official records of the

1           arresting authority, the circuit court clerk, and the  
2           Illinois State Police concerning the arrest and conviction  
3           for the Class 3 or 4 felony. A person may not apply to the  
4           Board for a certificate of eligibility for sealing:

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

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

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

20                  (D) if convicted of:

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

25                           (ii) aggravated assault;

26                           (iii) aggravated battery;

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

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

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

26 The Board may only authorize the sealing of Class 3

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

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

22 (A) 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 Criminal Code of  
26 2012;

1 (ii) an offense under the Criminal Code of  
2 1961 or Criminal Code of 2012 involving a firearm;

3 or

4 (iii) a crime of violence as defined in  
5 Section 2 of the Crime Victims Compensation Act;

6 or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (Source: P.A. 101-288, eff. 1-1-20; 102-538, eff. 8-20-21;

1 102-558, eff. 8-20-21.)

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

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

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

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

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

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

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

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

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

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

18           (2) participation in professional licensing courses or  
19           on-the-job training courses;

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

23           (4) the petitioner's potential for rehabilitation or  
24           the evidence of rehabilitation in the petitioner;

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

26           (6) the circumstances of the offense and the

1 petitioner's role and degree of participation in the  
2 offense;

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

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

8 (9) evidence that the petitioner has suffered from  
9 gender-based violence as defined by Section 5 of the  
10 Gender Violence Act, postpartum psychosis or postpartum  
11 depression as defined by Section 2-1401 of the Code of  
12 Civil Procedure, post-traumatic stress disorder, adverse  
13 childhood experiences, or other traumas that could have  
14 been a contributing factor to a person's criminal behavior  
15 and participation in the offense;

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

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

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

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

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

1           (15) the petitioner's reentry plan, including, but not  
2           limited to, residence plans, employment plans, continued  
3           education plans, rehabilitation plans, and counseling  
4           plans.

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

7           (d) (Blank).

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

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

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

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

25           (f) The Board shall render its decision within a  
26           reasonable time after hearing and shall state the basis

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

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

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

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

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

9 (Source: P.A. 98-558, eff. 1-1-14; 99-268, eff. 1-1-16;  
10 99-628, eff. 1-1-17.)

11 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

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

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

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

1 30-day opportunity to comment to any registered victim.

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

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

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

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

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

25       (e) Upon a denial of early discharge under this Section,  
26 the Prisoner Review Board shall provide the person on parole

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

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

12 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

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

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

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

23 (1.5) for those released as a result of youthful  
24 offender parole as set forth in Section 5-4.5-115 of this  
25 Code, order that the inmate be subsequently rereleased to

1           serve a specified mandatory supervised release term not to  
2           exceed the full term permitted under the provisions of  
3           Section 5-4.5-115 and subsection (d) of Section 5-8-1 of  
4           this Code and may modify or enlarge the conditions of the  
5           release as the Board deems proper; or

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

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

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

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

1           serve up to one year of the sentence imposed by the  
2           court which was not served due to the accumulation of  
3           sentence credit;

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

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

25          (ii) the person shall be given credit against the  
26          term of reimprisonment or reconfinement for time spent

1 in custody since he or she was paroled or released  
2 which has not been credited against another sentence  
3 or period of confinement;

4 (iii) (blank);

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

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

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

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

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

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

1 Board. A record of the hearing shall be made. At the hearing  
2 the offender shall be permitted to:

3 (1) appear and answer the charge; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (730 ILCS 5/3-3-14)

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

25 (a) Definitions.

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

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

13                   (i) the condition is irreversible and incurable;

14                   and

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

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

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

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

26                   (3) has become medically incapacitated subsequent to

1 sentencing due to illness or injury.

2 (c) Initial application.

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

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

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

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

1 (ii) the petitioner's inmate's diagnosis;

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

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

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

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

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

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

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

25 (ii) a statement confirming or denying that the  
26 petitioner inmate meets one of the criteria stated in

1 subsection (b) of this Section.

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

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

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

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

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

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

26 (i) the petitioner's ~~inmate's~~ diagnosis and

1           likelihood of recovery;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (iii) the relationship of the petitioner ~~applicant~~

1 to the person completing the application;

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

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

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

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

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

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

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

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

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

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

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

1           ill;

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

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

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

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

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

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

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

17                 (ii) the reason for the delay;

18                 (iii) whether the person remains incarcerated; and

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

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

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

1 (ii) the number of individuals who had their  
2 mandatory supervised release revoked; and

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

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

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

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

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

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

22 (730 ILCS 5/3-5-1)

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

24 (a) The Department of Corrections and the Department of  
25 Juvenile Justice shall maintain a master record file on each

1 person committed to it, which shall contain the following  
2 information:

3 (1) all information from the committing court;

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

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

12 (2) reception summary;

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

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

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

19 (6) any parole or aftercare release plan;

20 (7) any parole or aftercare release reports;

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

22 (9) criminal history;

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

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

26 (12) any grievances filed and responses to those

1           grievances;

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

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

7           (15) all medical and dental records.

8           (b) Except as provided in subsections (f) and (f-5), all  
9           ~~All~~ files shall be confidential and access shall be limited to  
10           authorized personnel of the respective Department or by  
11           disclosure in accordance with a court order or subpoena.  
12           Personnel of other correctional, welfare or law enforcement  
13           agencies may have access to files under rules and regulations  
14           of the respective Department. The respective Department shall  
15           keep a record of all outside personnel who have access to  
16           files, the files reviewed, any file material copied, and the  
17           purpose of access. If the respective Department or the  
18           Prisoner Review Board makes a determination under this Code  
19           which affects the length of the period of confinement or  
20           commitment, the committed person and his counsel shall be  
21           advised of factual information relied upon by the respective  
22           Department or Board to make the determination, provided that  
23           the Department or Board shall not be required to advise a  
24           person committed to the Department of Juvenile Justice any  
25           such information which in the opinion of the Department of  
26           Juvenile Justice or Board would be detrimental to his

1 treatment or rehabilitation.

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

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

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

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

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

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

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

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

10 (5) the person's disciplinary card;

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

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

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

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

22 (f-5) At least 60 days before a person's executive  
23 clemency, medical release, or parole hearing, if requested,  
24 the Department of Corrections shall provide the person and  
25 their legal counsel, if retained, a copy of (i) the person's  
26 disciplinary card and (ii) any available records of the

1 person's participation in programming and education.

2 (g) Subject to appropriation, on or before July 1, 2025,  
3 the Department of Corrections shall digitalize all newly  
4 committed persons' master record files who become incarcerated  
5 and all other new information that the Department maintains  
6 concerning its correctional institutions, facilities, and  
7 individuals incarcerated.

8 (h) Subject to appropriation, on or before July 1, 2027,  
9 the Department of Corrections shall digitalize all medical and  
10 dental records in the master record files and all other  
11 information that the Department maintains concerning its  
12 correctional institutions and facilities in relation to  
13 medical records, dental records, and medical and dental needs  
14 of committed persons.

15 (i) Subject to appropriation, on or before July 1, 2029,  
16 the Department of Corrections shall digitalize all information  
17 in the master record files and all other information that the  
18 Department maintains concerning its correctional institutions  
19 and facilities.

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

23 (k) Subject to appropriation, the Department of  
24 Corrections, in consultation with the Department of Innovation  
25 and Technology, shall conduct a study on the best way to  
26 digitize all Department of Corrections records and the impact

1 of that digitizing on State agencies, including the impact on  
2 the Department of Innovation and Technology. The study shall  
3 be completed on or before January 1, 2024.

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

7 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

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

9 (a) Upon release of a person on parole, mandatory release,  
10 final discharge, or pardon, the Department shall return all  
11 property held for him, provide him with suitable clothing and  
12 procure necessary transportation for him to his designated  
13 place of residence and employment. It may provide such person  
14 with a grant of money for travel and expenses which may be paid  
15 in installments. The amount of the money grant shall be  
16 determined by the Department.

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

21 (a-2) The Department of Corrections may establish and  
22 maintain, in any institution it administers, revolving funds  
23 to be known as "Travel and Allowances Revolving Funds". These  
24 revolving funds shall be used for advancing travel and expense  
25 allowances to committed, paroled, and discharged prisoners.

1 The moneys paid into such revolving funds shall be from  
2 appropriations to the Department for Committed, Paroled, and  
3 Discharged Prisoners.

4 (a-3) Upon release of a person who is eligible to vote on  
5 parole, mandatory release, final discharge, or pardon, the  
6 Department shall provide the person with a form that informs  
7 him or her that his or her voting rights have been restored and  
8 a voter registration application. The Department shall have  
9 available voter registration applications in the languages  
10 provided by the Illinois State Board of Elections. The form  
11 that informs the person that his or her rights have been  
12 restored shall include the following information:

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

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

17 The Department of Corrections shall confirm that the  
18 person received the voter registration application and has  
19 been informed that his or her voting rights have been  
20 restored.

21 (a-4) Prior to release of a person on parole, mandatory  
22 supervised release, final discharge, or pardon, the Department  
23 shall screen every person for Medicaid eligibility. Officials  
24 of the correctional institution or facility where the  
25 committed person is assigned shall assist an eligible person  
26 to complete a Medicaid application to ensure that the person

1 begins receiving benefits as soon as possible after his or her  
2 release. The application must include the eligible person's  
3 address associated with his or her residence upon release from  
4 the facility. If the residence is temporary, the eligible  
5 person must notify the Department of Human Services of his or  
6 her change in address upon transition to permanent housing.

7 (a-5) Upon release of a person from its custody to parole,  
8 upon mandatory supervised release, or upon final discharge,  
9 the Department shall run a LEADS report and shall notify the  
10 person of all in-effect protective orders issued against the  
11 person under Article 112A of the Code of Criminal Procedure of  
12 1963 or under the Illinois Domestic Violence Act of 1986, the  
13 Civil No Contact Order Act, or the Stalking No Contact Order  
14 Act, that are identified in the LEADS report.

15 (b) (Blank).

16 (c) Except as otherwise provided in this Code, the  
17 Department shall establish procedures to provide written  
18 notification of any release of any person who has been  
19 convicted of a felony to the State's Attorney and sheriff of  
20 the county from which the offender was committed, and the  
21 State's Attorney and sheriff of the county into which the  
22 offender is to be paroled or released. Except as otherwise  
23 provided in this Code, the Department shall establish  
24 procedures to provide written notification to the proper law  
25 enforcement agency for any municipality of any release of any  
26 person who has been convicted of a felony if the arrest of the

1 offender or the commission of the offense took place in the  
2 municipality, if the offender is to be paroled or released  
3 into the municipality, or if the offender resided in the  
4 municipality at the time of the commission of the offense. If a  
5 person convicted of a felony who is in the custody of the  
6 Department of Corrections or on parole or mandatory supervised  
7 release informs the Department that he or she has resided,  
8 resides, or will reside at an address that is a housing  
9 facility owned, managed, operated, or leased by a public  
10 housing agency, the Department must send written notification  
11 of that information to the public housing agency that owns,  
12 manages, operates, or leases the housing facility. The written  
13 notification shall, when possible, be given at least 14 days  
14 before release of the person from custody, or as soon  
15 thereafter as possible. The written notification shall be  
16 provided electronically if the State's Attorney, sheriff,  
17 proper law enforcement agency, or public housing agency has  
18 provided the Department with an accurate and up to date email  
19 address.

20 (c-1) (Blank).

21 (c-2) The Department shall establish procedures to provide  
22 notice to the Illinois State Police of the release or  
23 discharge of persons convicted of violations of the  
24 Methamphetamine Control and Community Protection Act or a  
25 violation of the Methamphetamine Precursor Control Act. The  
26 Illinois State Police shall make this information available to

1 local, State, or federal law enforcement agencies upon  
2 request.

3 (c-5) If a person on parole or mandatory supervised  
4 release becomes a resident of a facility licensed or regulated  
5 by the Department of Public Health, the Illinois Department of  
6 Public Aid, or the Illinois Department of Human Services, the  
7 Department of Corrections shall provide copies of the  
8 following information to the appropriate licensing or  
9 regulating Department and the licensed or regulated facility  
10 where the person becomes a resident:

11 (1) The mittimus and any pre-sentence investigation  
12 reports.

13 (2) The social evaluation prepared pursuant to Section  
14 3-8-2.

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

17 (4) Reports of disciplinary infractions and  
18 dispositions.

19 (5) Any parole plan, including orders issued by the  
20 Prisoner Review Board, and any violation reports and  
21 dispositions.

22 (6) The name and contact information for the assigned  
23 parole agent and parole supervisor.

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

26 (c-10) If a person on parole or mandatory supervised

1 release becomes a resident of a facility licensed or regulated  
2 by the Department of Public Health, the Illinois Department of  
3 Public Aid, or the Illinois Department of Human Services, the  
4 Department of Corrections shall provide written notification  
5 of such residence to the following:

6 (1) The Prisoner Review Board.

7 (2) The chief of police and sheriff in the  
8 municipality and county in which the licensed facility is  
9 located.

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

12 (d) Upon the release of a committed person on parole,  
13 mandatory supervised release, final discharge, or pardon, the  
14 Department shall provide such person with information  
15 concerning programs and services of the Illinois Department of  
16 Public Health to ascertain whether such person has been  
17 exposed to the human immunodeficiency virus (HIV) or any  
18 identified causative agent of Acquired Immunodeficiency  
19 Syndrome (AIDS).

20 (e) Upon the release of a committed person on parole,  
21 mandatory supervised release, final discharge, pardon, or who  
22 has been wrongfully imprisoned, the Department shall verify  
23 the released person's full name, date of birth, and social  
24 security number. If verification is made by the Department by  
25 obtaining a certified copy of the released person's birth  
26 certificate and the released person's social security card or

1 other documents authorized by the Secretary, the Department  
2 shall provide the birth certificate and social security card  
3 or other documents authorized by the Secretary to the released  
4 person. If verification by the Department is done by means  
5 other than obtaining a certified copy of the released person's  
6 birth certificate and the released person's social security  
7 card or other documents authorized by the Secretary, the  
8 Department shall complete a verification form, prescribed by  
9 the Secretary of State, and shall provide that verification  
10 form to the released person.

11 (f) Forty-five days prior to the scheduled discharge of a  
12 person committed to the custody of the Department of  
13 Corrections, the Department shall give the person:

14 (1) who is otherwise uninsured an opportunity to apply  
15 for health care coverage including medical assistance  
16 under Article V of the Illinois Public Aid Code in  
17 accordance with subsection (b) of Section 1-8.5 of the  
18 Illinois Public Aid Code, and the Department of  
19 Corrections shall provide assistance with completion of  
20 the application for health care coverage including medical  
21 assistance;

22 (2) information about obtaining a standard Illinois  
23 Identification Card or a limited-term Illinois  
24 Identification Card under Section 4 of the Illinois  
25 Identification Card Act if the person has not been issued  
26 an Illinois Identification Card under subsection (a-20) of

1 Section 4 of the Illinois Identification Card Act;

2 (3) information about voter registration and may  
3 distribute information prepared by the State Board of  
4 Elections. The Department of Corrections may enter into an  
5 interagency contract with the State Board of Elections to  
6 participate in the automatic voter registration program  
7 and be a designated automatic voter registration agency  
8 under Section 1A-16.2 of the Election Code;

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

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

13 (6) a directory of elected State officials and of  
14 officials elected in the county and municipality, if any,  
15 in which the committed person intends to reside upon  
16 discharge from the correctional institution or facility;  
17 and

18 (7) any other information that the Department of  
19 Corrections deems necessary to provide the committed  
20 person in order for the committed person to reenter the  
21 community and avoid recidivism.

22 (g) Sixty days before the scheduled discharge of a person  
23 committed to the custody of the Department or upon receipt of  
24 the person's certified birth certificate and social security  
25 card as set forth in subsection (d) of Section 3-8-1 of this  
26 Act, whichever occurs later, the Department shall transmit an

1 application for an Identification Card to the Secretary of  
2 State, in accordance with subsection (a-20) of Section 4 of  
3 the Illinois Identification Card Act.

4 The Department may adopt rules to implement this Section.

5 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;  
6 102-606, eff. 1-1-22; 102-813, eff. 5-13-22; 103-345, eff.  
7 1-1-24.)

8 (730 ILCS 5/5-4.5-115)

9 Sec. 5-4.5-115. Parole review of persons under the age of  
10 21 at the time of the commission of an offense.

11 (a) For purposes of this Section, "victim" means a victim  
12 of a violent crime as defined in subsection (a) of Section 3 of  
13 the Rights of Crime Victims and Witnesses Act including a  
14 witness as defined in subsection (b) of Section 3 of the Rights  
15 of Crime Victims and Witnesses Act; any person legally related  
16 to the victim by blood, marriage, adoption, or guardianship;  
17 any friend of the victim; or any concerned citizen.

18 (b) A person under 21 years of age at the time of the  
19 commission of an offense or offenses, other than first degree  
20 murder, and who is not serving a sentence for first degree  
21 murder and who is sentenced on or after June 1, 2019 (the  
22 effective date of Public Act 100-1182) shall be eligible for  
23 parole review by the Prisoner Review Board after serving 10  
24 years or more of his or her sentence or sentences, except for  
25 those serving a sentence or sentences for: (1) aggravated

1 criminal sexual assault who shall be eligible for parole  
2 review by the Prisoner Review Board after serving 20 years or  
3 more of his or her sentence or sentences or (2) predatory  
4 criminal sexual assault of a child who shall not be eligible  
5 for parole review by the Prisoner Review Board under this  
6 Section. A person under 21 years of age at the time of the  
7 commission of first degree murder who is sentenced on or after  
8 June 1, 2019 (the effective date of Public Act 100-1182) shall  
9 be eligible for parole review by the Prisoner Review Board  
10 after serving 20 years or more of his or her sentence or  
11 sentences, except for those subject to a term of natural life  
12 imprisonment under Section 5-8-1 of this Code or any person  
13 subject to sentencing under subsection (c) of Section  
14 5-4.5-105 of this Code, who shall be eligible for parole  
15 review by the Prisoner Review Board after serving 40 years or  
16 more of his or her sentence or sentences.

17 (c) Three years prior to becoming eligible for parole  
18 review, the eligible person may file his or her petition for  
19 parole review with the Prisoner Review Board. The petition  
20 shall include a copy of the order of commitment and sentence to  
21 the Department of Corrections for the offense or offenses for  
22 which review is sought. Within 30 days of receipt of this  
23 petition, the Prisoner Review Board shall determine whether  
24 the petition is appropriately filed, and if so, shall set a  
25 date for parole review 3 years from receipt of the petition and  
26 notify the Department of Corrections within 10 business days.

1 If the Prisoner Review Board determines that the petition is  
2 not appropriately filed, it shall notify the petitioner in  
3 writing, including a basis for its determination.

4 (d) Within 6 months of the Prisoner Review Board's  
5 determination that the petition was appropriately filed, a  
6 representative from the Department of Corrections shall meet  
7 with the eligible person and provide the inmate information  
8 about the parole hearing process and personalized  
9 recommendations for the inmate regarding his or her work  
10 assignments, rehabilitative programs, and institutional  
11 behavior. Following this meeting, the eligible person has 7  
12 calendar days to file a written request to the representative  
13 from the Department of Corrections who met with the eligible  
14 person of any additional programs and services which the  
15 eligible person believes should be made available to prepare  
16 the eligible person for return to the community.

17 (e) One year prior to the person being eligible for  
18 parole, counsel shall be appointed by the Prisoner Review  
19 Board upon a finding of indigency. The eligible person may  
20 waive appointed counsel or retain his or her own counsel at his  
21 or her own expense.

22 (f) Nine months prior to the hearing, the Prisoner Review  
23 Board shall provide the eligible person, and his or her  
24 counsel, any written documents or materials it will be  
25 considering in making its decision unless the written  
26 documents or materials are specifically found to: (1) include

1 information which, if disclosed, would damage the therapeutic  
2 relationship between the inmate and a mental health  
3 professional; (2) subject any person to the actual risk of  
4 physical harm; (3) threaten the safety or security of the  
5 Department or an institution. In accordance with Section  
6 4.5(d)(4) of the Rights of Crime Victims and Witnesses Act and  
7 Section 10 of the Open Parole Hearings Act, victim statements  
8 provided to the Board shall be confidential and privileged,  
9 including any statements received prior to the effective date  
10 of this amendatory Act of the 101st General Assembly, except  
11 if the statement was an oral statement made by the victim at a  
12 hearing open to the public. Victim statements shall not be  
13 considered public documents under the provisions of the  
14 Freedom of Information Act. The inmate or his or her attorney  
15 shall not be given a copy of the statement, but shall be  
16 informed of the existence of a victim statement and the  
17 position taken by the victim on the inmate's request for  
18 parole. This shall not be construed to permit disclosure to an  
19 inmate of any information which might result in the risk of  
20 threats or physical harm to a victim. The Prisoner Review  
21 Board shall have an ongoing duty to provide the eligible  
22 person, and his or her counsel, with any further documents or  
23 materials that come into its possession prior to the hearing  
24 subject to the limitations contained in this subsection.

25 (g) Not less than 12 months prior to the hearing, the  
26 Prisoner Review Board shall provide notification to the

1 State's Attorney of the county from which the person was  
2 committed and written notification to the victim or family of  
3 the victim of the scheduled hearing place, date, and  
4 approximate time. The written notification shall contain: (1)  
5 information about their right to be present, appear in person  
6 at the parole hearing, and their right to make an oral  
7 statement and submit information in writing, by videotape,  
8 tape recording, or other electronic means; (2) a toll-free  
9 number to call for further information about the parole review  
10 process; and (3) information regarding available resources,  
11 including trauma-informed therapy, they may access. If the  
12 Board does not have knowledge of the current address of the  
13 victim or family of the victim, it shall notify the State's  
14 Attorney of the county of commitment and request assistance in  
15 locating the victim or family of the victim. Those victims or  
16 family of the victims who advise the Board in writing that they  
17 no longer wish to be notified shall not receive future  
18 notices. A victim shall have the right to submit information  
19 by videotape, tape recording, or other electronic means. The  
20 victim may submit this material prior to or at the parole  
21 hearing. The victim also has the right to be heard at the  
22 parole hearing.

23 (h) The hearing conducted by the Prisoner Review Board  
24 shall be governed by Sections 15 and 20, subsection (f) of  
25 Section 5, subsections (a), (a-5), (b), (b-5), and (c) of  
26 Section 10, and subsection (d) of Section 25 of the Open Parole

1 Hearings Act and Part 1610 of Title 20 of the Illinois  
2 Administrative Code. The eligible person has a right to be  
3 present at the Prisoner Review Board hearing, unless the  
4 Prisoner Review Board determines the eligible person's  
5 presence is unduly burdensome when conducting a hearing under  
6 paragraph (6.6) of subsection (a) of Section 3-3-2 of this  
7 Code. If a psychological evaluation is submitted for the  
8 Prisoner Review Board's consideration, it shall be prepared by  
9 a person who has expertise in adolescent brain development and  
10 behavior, and shall take into consideration the diminished  
11 culpability of youthful offenders, the hallmark features of  
12 youth, and any subsequent growth and increased maturity of the  
13 person. At the hearing, the eligible person shall have the  
14 right to make a statement on his or her own behalf.

15 (i) Only upon motion for good cause shall the date for the  
16 Prisoner Review Board hearing, as set by subsection (b) of  
17 this Section, be changed. No less than 15 days prior to the  
18 hearing, the Prisoner Review Board shall notify the victim or  
19 victim representative, the attorney, and the eligible person  
20 of the exact date and time of the hearing. All hearings shall  
21 be open to the public.

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

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

1           ~~(2) the eligible person's release at that time would~~  
2           ~~deprecate the seriousness of his or her offense or promote~~  
3           ~~disrespect for the law; or~~

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

6           ~~In considering the factors affecting the release~~  
7           ~~determination under 20 Ill. Adm. Code 1610.50(b), the Prisoner~~  
8           ~~Review Board panel shall consider the diminished culpability~~  
9           ~~of youthful offenders, the hallmark features of youth, and any~~  
10           ~~subsequent growth and maturity of the youthful offender during~~  
11           ~~incarceration.~~

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

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

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

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

26           (4) the petitioner's potential for rehabilitation or

1 the evidence of rehabilitation in the petitioner;

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

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

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

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

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

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

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

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

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

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

1           (15) the petitioner's reentry plan, including, but not  
2           limited to, residence plans, employment plans, continued  
3           education plans, rehabilitation plans, and counseling  
4           plans.

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

12           (k) Unless denied parole under subsection (j) of this  
13           Section and subject to the provisions of Section 3-3-9 of this  
14           Code: (1) the eligible person serving a sentence for any  
15           non-first degree murder offense or offenses, shall be released  
16           on parole which shall operate to discharge any remaining term  
17           of years sentence imposed upon him or her, notwithstanding any  
18           required mandatory supervised release period the eligible  
19           person is required to serve; and (2) the eligible person  
20           serving a sentence for any first degree murder offense, shall  
21           be released on mandatory supervised release for a period of 10  
22           years subject to Section 3-3-8, which shall operate to  
23           discharge any remaining term of years sentence imposed upon  
24           him or her, however in no event shall the eligible person serve  
25           a period of mandatory supervised release greater than the  
26           aggregate of the discharged underlying sentence and the

1 mandatory supervised release period as sent forth in Section  
2 5-4.5-20.

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

9 (m) A person denied parole under subsection (j) 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 second parole review by the Prisoner Review  
13 Board 5 years after the written decision under subsection (l)  
14 of this Section; a person denied parole under subsection (j)  
15 of this Section, who is serving a sentence or sentences for  
16 first degree murder or aggravated criminal sexual assault  
17 shall be eligible for a second and final parole review by the  
18 Prisoner Review Board 10 years after the written decision  
19 under subsection (k) of this Section. The procedures for a  
20 second parole review shall be governed by subsections (c)  
21 through (k) of this Section.

22 (n) A person denied parole under subsection (m) 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 third and final parole review by the Prisoner  
26 Review Board 5 years after the written decision under

1 subsection (l) of this Section. The procedures for the third  
2 and final parole review shall be governed by subsections (c)  
3 through (k) of this Section.

4 (o) Notwithstanding anything else to the contrary in this  
5 Section, nothing in this Section shall be construed to delay  
6 parole or mandatory supervised release consideration for  
7 petitioners who are or will be eligible for release earlier  
8 than this Section provides. Nothing in this Section shall be  
9 construed as a limit, substitution, or bar on a person's right  
10 to sentencing relief, or any other manner of relief, obtained  
11 by order of a court in proceedings other than as provided in  
12 this Section.

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

14 Section 25. The Illinois Domestic Violence Act of 1986 is  
15 amended by changing Section 201 as follows:

16 (750 ILCS 60/201) (from Ch. 40, par. 2312-1)

17 Sec. 201. Persons protected by this Act.

18 (a) The following persons are protected by this Act:

19 (i) any person abused by a family or household member;

20 (ii) any high-risk adult with disabilities who is  
21 abused, neglected, or exploited by a family or household  
22 member;

23 (iii) any minor child or dependent adult in the care  
24 of such person;

1 (iv) any person residing or employed at a private home  
2 or public shelter which is housing an abused family or  
3 household member; and

4 (v) any of the following persons if the person is  
5 abused by a family or household member of a child:

6 (A) a foster parent of that child if the child has  
7 been placed in the foster parent's home by the  
8 Department of Children and Family Services or by  
9 another state's public child welfare agency;

10 (B) a legally appointed guardian or legally  
11 appointed custodian of that child;

12 (C) an adoptive parent of that child; or

13 (D) a prospective adoptive parent of that child if  
14 the child has been placed in the prospective adoptive  
15 parent's home pursuant to the Adoption Act or pursuant  
16 to another state's law.

17 For purposes of this paragraph (a) (v), individuals who  
18 would have been considered "family or household members"  
19 of the child under subsection (6) of Section 103 of this  
20 Act before a termination of the parental rights with  
21 respect to the child continue to meet the definition of  
22 "family or household members" of the child.

23 (b) A petition for an order of protection may be filed  
24 only:

25 (i) by a person who has been abused by a family or  
26 household member or by any person on behalf of a minor

1 child or an adult who has been abused by a family or  
2 household member and who, because of age, health,  
3 disability, or inaccessibility, cannot file the petition;

4 (ii) by any person on behalf of a high-risk adult with  
5 disabilities who has been abused, neglected, or exploited  
6 by a family or household member; ~~or~~

7 (iii) by any of the following persons if the person is  
8 abused by a family or household member of a child:

9 (A) a foster parent of that child if the child has  
10 been placed in the foster parent's home by the  
11 Department of Children and Family Services or by  
12 another state's public child welfare agency;

13 (B) a legally appointed guardian or legally  
14 appointed custodian of that child;

15 (C) an adoptive parent of that child;

16 (D) a prospective adoptive parent of that child if  
17 the child has been placed in the prospective adoptive  
18 parent's home pursuant to the Adoption Act or pursuant  
19 to another state's law.

20 For purposes of this paragraph (b)(iii), individuals  
21 who would have been considered "family or household  
22 members" of the child under subsection (6) of Section 103  
23 of this Act before a termination of the parental rights  
24 with respect to the child continue to meet the definition  
25 of "family or household members" of the child;~~;~~

26 (iv) by a crime victim who was abused by an offender

1 prior to the incarceration of the offender in a penal  
2 institution and such offender is incarcerated in a penal  
3 institution at the time of the filing of the petition; or

4 (v) by any person who has previously suffered abuse by  
5 a person convicted of (1) domestic battery, aggravated  
6 domestic battery, aggravated battery, or any other offense  
7 that would constitute domestic violence or (2) a violent  
8 crime, as defined in Section 3 of the Rights of Crime  
9 Victims and Witnesses Act, committed against another  
10 person.

11 A petition for an order of protection may not be denied  
12 solely upon the basis that the respondent or petitioner is  
13 incarcerated in a penal institution at the time of the filing  
14 of the petition.

15 (c) Any petition properly filed under this Act may seek  
16 protection for any additional persons protected by this Act.

17 (Source: P.A. 100-639, eff. 1-1-19.)

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.