

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 ~~depreciate 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.