



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2399

Introduced 2/17/2021, by Rep. Anne Stava-Murray

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-3	from Ch. 38, par. 1003-3-3
730 ILCS 5/3-3-5	from Ch. 38, par. 1003-3-5
730 ILCS 5/3-3-14 new	

Amends the Unified Code of Corrections. Deletes provision that no person serving a term of natural life imprisonment may be paroled or released except through executive clemency. Provides that a person serving a term of natural life imprisonment is eligible for parole or mandatory supervised release. Provides that a committed person who has attained the age of 60 years and served at least 20 consecutive years of imprisonment or a committed person who has served 25 consecutive years of imprisonment may submit a petition to the Prisoner Review Board seeking parole. Provides for the requirements of the petition. Provides that victims' families shall be notified in a timely manner and provided opportunity to participate at the parole hearing concerning the petitioner's application for parole under this provision in accordance with the Rights of Crime Victims and Witnesses Act, the Open Parole Hearings Act, and this Code. Provides that Prisoner Review Board hearings under this provision shall be conducted by a panel of at least 8 members of the Board and a majority vote of the panel is required to grant the petition and release the petitioner on parole. Provides that if parole is denied, the petitioner shall be eligible to reapply for parole no later than 3 years after denial. Effective immediately.

LRB102 13538 RLC 18885 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-3-3 and 3-3-5 and adding Section 3-3-14 as
6 follows:

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

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

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

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

18 (2) 20 years of a life sentence less time credit for
19 good behavior; or

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

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

1 eligible for parole.

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

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

12 (d-5) A person serving a term of natural life imprisonment
13 is eligible for parole or mandatory supervised release under
14 subsection (d) of Section 5-8-1.

15 (e) Every person committed to the Department of Juvenile
16 Justice under the Juvenile Court Act of 1987 and confined in
17 the State correctional institutions or facilities if such
18 juvenile has not been tried as an adult shall be eligible for
19 aftercare release under Section 3-2.5-85 of this Code.
20 However, if a juvenile has been tried as an adult he or she
21 shall only be eligible for parole or mandatory supervised
22 release as an adult under this Section.

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

24 (730 ILCS 5/3-3-5) (from Ch. 38, par. 1003-3-5)

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

1 (a) The Prisoner Review Board shall meet as often as need
2 requires to consider the cases of persons eligible for parole.
3 Except as otherwise provided in paragraph (2) of subsection
4 (a) of Section 3-3-2 or Section 3-3-14 of this Act, the
5 Prisoner Review Board may meet and order its actions in panels
6 of 3 or more members. The action of a majority of the panel
7 shall be the action of the Board.

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

21 (c) The Board shall not parole a person eligible for
22 parole if it determines that:

23 (1) there is a substantial risk that he or she will not
24 conform to reasonable conditions of parole or aftercare
25 release; or

26 (2) his or her release at that time would deprecate

1 the seriousness of his or her offense or promote
2 disrespect for the law; or

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

5 (d) (Blank).

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

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

25 (f-1) If the Board paroles a person who is eligible for
26 commitment as a sexually violent person, the effective date of

1 the Board's order shall be stayed for 90 days for the purpose
2 of evaluation and proceedings under the Sexually Violent
3 Persons Commitment Act.

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

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

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

18 (730 ILCS 5/3-3-14 new)

19 Sec. 3-3-14. Long term imprisonment; petition for parole.

20 (a) A committed person who has attained the age of 60 years
21 and served at least 20 consecutive years of imprisonment or a
22 committed person who has served 25 consecutive years of
23 imprisonment may submit a petition to the Prisoner Review
24 Board seeking parole.

25 (b) The petition shall contain:

1 (1) a statement by the petitioner as to the reasons
2 why the petitioner believes he or she should be paroled,
3 including estimated costs of continuing imprisonment;

4 (2) documentation of the petitioner's rehabilitation
5 during the period of the petitioner's incarceration,
6 including remorse for his or her criminal behavior, if
7 applicable, and his or her commitment not to recidivate;

8 (3) character references and community support for the
9 petitioner's release;

10 (4) evidence of the petitioner's participation in
11 educational, vocational, substance abuse, behavior
12 modification programs, life skills courses, re-entry
13 planning, or correctional industry programs and
14 independent efforts at rehabilitation;

15 (5) evidence of the petitioner's employment history in
16 the correctional institution;

17 (6) the petitioner's criminal history;

18 (7) the petitioner's disciplinary history while
19 incarcerated in the correctional institution; and

20 (8) the petitioner's plans for housing upon release
21 from incarceration.

22 If the programs described in paragraph (4) of this
23 subsection (b) or employment opportunities were not available
24 in the correctional institution, the Board shall not penalize
25 the committed person in his or her petition for parole under
26 this Section.

1 (c) Victims' families shall be notified in a timely manner
2 and provided opportunity to participate at the parole hearing
3 concerning the petitioner's application for parole under this
4 Section in accordance with the Rights of Crime Victims and
5 Witnesses Act, the Open Parole Hearings Act, and this Article.

6 (d) Prisoner Review Board hearings under this Section
7 shall be conducted by a panel of at least 8 members of the
8 Board and a majority vote of the panel is required to grant the
9 petition and release the petitioner on parole.

10 (e) When parole is denied under this Section a written
11 statement shall be submitted by the Board that shall include
12 when the petitioner is eligible to reapply for parole under
13 this Section; which hearing shall be held no later than 3 years
14 after denial of parole.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.