



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2150

Introduced 2/10/2023, by Sen. Steve Stadelman

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-2

from Ch. 38, par. 1003-3-2

730 ILCS 5/3-3-13

from Ch. 38, par. 1003-3-13

Amends the Unified Code of Corrections. Provides that the Prisoner Review Board, with the cooperation of and in coordination with the Department of Corrections and the Department of Central Management Services, shall develop and implement a standardized petition that can be utilized by an individual seeking a pardon, commutation, or reprieve. Provides that the Prisoner Review Board, with the cooperation of and in coordination with, the Department of Corrections and the Department of Central Management Services, shall develop, implement, and maintain an electronic portal system that allows an individual seeking a pardon, commutation, or reprieve to file his or her petition electronically.

LRB103 28588 RLC 54969 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 3-3-2 and 3-3-13 as follows:

6 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)
7 Sec. 3-3-2. Powers and duties.

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

16 (1) hear by at least one member and through a panel of
17 at least 3 members decide, cases of prisoners who were
18 sentenced under the law in effect prior to February 1,
19 1978 (the effective date of Public Act 81-1099), and who
20 are eligible for parole;

21 (2) hear by at least one member and through a panel of
22 at least 3 members decide, the conditions of parole and
23 the time of discharge from parole, impose sanctions for

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

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

22 (3.5) hear by at least one member and through a panel
23 of at least 3 members decide, the conditions of mandatory
24 supervised release and the time of discharge from
25 mandatory supervised release, to impose sanctions for
26 violations of mandatory supervised release and revoke

1 mandatory supervised release for those serving extended
2 supervised release terms pursuant to paragraph (4) of
3 subsection (d) of Section 5-8-1;

4 (3.6) hear by at least one member and through a panel
5 of at least 3 members decide whether to revoke aftercare
6 release for those committed to the Department of Juvenile
7 Justice under the Juvenile Court Act of 1987;

8 (4) hear by at least one member and through a panel of
9 at least 3 members, decide cases brought by the Department
10 of Corrections against a prisoner in the custody of the
11 Department for alleged violation of Department rules with
12 respect to sentence credits under Section 3-6-3 of this
13 Code in which the Department seeks to revoke sentence
14 credits, if the amount of time at issue exceeds 30 days or
15 when, during any 12-month period, the cumulative amount of
16 credit revoked exceeds 30 days except where the infraction
17 is committed or discovered within 60 days of scheduled
18 release. In such cases, the Department of Corrections may
19 revoke up to 30 days of sentence credit. The Board may
20 subsequently approve the revocation of additional sentence
21 credit, if the Department seeks to revoke sentence credit
22 in excess of 30 days. However, the Board shall not be
23 empowered to review the Department's decision with respect
24 to the loss of 30 days of sentence credit for any prisoner
25 or to increase any penalty beyond the length requested by
26 the Department;

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

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

10 (6.5) hear by at least one member who is qualified in
11 the field of juvenile matters and through a panel of at
12 least 3 members, 2 of whom are qualified in the field of
13 juvenile matters, decide parole review cases in accordance
14 with Section 5-4.5-115 of this Code and make release
15 determinations of persons under the age of 21 at the time
16 of the commission of an offense or offenses, other than
17 those persons serving sentences for first degree murder or
18 aggravated criminal sexual assault;

19 (6.6) hear by at least a quorum of the Prisoner Review
20 Board and decide by a majority of members present at the
21 hearing, in accordance with Section 5-4.5-115 of this
22 Code, release determinations of persons under the age of
23 21 at the time of the commission of an offense or offenses
24 of those persons serving sentences for first degree murder
25 or aggravated criminal sexual assault;

26 (7) comply with the requirements of the Open Parole

1 Hearings Act;

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

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

16 (10) upon a petition by a person who has been
17 convicted of a Class 3 or Class 4 felony and who meets the
18 requirements of this paragraph, hear by at least 3 members
19 and, with the unanimous vote of a panel of 3 members, issue
20 a certificate of eligibility for sealing recommending that
21 the court order the sealing of all official records of the
22 arresting authority, the circuit court clerk, and the
23 Illinois State Police concerning the arrest and conviction
24 for the Class 3 or 4 felony. A person may not apply to the
25 Board for a certificate of eligibility for sealing:

26 (A) until 5 years have elapsed since the

1 expiration of his or her sentence;

2 (B) until 5 years have elapsed since any arrests
3 or detentions by a law enforcement officer for an
4 alleged violation of law, other than a petty offense,
5 traffic offense, conservation offense, or local
6 ordinance offense;

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

15 (D) if convicted of:

16 (i) a sex offense described in Article 11 or
17 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
18 the Criminal Code of 1961 or the Criminal Code of
19 2012;

20 (ii) aggravated assault;

21 (iii) aggravated battery;

22 (iv) domestic battery;

23 (v) aggravated domestic battery;

24 (vi) violation of an order of protection;

25 (vii) an offense under the Criminal Code of
26 1961 or the Criminal Code of 2012 involving a

1 firearm;

2 (viii) driving while under the influence of
3 alcohol, other drug or drugs, intoxicating
4 compound or compounds, or any combination thereof;

5 (ix) aggravated driving while under the
6 influence of alcohol, other drug or drugs,
7 intoxicating compound or compounds, or any
8 combination thereof; or

9 (x) any crime defined as a crime of violence
10 under Section 2 of the Crime Victims Compensation
11 Act.

12 If a person has applied to the Board for a certificate
13 of eligibility for sealing and the Board denies the
14 certificate, the person must wait at least 4 years before
15 filing again or filing for pardon from the Governor unless
16 the Chairman of the Prisoner Review Board grants a waiver.

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

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

26 (11) upon a petition by a person who after having been

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

17 (A) if convicted of:

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

22 (ii) an offense under the Criminal Code of
23 1961 or Criminal Code of 2012 involving a firearm;
24 or

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

1 or

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

10 If a person has applied to the Board for a certificate
11 of eligibility for expungement and the Board denies the
12 certificate, the person must wait at least 4 years before
13 filing again or filing for a pardon with authorization for
14 expungement from the Governor unless the Governor or
15 Chairman of the Prisoner Review Board grants a waiver.

16 (a-5) The Prisoner Review Board, with the cooperation of
17 and in coordination with the Department of Corrections and the
18 Department of Central Management Services, shall implement a
19 pilot project in 3 correctional institutions providing for the
20 conduct of hearings under paragraphs (1) and (4) of subsection
21 (a) of this Section through interactive video conferences. The
22 project shall be implemented within 6 months after January 1,
23 1997 (the effective date of Public Act 89-490). Within 6
24 months after the implementation of the pilot project, the
25 Prisoner Review Board, with the cooperation of and in
26 coordination with the Department of Corrections and the

1 Department of Central Management Services, shall report to the
2 Governor and the General Assembly regarding the use, costs,
3 effectiveness, and future viability of interactive video
4 conferences for Prisoner Review Board hearings.

5 (a-10) The Prisoner Review Board, with the cooperation of
6 and in coordination with the Department of Corrections and the
7 Department of Central Management Services, shall develop and
8 implement a standardized petition that can be utilized by an
9 individual seeking a pardon, commutation, or reprieve.

10 (a-15) The Prisoner Review Board, with the cooperation of
11 and in coordination with the Department of Corrections and the
12 Department of Central Management Services, shall develop,
13 implement, and maintain an electronic portal system that
14 allows an individual seeking a pardon, commutation, or
15 reprieve to file his or her petition electronically.

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

18 (c) The Board shall cooperate with the Department in
19 promoting an effective system of parole and mandatory
20 supervised release.

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

25 (e) The Board shall keep records of all of its official
26 actions and shall make them accessible in accordance with law

1 and the rules of the Board.

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

24 In case of disobedience to a subpoena, the Board may
25 petition any circuit court of the State for an order requiring
26 the attendance and testimony of witnesses or the production of

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

19 Each member of the Board and any hearing officer
20 designated by the Board shall have the power to administer
21 oaths and to take the testimony of persons under oath.

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

26 (h) The Prisoner Review Board shall annually transmit to

1 the Director a detailed report of its work for the preceding
2 calendar year. The annual report shall also be transmitted to
3 the Governor for submission to the Legislature.

4 (Source: P.A. 101-288, eff. 1-1-20; 102-538, eff. 8-20-21;
5 102-558, eff. 8-20-21.)

6 (730 ILCS 5/3-3-13) (from Ch. 38, par. 1003-3-13)

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

8 (a) Petitions seeking pardon, commutation, or reprieve
9 shall be addressed to the Governor and filed with the Prisoner
10 Review Board. The petition shall be submitted in writing and
11 signed by the person under conviction or by a person on his
12 behalf or submitted via the Prisoner Review Board electronic
13 filing portal. It shall contain a brief history of the case,
14 the reasons for seeking executive clemency, and other relevant
15 information the Board may require. Petitioners may utilize the
16 Prisoner Review Board standard petition.

17 (a-5) After a petition has been denied by the Governor,
18 the Board may not accept a repeat petition for executive
19 clemency for the same person until one full year has elapsed
20 from the date of the denial. The Chairman of the Board may
21 waive the one-year requirement if the petitioner offers in
22 writing new information that was unavailable to the petitioner
23 at the time of the filing of the prior petition and which the
24 Chairman determines to be significant. The Chairman also may
25 waive the one-year waiting period if the petitioner can show

1 that a change in circumstances of a compelling humanitarian
2 nature has arisen since the denial of the prior petition.

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

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

17 (c) The Board shall, upon due notice, give a hearing to
18 each application, allowing representation by counsel, if
19 desired, after which it shall confidentially advise the
20 Governor by a written report of its recommendations which
21 shall be determined by majority vote. The written report to
22 the Governor shall be confidential and privileged, including
23 any reports made prior to the effective date of this
24 amendatory Act of the 101st General Assembly. The Board shall
25 meet to consider such petitions no less than 4 times each year.

26 Application for executive clemency under this Section may

1 not be commenced on behalf of a person who has been sentenced
2 to death without the written consent of the defendant, unless
3 the defendant, because of a mental or physical condition, is
4 incapable of asserting his or her own claim.

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. 101-288, eff. 1-1-20.)