



1 as follows:

2 Date of Notice

3 "To (Name of offender):

4 Under a recent change in the law you are provided with  
5 this choice:

6 (1) You may remain under your present indeterminate  
7 sentence and continue to be eligible for parole; or (2) you  
8 may waive your right to parole and accept the release date  
9 which has been set for you. From this release date will be  
10 deducted any good conduct credit you may earn.

11 If you accept the release date established by the Board,  
12 you will no longer be eligible for parole.

13 Your release date from prison has been set for: (release  
14 date) , subject to a term of mandatory supervised release  
15 as provided by law.

16 If you accumulate the maximum amount of good conduct  
17 credit as allowed by law recently enacted, you can be  
18 released on: , subject to a term of mandatory supervised  
19 release as provided by law.

20 Should you choose not to accept the release date, your  
21 next parole hearing will be: .

22 The Board has based its determination of your release  
23 date on the following:

24 (1) The material that normally would be examined in  
25 connection with your parole hearing, as set forth in  
26 paragraph (d) of Section 3-3-4 of the Unified Code of  
27 Corrections:

28 (2) the intent of the court in imposing sentence on you;

29 (3) the present schedule of sentences for similar  
30 offenses provided by Sections 5-8-1 and 5-8-2 of the Unified  
31 Code of Corrections, as amended;

32 (4) the factors in mitigation and aggravation provided  
33 by Sections 5-5-3.1 and 5-5-3.2 of the Unified Code of  
34 Corrections, as amended;

1           (5) The rate of accumulating good conduct credits  
2 provided by Section 3-6-3 of the Unified Code of Corrections,  
3 as amended;

4           (6) your behavior since commitment.

5           You now have 60 days in which to decide whether to remain  
6 under your indeterminate sentence and continue to be eligible  
7 for parole or waive your right to parole and accept the  
8 release date established for you by the Board. If you do  
9 nothing within 60 days, you will remain under the parole  
10 system.

11           If you accept the release date, you may accumulate good  
12 conduct credit at the maximum rate provided under the law  
13 recently enacted.

14           If you feel that the release date set for you is unfair  
15 or is not based on complete information required to be  
16 considered by the Board, you may request that the Board  
17 reconsider the date. In your request you must set forth  
18 specific reasons why you feel the Board's release date is  
19 unfair and you may submit relevant material in support of  
20 your request.

21           The Department of Corrections is obligated to assist you  
22 in that effort, if you ask it to do so.

23           The Board will notify you within 60 days whether or not  
24 it will reconsider its decision. The Board's decision with  
25 respect to reconsidering your release date is final and  
26 cannot be appealed to any court.

27           If the Board decides not to reconsider your case you will  
28 have 60 days in which to decide whether to accept the release  
29 date and waive your right to parole or to continue under the  
30 parole system. If you do nothing within 60 days after you  
31 receive notification of the Board's decision you will remain  
32 under the parole system.

33           If the Board decides to reconsider its decision with  
34 respect to your release date, the Board will schedule a date

1 for reconsideration as soon as practicable, but no later than  
2 60 days from the date it receives your request, and give you  
3 at least 30 days notice. You may submit material to the  
4 Board which you believe will be helpful in deciding a proper  
5 date for your release. The Department of Corrections is  
6 obligated to assist you in that effort, if you ask it to do  
7 so.

8 Neither you nor your lawyer has the right to be present  
9 on the date of reconsideration, nor the right to call  
10 witnesses. However, the Board may ask you or your lawyer to  
11 appear or may ask to hear witnesses. The Board will base its  
12 determination on the same data on which it made its earlier  
13 determination, plus any new information which may be  
14 available to it.

15 When the Board has made its decision you will be informed  
16 of the release date. In no event will it be longer than the  
17 release date originally determined. From this date you may  
18 continue to accumulate good conduct credits at the maximum  
19 rate. You will not be able to appeal the Board's decision to  
20 a court.

21 Following the Board's reconsideration and upon being  
22 notified of your release date you will have 60 days in which  
23 to decide whether to accept the release date and waive your  
24 right to parole or to continue under the parole system. If  
25 you do nothing within 60 days after notification of the  
26 Board's decision you will remain under the parole system."

27 (d) The Board shall provide each eligible offender with  
28 a form substantially as follows:

29 "I (name of offender) am fully aware of my right to  
30 choose between parole eligibility and a fixed release date.  
31 I know that if I accept the release date established, I will  
32 give up my right to seek parole. I have read and understood  
33 the Prisoner Review Board's letter, and I know how and under  
34 what circumstances the Board has set my release date. I know

1 that I will be released on that date and will be released  
2 earlier if I accumulate good conduct credit. I know that the  
3 date set by the Board is final, and can't be appealed to a  
4 court.

5 Fully aware of all the implications, I expressly and  
6 knowingly waive my right to seek parole and accept the  
7 release date as established by the Prisoner Review Board."

8 (e) The Board shall use the following information and  
9 standards in establishing a release date for each eligible  
10 offender who requests that a date be set:

11 (1) Such information as would be considered in a parole  
12 hearing under Section 3-3-4 of this Code;

13 (2) The intent of the court in imposing the offender's  
14 sentence;

15 (3) The present schedule for similar offenses provided  
16 by Sections 5-8-1 and 5-8-2 of this Code;

17 (4) Factors in aggravation and mitigation of sentence as  
18 provided in Sections 5-5-3.1 and 5-5-3.2 of this Code;

19 (5) The rate of accumulating good conduct credits  
20 provided by Section 3-6-3 of this Code;

21 (6) The offender's behavior since commitment to the  
22 Department.

23 (f) After the release date is set by the Board, the  
24 offender can accumulate good conduct credits in accordance  
25 with Section 3-6-3 of this Code.

26 (g) The release date established by the Board shall not  
27 be sooner than the earliest date that the offender would have  
28 been eligible for release under the sentence imposed on him  
29 by the court, less time credit previously earned for good  
30 behavior, nor shall it be later than the latest date at which  
31 the offender would have been eligible for release under such  
32 sentence, less time credit previously earned for good  
33 behavior.

34 (h) (1) Except as provided in subsection (b), each

1 prisoner appearing at his next parole hearing subsequent to  
2 the effective date of the amendatory Act of 1977, shall be  
3 notified within 7 days of the hearing that he will either be  
4 released on parole or that a release date has been set by the  
5 Board. The notice and waiver form provided for in  
6 subsections (c) and (d) shall be presented to eligible  
7 prisoners no later than 7 days following their parole  
8 hearing. A written statement of the basis for the decision  
9 with regard to the release date set shall be given to such  
10 prisoners no later than 14 days following the parole hearing.

11 (2) Each prisoner upon notification of his release date  
12 shall have 60 days to choose whether to remain under the  
13 parole system or to accept the release date established by  
14 the Board. No release date shall be effective unless the  
15 prisoner waives his right to parole in writing. If no choice  
16 is made by such prisoner within 60 days from the date of his  
17 notification of a release date, such prisoner shall remain  
18 under the parole system.

19 (3) Within the 60 day period as provided in paragraph  
20 (2) of this subsection, a prisoner may request that the Board  
21 reconsider its decision with regard to such prisoner's  
22 release date. No later than 60 days following receipt of  
23 such request for reconsideration, the Board shall notify the  
24 prisoner as to whether or not it will reconsider such  
25 prisoner's release date. No court shall have jurisdiction to  
26 review the Board's decision. No prisoner shall be entitled to  
27 more than one request for reconsideration of his release  
28 date.

29 (A) If the Board decides not to reconsider the release  
30 date, the prisoner shall have 60 days to choose whether to  
31 remain under the parole system or to accept the release date  
32 established by the Board. No release date shall be effective  
33 unless the prisoner waives his right to parole in writing.  
34 If no choice is made by such prisoner within 60 days from the

1 date of the notification by the Board refusing to reconsider  
2 his release date, such prisoner shall remain under the parole  
3 system.

4 (B) If the Board decides to reconsider its decision with  
5 respect to such release date, the Board shall schedule a date  
6 for reconsideration as soon as practicable, but no later than  
7 60 days from the date of the prisoner's request, and give  
8 such prisoner at least 30 days notice. Such prisoner may  
9 submit any relevant material to the Board which would aid in  
10 ascertaining a proper release date. The Department of  
11 Corrections shall assist any such prisoner if asked to do so.

12 Neither the prisoner nor his lawyer has the right to be  
13 present on the date of reconsideration, nor the right to call  
14 witnesses. However, the Board may ask such prisoner or his  
15 or her lawyer to appear or may ask to hear witnesses. The  
16 Board shall base its determination on the factors specified  
17 in subsection (e), plus any new information which may be  
18 available to it.

19 (C) When the Board has made its decision, the prisoner  
20 shall be informed of the release date as provided for in  
21 subsection (c) no later than 7 days following the  
22 reconsideration. In no event shall such release date be  
23 longer than the release date originally determined. The  
24 decision of the Board is final. No court shall have  
25 jurisdiction to review the Board's decision.

26 Following the Board's reconsideration and its  
27 notification to the prisoner of his or her release date, such  
28 prisoner shall have 60 days from the date of such notice in  
29 which to decide whether to accept the release date and waive  
30 his or her right to parole or to continue under the parole  
31 system. If such prisoner does nothing within 60 days after  
32 notification of the Board's decision, he or she shall remain  
33 under the parole system.

34 (i) This Section does not apply to a person who chooses

1 a fixed sentence under Section 3-3-2.2.

2 (Source: P.A. 80-1387.)

3 (730 ILCS 5/3-3-2.2 new)

4 Sec. 3-3-2.2. Prisoner Review Board - fixed sentence.

5 (a) Except as provided in subsection (b), the Prisoner Review  
6 Board shall, no later than 7 days following a prisoner's next  
7 parole hearing after the effective date of this amendatory  
8 Act of the 93rd General Assembly, provide each prisoner  
9 sentenced under the law in effect prior to February 1, 1978,  
10 with a fixed sentence.

11 (b) A fixed sentence shall be set for any person  
12 sentenced to an indeterminate sentence under any law in  
13 effect prior to February 1, 1978.

14 (c) The Prisoner Review Board shall notify each eligible  
15 offender of his or her fixed sentence in a form substantially  
16 as follows:

17 Date of Notice

18 "To (Name of offender):

19 Under a recent change in the law you are provided with  
20 this choice:

21 (1) You may remain under your present indeterminate  
22 sentence and continue to be eligible for parole; or (2) you  
23 may waive your right to parole and accept the fixed sentence  
24 which has been set for you. From this fixed sentence will be  
25 deducted any good conduct credit you may earn.

26 If you accept the fixed sentence established by the  
27 Board, you will no longer be eligible for parole.

28 Your fixed sentence from prison has been set for:  
29 (release date) \_\_\_\_\_, subject to a term of mandatory supervised  
30 release as provided by law.

31 If you accumulate the maximum amount of good conduct  
32 credit as allowed by law recently enacted, you can be  
33 released on: \_\_\_\_\_, subject to a term of mandatory



1 supervised release as provided by law.

2 Should you choose not to accept the fixed sentence, your  
3 next parole hearing will be:.....

4 The Board has based its determination of your fixed  
5 sentence on the following:

6 (1) The material that normally would be examined in  
7 connection with your parole hearing, as set forth in  
8 paragraph (d) of Section 3-3-4 of the Unified Code of  
9 Corrections;

10 (2) the intent of the court in imposing sentence on you;

11 (3) the present schedule of sentences for similar  
12 offenses provided by Sections 5-8-1 and 5-8-2 of the Unified  
13 Code of Corrections;

14 (4) the factors in mitigation and aggravation provided  
15 by Sections 5-5-3.1 and 5-5-3.2 of the Unified Code of  
16 Corrections;

17 (5) The rate of accumulating good conduct credits  
18 provided by Section 3-6-3 of the Unified Code of Corrections  
19 as amended;

20 (6) your behavior since commitment.

21 You now have 60 days in which to decide whether to remain  
22 under your indeterminate sentence and continue to be eligible  
23 for parole or waive your right to parole and accept the fixed  
24 sentence established for you by the Board. If you do nothing  
25 within 60 days, you will remain under the parole system.

26 If you accept the fixed sentence, you may accumulate good  
27 conduct credit at the maximum rate provided under the law  
28 recently enacted.

29 If you feel that the fixed sentence set for you is unfair  
30 or is not based on complete information required to be  
31 considered by the Board, you may request that the Board  
32 reconsider the sentence. In your request you must set forth  
33 specific reasons why you feel the Board's fixed sentence is  
34 unfair and you may submit relevant material in support of

1 your request.

2 The Department of Corrections is obligated to assist you  
3 in that effort, if you ask it to do so.

4 The Board will notify you within 60 days whether or not  
5 it will reconsider its decision. The Board's decision with  
6 respect to reconsidering your fixed sentence is final and  
7 cannot be appealed to any court.

8 If the Board decides not to reconsider your case you will  
9 have 60 days in which to decide whether to accept the fixed  
10 sentence and waive your right to parole or to continue under  
11 the parole system. If you do nothing within 60 days after  
12 you receive notification of the Board's decision you will  
13 remain under the parole system.

14 If the Board decides to reconsider its decision with  
15 respect to your fixed sentence, the Board will schedule a  
16 date for reconsideration as soon as practicable, but no later  
17 than 60 days from the date it receives your request, and give  
18 you at least 30 days notice. You may submit material to the  
19 Board which you believe will be helpful in deciding a proper  
20 fixed sentence. The Department of Corrections is obligated  
21 to assist you in that effort, if you ask it to do so.

22 Neither you nor your lawyer has the right to be present  
23 on the date of reconsideration, nor the right to call  
24 witnesses. However, the Board may ask you or your lawyer to  
25 appear or may ask to hear witnesses. The Board will base its  
26 determination on the same data on which it made its earlier  
27 determination, plus any new information which may be  
28 available to it.

29 When the Board has made its decision you will be informed  
30 of the fixed sentence. In no event will it be longer than  
31 the fixed sentence originally determined. From this date you  
32 may continue to accumulate good conduct credits at the  
33 maximum rate. You will not be able to appeal the Board's  
34 decision to a court.

1 Following the Board's reconsideration and upon being  
2 notified of your fixed sentence you will have 60 days in  
3 which to decide whether to accept the fixed sentence and  
4 waive your right to parole or to continue under the parole  
5 system. If you do nothing within 60 days after notification  
6 of the Board's decision you will remain under the parole  
7 system."

8 (d) The Board shall provide each eligible offender with  
9 a form substantially as follows:

10 "I (name of offender) am fully aware of my right to  
11 choose between parole eligibility and a fixed sentence. I  
12 know that if I accept the fixed sentence established, I will  
13 give up my right to seek parole. I have read and understood  
14 the Prisoner Review Board's letter, and I know how and under  
15 what circumstances the Board has set my fixed sentence. I  
16 know that I will be released on that date and will be  
17 released earlier if I accumulate good conduct credit. I know  
18 that the date set by the Board is final, and can't be  
19 appealed to a court.

20 Fully aware of all the implications, I expressly and  
21 knowingly waive my right to seek parole and accept the fixed  
22 date as established by the Prisoner Review Board."

23 (e) The cases of all persons sentenced to an  
24 indeterminate sentence under any law in effect prior to  
25 February 1, 1978 shall be returned to the circuit court in  
26 which they were sentenced for the purpose of imposing a fixed  
27 sentence which shall be the equivalent of the sentence which  
28 would be imposed for the same crime under Public Act 80-1099.  
29 In making this determination, the circuit court shall  
30 consider the following factors:

31 (1) The presumptive sentence shall be the median  
32 sentence in the range of sentences established by the law  
33 in effect on the date Public Act 80-1099 became  
34 effective;

1           (2) The presumptive sentence may be reduced based  
2           upon any of the mitigating factors provided for by the  
3           law in effect on the date Public Act 80-1099 became  
4           effective; and

5           (3) The presumptive sentence may be increased, up  
6           to the maximum sentence established for the crime by  
7           Public Act 80-1099, based upon any of the aggravating  
8           factors provided for by the law in effect on the date  
9           Public Act 80-1099 became effective which are established  
10           in the record in accordance with currently applicable  
11           principles of due process.

12           (f) After the fixed sentence is set by the Board, the  
13           offender will continue to accumulate good conduct credits  
14           under the formula or formulae heretofore applicable.

15           (g) (1) The clerks of the respective circuit courts  
16           shall notify each prisoner of his or her fixed sentence  
17           within one year of the effective date of this amendatory Act  
18           of the 93rd General Assembly.

19           (2) Each prisoner upon notification of his or her fixed  
20           sentence shall have 60 days to choose whether to remain under  
21           the parole system or to accept the fixed sentence established  
22           by the circuit court. No fixed sentence shall be effective  
23           unless the prisoner waives his right to parole in writing.  
24           If no choice is made by such prisoner within 60 days from the  
25           date of his or her notification of a fixed sentence, such  
26           prisoner shall remain under the parole system.

27           (3) Within the 60 day period as provided in paragraph  
28           (2) of this subsection, a prisoner may request that the  
29           circuit court reconsider its decision with regard to such  
30           prisoner's fixed sentence. No later than 60 days following  
31           receipt of such request for reconsideration, the circuit  
32           court shall notify the prisoner as to whether or not it will  
33           reconsider such prisoner's fixed sentence. No other court  
34           shall have jurisdiction to review the circuit court's

1 decision. No prisoner shall be entitled to more than one  
2 request for reconsideration of his or her fixed sentence.

3 (A) If the circuit court decides not to reconsider the  
4 fixed sentence, the prisoner shall have 60 days to choose  
5 whether to remain under the parole system or to accept the  
6 fixed sentence established by the circuit court. No fixed  
7 sentence shall be effective unless the prisoner waives his or  
8 her right to parole in writing. If no choice is made by such  
9 prisoner within 60 days from the date of the notification by  
10 the circuit court refusing to reconsider his or her fixed  
11 sentence, such prisoner shall remain under the parole system.

12 (B) If the circuit court decides to reconsider its  
13 decision with respect to such fixed sentence, the circuit  
14 court shall schedule a date for reconsideration as soon as  
15 practicable, but no later than 60 days from the date of the  
16 prisoner's request, and give such prisoner at least 30 days  
17 notice. Such prisoner may submit any relevant material to the  
18 circuit court which would aid in ascertaining a proper fixed  
19 sentence. The Department of Corrections shall assist any  
20 such prisoner if asked to do so.

21 Neither the prisoner nor his or her lawyer has the right  
22 to be present on the date of reconsideration, nor the right  
23 to call witnesses. However, the circuit court may ask such  
24 prisoner or his or her lawyer to appear or may ask to hear  
25 witnesses. The circuit court shall base its determination on  
26 the factors specified in subsection (e), plus any new  
27 information which may be available to it.

28 (C) When the circuit court has made its decision, the  
29 prisoner shall be informed of the fixed sentence as provided  
30 for in subsection (c) no later than 7 days following the  
31 reconsideration. In no event shall such release date be  
32 longer than the fixed sentence originally determined. The  
33 decision of the circuit court is final. No other court shall  
34 have jurisdiction to review the circuit court's decision.

1       Following the circuit court's reconsideration and its  
2 notification to the prisoner of his or her fixed sentence,  
3 such prisoner shall have 60 days from the date of such notice  
4 in which to decide whether to accept the fixed sentence and  
5 waive his or her right to parole or to continue under the  
6 parole system. If such prisoner does nothing within 60 days  
7 after notification of the circuit court's decision, he or she  
8 shall remain under the parole system."