



Rep. Harry R. Ramey Jr.

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LRB095 14924 RLC 51226 a

1 AMENDMENT TO HOUSE BILL 5756

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5756, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Unified Code of Corrections is amended by  
6 changing Sections 3-2-2, 3-3-2, 3-3-3, and 3-3-8 as follows:

7 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

8 Sec. 3-2-2. Powers and Duties of the Department.

9 (1) In addition to the powers, duties and responsibilities  
10 which are otherwise provided by law, the Department shall have  
11 the following powers:

12 (a) To accept persons committed to it by the courts of  
13 this State for care, custody, treatment and  
14 rehabilitation, and to accept federal prisoners and aliens  
15 over whom the Office of the Federal Detention Trustee is  
16 authorized to exercise the federal detention function for

1 limited purposes and periods of time.

2 (b) To develop and maintain reception and evaluation  
3 units for purposes of analyzing the custody and  
4 rehabilitation needs of persons committed to it and to  
5 assign such persons to institutions and programs under its  
6 control or transfer them to other appropriate agencies. In  
7 consultation with the Department of Alcoholism and  
8 Substance Abuse (now the Department of Human Services), the  
9 Department of Corrections shall develop a master plan for  
10 the screening and evaluation of persons committed to its  
11 custody who have alcohol or drug abuse problems, and for  
12 making appropriate treatment available to such persons;  
13 the Department shall report to the General Assembly on such  
14 plan not later than April 1, 1987. The maintenance and  
15 implementation of such plan shall be contingent upon the  
16 availability of funds.

17 (b-1) To create and implement, on January 1, 2002, a  
18 pilot program to establish the effectiveness of  
19 pupillometer technology (the measurement of the pupil's  
20 reaction to light) as an alternative to a urine test for  
21 purposes of screening and evaluating persons committed to  
22 its custody who have alcohol or drug problems. The pilot  
23 program shall require the pupillometer technology to be  
24 used in at least one Department of Corrections facility.  
25 The Director may expand the pilot program to include an  
26 additional facility or facilities as he or she deems

1 appropriate. A minimum of 4,000 tests shall be included in  
2 the pilot program. The Department must report to the  
3 General Assembly on the effectiveness of the program by  
4 January 1, 2003.

5 (b-5) To develop, in consultation with the Department  
6 of State Police, a program for tracking and evaluating each  
7 inmate from commitment through release for recording his or  
8 her gang affiliations, activities, or ranks.

9 (c) To maintain and administer all State correctional  
10 institutions and facilities under its control and to  
11 establish new ones as needed. Pursuant to its power to  
12 establish new institutions and facilities, the Department  
13 may, with the written approval of the Governor, authorize  
14 the Department of Central Management Services to enter into  
15 an agreement of the type described in subsection (d) of  
16 Section 405-300 of the Department of Central Management  
17 Services Law (20 ILCS 405/405-300). The Department shall  
18 designate those institutions which shall constitute the  
19 State Penitentiary System.

20 Pursuant to its power to establish new institutions and  
21 facilities, the Department may authorize the Department of  
22 Central Management Services to accept bids from counties  
23 and municipalities for the construction, remodeling or  
24 conversion of a structure to be leased to the Department of  
25 Corrections for the purposes of its serving as a  
26 correctional institution or facility. Such construction,

1 remodeling or conversion may be financed with revenue bonds  
2 issued pursuant to the Industrial Building Revenue Bond Act  
3 by the municipality or county. The lease specified in a bid  
4 shall be for a term of not less than the time needed to  
5 retire any revenue bonds used to finance the project, but  
6 not to exceed 40 years. The lease may grant to the State  
7 the option to purchase the structure outright.

8 Upon receipt of the bids, the Department may certify  
9 one or more of the bids and shall submit any such bids to  
10 the General Assembly for approval. Upon approval of a bid  
11 by a constitutional majority of both houses of the General  
12 Assembly, pursuant to joint resolution, the Department of  
13 Central Management Services may enter into an agreement  
14 with the county or municipality pursuant to such bid.

15 (c-5) To build and maintain regional juvenile  
16 detention centers and to charge a per diem to the counties  
17 as established by the Department to defray the costs of  
18 housing each minor in a center. In this subsection (c-5),  
19 "juvenile detention center" means a facility to house  
20 minors during pendency of trial who have been transferred  
21 from proceedings under the Juvenile Court Act of 1987 to  
22 prosecutions under the criminal laws of this State in  
23 accordance with Section 5-805 of the Juvenile Court Act of  
24 1987, whether the transfer was by operation of law or  
25 permissive under that Section. The Department shall  
26 designate the counties to be served by each regional

1 juvenile detention center.

2 (d) To develop and maintain programs of control,  
3 rehabilitation and employment of committed persons within  
4 its institutions.

5 (d-5) To provide a pre-release job preparation program  
6 for inmates at Illinois adult correctional centers.

7 (e) To establish a system of supervision and guidance  
8 of committed persons in the community.

9 (f) To establish in cooperation with the Department of  
10 Transportation to supply a sufficient number of prisoners  
11 for use by the Department of Transportation to clean up the  
12 trash and garbage along State, county, township, or  
13 municipal highways as designated by the Department of  
14 Transportation. The Department of Corrections, at the  
15 request of the Department of Transportation, shall furnish  
16 such prisoners at least annually for a period to be agreed  
17 upon between the Director of Corrections and the Director  
18 of Transportation. The prisoners used on this program shall  
19 be selected by the Director of Corrections on whatever  
20 basis he deems proper in consideration of their term,  
21 behavior and earned eligibility to participate in such  
22 program - where they will be outside of the prison facility  
23 but still in the custody of the Department of Corrections.  
24 Prisoners convicted of first degree murder, or a Class X  
25 felony, or armed violence, or aggravated kidnapping, or  
26 criminal sexual assault, aggravated criminal sexual abuse

1 or a subsequent conviction for criminal sexual abuse, or  
2 forcible detention, or arson, or a prisoner adjudged a  
3 Habitual Criminal shall not be eligible for selection to  
4 participate in such program. The prisoners shall remain as  
5 prisoners in the custody of the Department of Corrections  
6 and such Department shall furnish whatever security is  
7 necessary. The Department of Transportation shall furnish  
8 trucks and equipment for the highway cleanup program and  
9 personnel to supervise and direct the program. Neither the  
10 Department of Corrections nor the Department of  
11 Transportation shall replace any regular employee with a  
12 prisoner.

13 (g) To maintain records of persons committed to it and  
14 to establish programs of research, statistics and  
15 planning.

16 (h) To investigate the grievances of any person  
17 committed to the Department, to inquire into any alleged  
18 misconduct by employees or committed persons, and to  
19 investigate the assets of committed persons to implement  
20 Section 3-7-6 of this Code; and for these purposes it may  
21 issue subpoenas and compel the attendance of witnesses and  
22 the production of writings and papers, and may examine  
23 under oath any witnesses who may appear before it; to also  
24 investigate alleged violations of a parolee's or  
25 releasee's conditions of parole or release; and for this  
26 purpose it may issue subpoenas and compel the attendance of

1 witnesses and the production of documents only if there is  
2 reason to believe that such procedures would provide  
3 evidence that such violations have occurred.

4 If any person fails to obey a subpoena issued under  
5 this subsection, the Director may apply to any circuit  
6 court to secure compliance with the subpoena. The failure  
7 to comply with the order of the court issued in response  
8 thereto shall be punishable as contempt of court.

9 (i) To appoint and remove the chief administrative  
10 officers, and administer programs of training and  
11 development of personnel of the Department. Personnel  
12 assigned by the Department to be responsible for the  
13 custody and control of committed persons or to investigate  
14 the alleged misconduct of committed persons or employees or  
15 alleged violations of a parolee's or releasee's conditions  
16 of parole shall be conservators of the peace for those  
17 purposes, and shall have the full power of peace officers  
18 outside of the facilities of the Department in the  
19 protection, arrest, retaking and reconfining of committed  
20 persons or where the exercise of such power is necessary to  
21 the investigation of such misconduct or violations.

22 (j) To cooperate with other departments and agencies  
23 and with local communities for the development of standards  
24 and programs for better correctional services in this  
25 State.

26 (k) To administer all moneys and properties of the

1 Department.

2 (l) To report annually to the Governor on the committed  
3 persons, institutions and programs of the Department.

4 (l-5) In a confidential annual report to the Governor,  
5 the Department shall identify all inmate gangs by  
6 specifying each current gang's name, population and allied  
7 gangs. The Department shall further specify the number of  
8 top leaders identified by the Department for each gang  
9 during the past year, and the measures taken by the  
10 Department to segregate each leader from his or her gang  
11 and allied gangs. The Department shall further report the  
12 current status of leaders identified and segregated in  
13 previous years. All leaders described in the report shall  
14 be identified by inmate number or other designation to  
15 enable tracking, auditing, and verification without  
16 revealing the names of the leaders. Because this report  
17 contains law enforcement intelligence information  
18 collected by the Department, the report is confidential and  
19 not subject to public disclosure.

20 (m) To make all rules and regulations and exercise all  
21 powers and duties vested by law in the Department.

22 (n) To establish rules and regulations for  
23 administering a system of good conduct credits,  
24 established in accordance with Section 3-6-3, subject to  
25 review by the Prisoner Review Board.

26 (o) To administer the distribution of funds from the



1 State Treasury to reimburse counties where State penal  
2 institutions are located for the payment of assistant  
3 state's attorneys' salaries under Section 4-2001 of the  
4 Counties Code.

5 (p) To exchange information with the Department of  
6 Human Services and the Department of Healthcare and Family  
7 Services for the purpose of verifying living arrangements  
8 and for other purposes directly connected with the  
9 administration of this Code and the Illinois Public Aid  
10 Code.

11 (q) To establish a diversion program.

12 The program shall provide a structured environment for  
13 selected technical parole or mandatory supervised release  
14 violators and committed persons who have violated the rules  
15 governing their conduct while in work release. This program  
16 shall not apply to those persons who have committed a new  
17 offense while serving on parole or mandatory supervised  
18 release or while committed to work release.

19 Elements of the program shall include, but shall not be  
20 limited to, the following:

21 (1) The staff of a diversion facility shall provide  
22 supervision in accordance with required objectives set  
23 by the facility.

24 (2) Participants shall be required to maintain  
25 employment.

26 (3) Each participant shall pay for room and board

1 at the facility on a sliding-scale basis according to  
2 the participant's income.

3 (4) Each participant shall:

4 (A) provide restitution to victims in  
5 accordance with any court order;

6 (B) provide financial support to his  
7 dependents; and

8 (C) make appropriate payments toward any other  
9 court-ordered obligations.

10 (5) Each participant shall complete community  
11 service in addition to employment.

12 (6) Participants shall take part in such  
13 counseling, educational and other programs as the  
14 Department may deem appropriate.

15 (7) Participants shall submit to drug and alcohol  
16 screening.

17 (8) The Department shall promulgate rules  
18 governing the administration of the program.

19 (r) To enter into intergovernmental cooperation  
20 agreements under which persons in the custody of the  
21 Department may participate in a county impact  
22 incarceration program established under Section 3-6038 or  
23 3-15003.5 of the Counties Code.

24 (r-5) (Blank).

25 (r-10) To systematically and routinely identify with  
26 respect to each streetgang active within the correctional

1 system: (1) each active gang; (2) every existing inter-gang  
2 affiliation or alliance; and (3) the current leaders in  
3 each gang. The Department shall promptly segregate leaders  
4 from inmates who belong to their gangs and allied gangs.  
5 "Segregate" means no physical contact and, to the extent  
6 possible under the conditions and space available at the  
7 correctional facility, prohibition of visual and sound  
8 communication. For the purposes of this paragraph (r-10),  
9 "leaders" means persons who:

10 (i) are members of a criminal streetgang;

11 (ii) with respect to other individuals within the  
12 streetgang, occupy a position of organizer,  
13 supervisor, or other position of management or  
14 leadership; and

15 (iii) are actively and personally engaged in  
16 directing, ordering, authorizing, or requesting  
17 commission of criminal acts by others, which are  
18 punishable as a felony, in furtherance of streetgang  
19 related activity both within and outside of the  
20 Department of Corrections.

21 "Streetgang", "gang", and "streetgang related" have the  
22 meanings ascribed to them in Section 10 of the Illinois  
23 Streetgang Terrorism Omnibus Prevention Act.

24 (s) To operate a super-maximum security institution,  
25 in order to manage and supervise inmates who are disruptive  
26 or dangerous and provide for the safety and security of the

1 staff and the other inmates.

2 (t) To monitor any unprivileged conversation or any  
3 unprivileged communication, whether in person or by mail,  
4 telephone, or other means, between an inmate who, before  
5 commitment to the Department, was a member of an organized  
6 gang and any other person without the need to show cause or  
7 satisfy any other requirement of law before beginning the  
8 monitoring, except as constitutionally required. The  
9 monitoring may be by video, voice, or other method of  
10 recording or by any other means. As used in this  
11 subdivision (1)(t), "organized gang" has the meaning  
12 ascribed to it in Section 10 of the Illinois Streetgang  
13 Terrorism Omnibus Prevention Act.

14 As used in this subdivision (1)(t), "unprivileged  
15 conversation" or "unprivileged communication" means a  
16 conversation or communication that is not protected by any  
17 privilege recognized by law or by decision, rule, or order  
18 of the Illinois Supreme Court.

19 (u) To establish a Women's and Children's Pre-release  
20 Community Supervision Program for the purpose of providing  
21 housing and services to eligible female inmates, as  
22 determined by the Department, and their newborn and young  
23 children.

24 (v) To do all other acts necessary to carry out the  
25 provisions of this Chapter.

26 (2) The Department of Corrections shall by January 1, 1998,

1 consider building and operating a correctional facility within  
2 100 miles of a county of over 2,000,000 inhabitants, especially  
3 a facility designed to house juvenile participants in the  
4 impact incarceration program.

5 (3) When the Department lets bids for contracts for medical  
6 services to be provided to persons committed to Department  
7 facilities by a health maintenance organization, medical  
8 service corporation, or other health care provider, the bid may  
9 only be let to a health care provider that has obtained an  
10 irrevocable letter of credit or performance bond issued by a  
11 company whose bonds are rated AAA by a bond rating  
12 organization.

13 (4) When the Department lets bids for contracts for food or  
14 commissary services to be provided to Department facilities,  
15 the bid may only be let to a food or commissary services  
16 provider that has obtained an irrevocable letter of credit or  
17 performance bond issued by a company whose bonds are rated AAA  
18 by a bond rating organization.

19 (5) The Illinois Department of Corrections (IDOC) shall  
20 enter into a Memorandum of Understanding (MOU) with the U.S.  
21 Immigration and Customs Enforcement (ICE), pursuant to Section  
22 241 (a) of the Immigration and Nationality Act, codified at 8  
23 U.S.C. Section 1231 (a), as amended by the Homeland Security  
24 Act of 2002, Public Law No. 107-296 as codified at 6 U.S.C.  
25 Sections 131-134 which authorizes the Secretary of the  
26 Department of Homeland Security to enter into written

1 agreements with a state or any political subdivision of a state  
2 to remove an alien in the custody of that state. The purpose of  
3 the MOU is to set forth terms by which ICE and IDOC will  
4 cooperate in a Rapid Removal of Eligible Parolees Accepted for  
5 Transfer ("Rapid REPAT") program, which allows for early  
6 conditional release for deportation of removable custodial  
7 aliens to their home countries.

8 (6) Notwithstanding any other rulemaking authority that  
9 may exist, neither the Governor nor any agency or agency head  
10 under the jurisdiction of the Governor has any authority to  
11 make or promulgate rules to implement or enforce the provisions  
12 of this amendatory Act of the 95th General Assembly. If,  
13 however, the Governor believes that rules are necessary to  
14 implement or enforce the provisions of this amendatory Act of  
15 the 95th General Assembly, the Governor may suggest rules to  
16 the General Assembly by filing them with the Clerk of the House  
17 and the Secretary of the Senate and by requesting that the  
18 General Assembly authorize such rulemaking by law, enact those  
19 suggested rules into law, or take any other appropriate action  
20 in the General Assembly's discretion. Nothing contained in this  
21 amendatory Act of the 95th General Assembly shall be  
22 interpreted to grant rulemaking authority under any other  
23 Illinois statute where such authority is not otherwise  
24 explicitly given. For the purposes of this Section, "rules" is  
25 given the meaning contained in Section 1-70 of the Illinois  
26 Administrative Procedure Act, and "agency" and "agency head"

1 are given the meanings contained in Sections 1-20 and 1-25 of  
2 the Illinois Administrative Procedure Act to the extent that  
3 such definitions apply to agencies or agency heads under the  
4 jurisdiction of the Governor.

5 (Source: P.A. 93-839, eff. 7-30-04; 94-696, eff. 6-1-06;  
6 94-1067, eff. 8-1-06.)

7 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

8 Sec. 3-3-2. Powers and Duties.

9 (a) The Parole and Pardon Board is abolished and the term  
10 "Parole and Pardon Board" as used in any law of Illinois, shall  
11 read "Prisoner Review Board." After the effective date of this  
12 amendatory Act of 1977, the Prisoner Review Board shall provide  
13 by rule for the orderly transition of all files, records, and  
14 documents of the Parole and Pardon Board and for such other  
15 steps as may be necessary to effect an orderly transition and  
16 shall:

17 (1) hear by at least one member and through a panel of  
18 at least 3 members decide, cases of prisoners who were  
19 sentenced under the law in effect prior to the effective  
20 date of this amendatory Act of 1977, and who are eligible  
21 for parole;

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

1 under the law in effect prior to this amendatory Act of  
2 1977; provided that the decision to parole and the  
3 conditions of parole for all prisoners who were sentenced  
4 for first degree murder or who received a minimum sentence  
5 of 20 years or more under the law in effect prior to  
6 February 1, 1978 shall be determined by a majority vote of  
7 the Prisoner Review Board;

8 (3) hear by at least one member and through a panel of  
9 at least 3 members decide, the conditions of mandatory  
10 supervised release and the time of discharge from mandatory  
11 supervised release, impose sanctions for violations of  
12 mandatory supervised release, and revoke mandatory  
13 supervised release for those sentenced under the law in  
14 effect after the effective date of this amendatory Act of  
15 1977;

16 (3.5) hear by at least one member and through a panel  
17 of at least 3 members decide, the conditions of mandatory  
18 supervised release and the time of discharge from mandatory  
19 supervised release, to impose sanctions for violations of  
20 mandatory supervised release and revoke mandatory  
21 supervised release for those serving extended supervised  
22 release terms pursuant to paragraph (4) of subsection (d)  
23 of Section 5-8-1;

24 (4) hear by at least 1 member and through a panel of at  
25 least 3 members, decide cases brought by the Department of  
26 Corrections against a prisoner in the custody of the



1 Department for alleged violation of Department rules with  
2 respect to good conduct credits pursuant to Section 3-6-3  
3 of this Code in which the Department seeks to revoke good  
4 conduct credits, if the amount of time at issue exceeds 30  
5 days or when, during any 12 month period, the cumulative  
6 amount of credit revoked exceeds 30 days except where the  
7 infraction is committed or discovered within 60 days of  
8 scheduled release. In such cases, the Department of  
9 Corrections may revoke up to 30 days of good conduct  
10 credit. The Board may subsequently approve the revocation  
11 of additional good conduct credit, if the Department seeks  
12 to revoke good conduct credit in excess of thirty days.  
13 However, the Board shall not be empowered to review the  
14 Department's decision with respect to the loss of 30 days  
15 of good conduct credit for any prisoner or to increase any  
16 penalty beyond the length requested by the Department;

17 (5) hear by at least one member and through a panel of  
18 at least 3 members decide, the release dates for certain  
19 prisoners sentenced under the law in existence prior to the  
20 effective date of this amendatory Act of 1977, in  
21 accordance with Section 3-3-2.1 of this Code;

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

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 good conduct  
8 credit, and if the prisoner has not accumulated 180 days of  
9 good conduct credit at the time of the dismissal, then all  
10 good conduct credit accumulated by the prisoner shall be  
11 revoked; ~~and~~

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

16 (10) hear by at least one member and, through a panel  
17 of at least 3 members, decide all requests for release of  
18 prisoners subject to detainers filed by the United States  
19 Department of Homeland Security, Immigration and Customs  
20 Enforcement, or its successor.

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 implement a  
24 pilot project in 3 correctional institutions providing for the  
25 conduct of hearings under paragraphs (1) and (4) of subsection  
26 (a) of this Section through interactive video conferences. The

1 project shall be implemented within 6 months after the  
2 effective date of this amendatory Act of 1996. Within 6 months  
3 after the implementation of the pilot project, the Prisoner  
4 Review Board, with the cooperation of and in coordination with  
5 the Department of Corrections and the Department of Central  
6 Management Services, shall report to the Governor and the  
7 General Assembly regarding the use, costs, effectiveness, and  
8 future viability of interactive video conferences for Prisoner  
9 Review Board hearings.

10 (b) Upon recommendation of the Department the Board may  
11 restore good conduct credit previously revoked.

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

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

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

22 (f) The Board or one who has allegedly violated the  
23 conditions of his parole or mandatory supervised release may  
24 require by subpoena the attendance and testimony of witnesses  
25 and the production of documentary evidence relating to any  
26 matter under investigation or hearing. The Chairman of the

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

16 In case of disobedience to a subpoena, the Board may  
17 petition any circuit court of the State for an order requiring  
18 the attendance and testimony of witnesses or the production of  
19 documentary evidence or both. A copy of such petition shall be  
20 served by personal service or by registered or certified mail  
21 upon the person who has failed to obey the subpoena, and such  
22 person shall be advised in writing that a hearing upon the  
23 petition will be requested in a court room to be designated in  
24 such notice before the judge hearing motions or extraordinary  
25 remedies at a specified time, on a specified date, not less  
26 than 10 nor more than 15 days after the deposit of the copy of

1 the written notice and petition in the U.S. mails addressed to  
2 the person at his last known address or after the personal  
3 service of the copy of the notice and petition upon such  
4 person. The court upon the filing of such a petition, may order  
5 the person refusing to obey the subpoena to appear at an  
6 investigation or hearing, or to there produce documentary  
7 evidence, if so ordered, or to give evidence relative to the  
8 subject matter of that investigation or hearing. Any failure to  
9 obey such order of the circuit court may be punished by that  
10 court as a contempt of court.

11 Each member of the Board and any hearing officer designated  
12 by the Board shall have the power to administer oaths and to  
13 take the testimony of persons under oath.

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

18 (h) The Prisoner Review Board shall annually transmit to  
19 the Director a detailed report of its work for the preceding  
20 calendar year. The annual report shall also be transmitted to  
21 the Governor for submission to the Legislature.

22 (i) Notwithstanding any other rulemaking authority that  
23 may exist, neither the Governor nor any agency or agency head  
24 under the jurisdiction of the Governor has any authority to  
25 make or promulgate rules to implement or enforce the provisions  
26 of this amendatory Act of the 95th General Assembly. If,

1 however, the Governor believes that rules are necessary to  
2 implement or enforce the provisions of this amendatory Act of  
3 the 95th General Assembly, the Governor may suggest rules to  
4 the General Assembly by filing them with the Clerk of the House  
5 and the Secretary of the Senate and by requesting that the  
6 General Assembly authorize such rulemaking by law, enact those  
7 suggested rules into law, or take any other appropriate action  
8 in the General Assembly's discretion. Nothing contained in this  
9 amendatory Act of the 95th General Assembly shall be  
10 interpreted to grant rulemaking authority under any other  
11 Illinois statute where such authority is not otherwise  
12 explicitly given. For the purposes of this Section, "rules" is  
13 given the meaning contained in Section 1-70 of the Illinois  
14 Administrative Procedure Act, and "agency" and "agency head"  
15 are given the meanings contained in Sections 1-20 and 1-25 of  
16 the Illinois Administrative Procedure Act to the extent that  
17 such definitions apply to agencies or agency heads under the  
18 jurisdiction of the Governor.

19 (Source: P.A. 93-207, eff. 1-1-04; 94-165, eff. 7-11-05.)

20 (730 ILCS 5/3-3-3) (from Ch. 38, par. 1003-3-3)

21 Sec. 3-3-3. Eligibility for Parole or Release.

22 (a) Except for those offenders who accept the fixed release  
23 date established by the Prisoner Review Board under Section  
24 3-3-2.1, every person serving a term of imprisonment under the  
25 law in effect prior to the effective date of this amendatory

1 Act of 1977 shall be eligible for parole when he has served:

2 (1) the minimum term of an indeterminate sentence less  
3 time credit for good behavior, or 20 years less time credit  
4 for good behavior, whichever is less; or

5 (2) 20 years of a life sentence less time credit for  
6 good behavior; or

7 (3) 20 years or one-third of a determinate sentence,  
8 whichever is less, less time credit for good behavior.

9 (b) No person sentenced under this amendatory Act of 1977  
10 or who accepts a release date under Section 3-3-2.1 shall be  
11 eligible for parole.

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

19 (d) No person serving a term of natural life imprisonment  
20 may be paroled or released except through executive clemency.

21 (e) Every person committed to the Department of Juvenile  
22 Justice under Section 5-10 of the Juvenile Court Act or Section  
23 5-750 of the Juvenile Court Act of 1987 or Section 5-8-6 of  
24 this Code and confined in the State correctional institutions  
25 or facilities if such juvenile has not been tried as an adult  
26 shall be eligible for parole without regard to the length of

1 time the person has been confined or whether the person has  
2 served any minimum term imposed. However, if a juvenile has  
3 been tried as an adult he shall only be eligible for parole or  
4 mandatory supervised release as an adult under this Section.

5 (f) Notwithstanding any other provision of law, any  
6 offender who meets the following criteria may be released by  
7 the Prisoner Review Board to the custody of the United States  
8 Department of Homeland Security, Immigration and Customs  
9 Enforcement:

10 (1) a final order of deportation has been issued  
11 against the offender;

12 (2) the offender has less than one year remaining on  
13 his or her sentence of incarceration with the Department of  
14 Corrections; and

15 (3) the offender is not serving a sentence for a  
16 forcible felony, as defined in the Criminal Code of 1961;  
17 for any offense "directed against the person", as  
18 identified in Part B of Title III of the Criminal Code; for  
19 any offense "affecting governmental functions", as  
20 identified in Part E of Title III of the Criminal Code of  
21 1961; for any "aggravated" offense, as identified in Part F  
22 of Title III of the Criminal Code of 1961; or for an  
23 offense falling into a Class of felony other than Class 3  
24 or 4, as set out in the Criminal Code of 1961 and the  
25 Unified Code of Corrections.

26 The Board may condition the early release of an offender



1 under this paragraph on receipt of assurance from Immigration  
2 and Customs Enforcement that the order of deportation will be  
3 executed promptly and that an offender released hereunder will  
4 not be released from the custody of Immigration and Customs  
5 Enforcement, unless such release is a result of deportation,  
6 without notice to the Board and an opportunity for issuance of  
7 a parole violation warrant for the retaking of the offender.

8 If an offender released under this subsection returns  
9 illegally to the United States, on notification from any  
10 federal, state, or local law enforcement authority that the  
11 offender is in custody, the Board shall revoke his parole or  
12 mandatory supervised release. Thereafter, the offender shall  
13 not be eligible for release without first having served the  
14 full remainder of his term of incarceration. In such event,  
15 though, the time spent in the custody of Immigration and  
16 Customs Enforcement shall be credited against the remainder of  
17 the term of incarceration.

18 (g) Notwithstanding any other rulemaking authority that  
19 may exist, neither the Governor nor any agency or agency head  
20 under the jurisdiction of the Governor has any authority to  
21 make or promulgate rules to implement or enforce the provisions  
22 of this amendatory Act of the 95th General Assembly. If,  
23 however, the Governor believes that rules are necessary to  
24 implement or enforce the provisions of this amendatory Act of  
25 the 95th General Assembly, the Governor may suggest rules to  
26 the General Assembly by filing them with the Clerk of the House

1 and the Secretary of the Senate and by requesting that the  
2 General Assembly authorize such rulemaking by law, enact those  
3 suggested rules into law, or take any other appropriate action  
4 in the General Assembly's discretion. Nothing contained in this  
5 amendatory Act of the 95th General Assembly shall be  
6 interpreted to grant rulemaking authority under any other  
7 Illinois statute where such authority is not otherwise  
8 explicitly given. For the purposes of this Section, "rules" is  
9 given the meaning contained in Section 1-70 of the Illinois  
10 Administrative Procedure Act, and "agency" and "agency head"  
11 are given the meanings contained in Sections 1-20 and 1-25 of  
12 the Illinois Administrative Procedure Act to the extent that  
13 such definitions apply to agencies or agency heads under the  
14 jurisdiction of the Governor.

15 (Source: P.A. 94-696, eff. 6-1-06.)

16 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

17 Sec. 3-3-8. Length of parole and mandatory supervised  
18 release; discharge.)

19 (a) The length of parole for a person sentenced under the  
20 law in effect prior to the effective date of this amendatory  
21 Act of 1977 and the length of mandatory supervised release for  
22 those sentenced under the law in effect on and after such  
23 effective date shall be as set out in Section 5-8-1 unless  
24 sooner terminated under paragraph (b) of this Section. The  
25 parole period of a juvenile committed to the Department under

1 the Juvenile Court Act or the Juvenile Court Act of 1987 shall  
2 extend until he is 21 years of age unless sooner terminated  
3 under paragraph (b) of this Section.

4 (b) The Prisoner Review Board may enter an order releasing  
5 and discharging one from parole or mandatory supervised  
6 release, and his commitment to the Department, when it  
7 determines that he is likely to remain at liberty without  
8 committing another offense.

9 (b-1) The Prisoner Review Board may enter an order  
10 releasing and discharging an offender from parole or mandatory  
11 supervised release in accordance with the provisions for early  
12 release set out in subsection (f) of Section 3-3-3.

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

19 (d) Rights of the person discharged under this Section  
20 shall be restored under Section 5-5-5. This Section is subject  
21 to Section 5-750 of the Juvenile Court Act of 1987.

22 (e) Notwithstanding any other rulemaking authority that  
23 may exist, neither the Governor nor any agency or agency head  
24 under the jurisdiction of the Governor has any authority to  
25 make or promulgate rules to implement or enforce the provisions  
26 of this amendatory Act of the 95th General Assembly. If,

1 however, the Governor believes that rules are necessary to  
2 implement or enforce the provisions of this amendatory Act of  
3 the 95th General Assembly, the Governor may suggest rules to  
4 the General Assembly by filing them with the Clerk of the House  
5 and the Secretary of the Senate and by requesting that the  
6 General Assembly authorize such rulemaking by law, enact those  
7 suggested rules into law, or take any other appropriate action  
8 in the General Assembly's discretion. Nothing contained in this  
9 amendatory Act of the 95th General Assembly shall be  
10 interpreted to grant rulemaking authority under any other  
11 Illinois statute where such authority is not otherwise  
12 explicitly given. For the purposes of this Section, "rules" is  
13 given the meaning contained in Section 1-70 of the Illinois  
14 Administrative Procedure Act, and "agency" and "agency head"  
15 are given the meanings contained in Sections 1-20 and 1-25 of  
16 the Illinois Administrative Procedure Act to the extent that  
17 such definitions apply to agencies or agency heads under the  
18 jurisdiction of the Governor.

19 (Source: P.A. 90-590, eff. 1-1-99.)".