



Rep. Randy Ramey, Jr.

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LRB097 02995 RLC 55206 a

1 AMENDMENT TO HOUSE BILL 306

2 AMENDMENT NO. _____. Amend House Bill 306 by replacing
3 everything after the enacting clause with the following:

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

6 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

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

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

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

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

16 (b-1) To create and implement, on January 1, 2002, a
17 pilot program to establish the effectiveness of
18 pupillometer technology (the measurement of the pupil's
19 reaction to light) as an alternative to a urine test for
20 purposes of screening and evaluating persons committed to
21 its custody who have alcohol or drug problems. The pilot
22 program shall require the pupillometer technology to be
23 used in at least one Department of Corrections facility.
24 The Director may expand the pilot program to include an
25 additional facility or facilities as he or she deems
26 appropriate. A minimum of 4,000 tests shall be included in

1 the pilot program. The Department must report to the
2 General Assembly on the effectiveness of the program by
3 January 1, 2003.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 reason to believe that such procedures would provide
2 evidence that such violations have occurred.

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

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

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

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

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

3 (1-5) In a confidential annual report to the Governor,
4 the Department shall identify all inmate gangs by
5 specifying each current gang's name, population and allied
6 gangs. The Department shall further specify the number of
7 top leaders identified by the Department for each gang
8 during the past year, and the measures taken by the
9 Department to segregate each leader from his or her gang
10 and allied gangs. The Department shall further report the
11 current status of leaders identified and segregated in
12 previous years. All leaders described in the report shall
13 be identified by inmate number or other designation to
14 enable tracking, auditing, and verification without
15 revealing the names of the leaders. Because this report
16 contains law enforcement intelligence information
17 collected by the Department, the report is confidential and
18 not subject to public disclosure.

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

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

25 (o) To administer the distribution of funds from the
26 State Treasury to reimburse counties where State penal

1 institutions are located for the payment of assistant
2 state's attorneys' salaries under Section 4-2001 of the
3 Counties Code.

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

10 (q) To establish a diversion program.

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

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

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

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

25 (3) Each participant shall pay for room and board
26 at the facility on a sliding-scale basis according to

1 the participant's income.

2 (4) Each participant shall:

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

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

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

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

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

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

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

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

23 (r-5) (Blank).

24 (r-10) To systematically and routinely identify with
25 respect to each streetgang active within the correctional
26 system: (1) each active gang; (2) every existing inter-gang

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

9 (i) are members of a criminal streetgang;

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

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

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

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

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

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

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

23 (u-5) To issue an order, whenever a person committed to
24 the Department absconds or absents himself or herself,
25 without authority to do so, from any facility or program to
26 which he or she is assigned. The order shall be certified

1 by the Director, the Supervisor of the Apprehension Unit,
2 or any person duly designated by the Director, with the
3 seal of the Department affixed. The order shall be directed
4 to all sheriffs, coroners, and police officers, or to any
5 particular person named in the order. Any order issued
6 pursuant to this subdivision (1) (u-5) shall be sufficient
7 warrant for the officer or person named in the order to
8 arrest and deliver the committed person to the proper
9 correctional officials and shall be executed the same as
10 criminal process.

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

13 (2) The Department of Corrections shall by January 1, 1998,
14 consider building and operating a correctional facility within
15 100 miles of a county of over 2,000,000 inhabitants, especially
16 a facility designed to house juvenile participants in the
17 impact incarceration program.

18 (3) When the Department lets bids for contracts for medical
19 services to be provided to persons committed to Department
20 facilities by a health maintenance organization, medical
21 service corporation, or other health care provider, the bid may
22 only be let to a health care provider that has obtained an
23 irrevocable letter of credit or performance bond issued by a
24 company whose bonds are rated AAA by a bond rating
25 organization.

26 (4) When the Department lets bids for contracts for food or

1 commissary services to be provided to Department facilities,
2 the bid may only be let to a food or commissary services
3 provider that has obtained an irrevocable letter of credit or
4 performance bond issued by a company whose bonds are rated AAA
5 by a bond rating organization.

6 (5) The Illinois Department of Corrections (IDOC) shall
7 enter into a Memorandum of Understanding (MOU) with U.S.
8 Immigration and Customs Enforcement (ICE), pursuant to Section
9 241(a) of the Immigration and Nationality Act, codified at 8
10 U.S.C. Section 1231(a), as amended by the Homeland Security Act
11 of 2002, Public Law No. 107-296 as codified at 8 U.S.C.
12 Sections 131-134 which authorizes the Secretary of the
13 Department of Homeland Security to enter into written
14 agreements with a state or any political subdivision of a state
15 to remove certain non-United States citizens in the custody of
16 that state. The purpose of the MOU is to set forth terms by
17 which ICE and IDOC will cooperate in a Rapid Removal of
18 Eligible Parolees Accepted for Transfer ("Rapid REPAT")
19 program, which allows for early conditional release for
20 deportation of such noncitizens to their home countries. The
21 MOU shall provide that a person may take part in this program
22 only if a final order of deportation has been issued against
23 such person, provided that prior to the issuance of such an
24 order:

25 (A) the person has been advised of and given a full and
26 fair opportunity to exercise his or her rights under

1 federal immigration law to a hearing before an immigration
2 judge to contest his or her removal from the United States,
3 including but not limited to the right to seek and consult
4 with legal counsel and to be represented by counsel at such
5 hearing, to present evidence in support of any applicable
6 defense to a removal proceeding or claim for relief from
7 removal, and to seek review of an adverse decision by such
8 judge;

9 (B) the person has been informed of available legal
10 referral services and of law firms and not-for-profit
11 organizations that provide free or low-cost legal
12 assistance; and

13 (C) the information described in subparagraphs (A) and
14 (B) has been provided verbally and in writing in English
15 and in the person's native language.

16 (Source: P.A. 96-1265, eff. 7-26-10.)

17 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

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

19 (a) The Parole and Pardon Board is abolished and the term
20 "Parole and Pardon Board" as used in any law of Illinois, shall
21 read "Prisoner Review Board." After the effective date of this
22 amendatory Act of 1977, the Prisoner Review Board shall provide
23 by rule for the orderly transition of all files, records, and
24 documents of the Parole and Pardon Board and for such other
25 steps as may be necessary to effect an orderly transition and

1 shall:

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

7 (2) hear by at least one member and through a panel of
8 at least 3 members decide, the conditions of parole and the
9 time of discharge from parole, impose sanctions for
10 violations of parole, and revoke parole for those sentenced
11 under the law in effect prior to this amendatory Act of
12 1977; provided that the decision to parole and the
13 conditions of parole for all prisoners who were sentenced
14 for first degree murder or who received a minimum sentence
15 of 20 years or more under the law in effect prior to
16 February 1, 1978 shall be determined by a majority vote of
17 the Prisoner Review Board. One representative supporting
18 parole and one representative opposing parole will be
19 allowed to speak. Their comments shall be limited to making
20 corrections and filling in omissions to the Board's
21 presentation and discussion;

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

1 supervised release for those sentenced under the law in
2 effect after the effective date of this amendatory Act of
3 1977;

4 (3.5) hear by at least one member and through a panel
5 of at least 3 members decide, the conditions of mandatory
6 supervised release and the time of discharge from mandatory
7 supervised release, to impose sanctions for violations of
8 mandatory supervised release and revoke mandatory
9 supervised release for those serving extended supervised
10 release terms pursuant to paragraph (4) of subsection (d)
11 of Section 5-8-1;

12 (4) hear by at least 1 member and through a panel of at
13 least 3 members, decide cases brought by the Department of
14 Corrections against a prisoner in the custody of the
15 Department for alleged violation of Department rules with
16 respect to good conduct credits pursuant to Section 3-6-3
17 of this Code in which the Department seeks to revoke good
18 conduct credits, if the amount of time at issue exceeds 30
19 days or when, during any 12 month period, the cumulative
20 amount of credit revoked exceeds 30 days except where the
21 infraction is committed or discovered within 60 days of
22 scheduled release. In such cases, the Department of
23 Corrections may revoke up to 30 days of good conduct
24 credit. The Board may subsequently approve the revocation
25 of additional good conduct credit, if the Department seeks
26 to revoke good conduct credit in excess of thirty days.

1 However, the Board shall not be empowered to review the
2 Department's decision with respect to the loss of 30 days
3 of good conduct credit for any prisoner or to increase any
4 penalty beyond the length requested by the Department;

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

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

14 (7) comply with the requirements of the Open Parole
15 Hearings Act;

16 (8) hear by at least one member and, through a panel of
17 at least 3 members, decide cases brought by the Department
18 of Corrections against a prisoner in the custody of the
19 Department for court dismissal of a frivolous lawsuit
20 pursuant to Section 3-6-3(d) of this Code in which the
21 Department seeks to revoke up to 180 days of good conduct
22 credit, and if the prisoner has not accumulated 180 days of
23 good conduct credit at the time of the dismissal, then all
24 good conduct credit accumulated by the prisoner shall be
25 revoked; ~~and~~

26 (9) hear by at least 3 members, and, through a panel of

1 at least 3 members, decide whether to grant certificates of
2 relief from disabilities or certificates of good conduct as
3 provided in Article 5.5 of Chapter V; and -

4 (10) hear by at least one member and, through a panel
5 of at least 3 members, decide all requests for early
6 conditional release under the Rapid REPAT program
7 described in subsection (5) of Section 3-2-2 of this Code.

8 (a-5) The Prisoner Review Board, with the cooperation of
9 and in coordination with the Department of Corrections and the
10 Department of Central Management Services, shall implement a
11 pilot project in 3 correctional institutions providing for the
12 conduct of hearings under paragraphs (1) and (4) of subsection
13 (a) of this Section through interactive video conferences. The
14 project shall be implemented within 6 months after the
15 effective date of this amendatory Act of 1996. Within 6 months
16 after the implementation of the pilot project, the Prisoner
17 Review Board, with the cooperation of and in coordination with
18 the Department of Corrections and the Department of Central
19 Management Services, shall report to the Governor and the
20 General Assembly regarding the use, costs, effectiveness, and
21 future viability of interactive video conferences for Prisoner
22 Review Board hearings.

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

25 (c) The Board shall cooperate with the Department in
26 promoting an effective system of parole and mandatory

1 supervised release.

2 (d) The Board shall promulgate rules for the conduct of its
3 work, and the Chairman shall file a copy of such rules and any
4 amendments thereto with the Director and with the Secretary of
5 State.

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

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

1 courts of the State. Fees and mileage shall be vouchered for
2 payment when the witness is discharged from further attendance.

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

24 Each member of the Board and any hearing officer designated
25 by the Board shall have the power to administer oaths and to
26 take the testimony of persons under oath.

1 (g) Except under subsection (a) of this Section, a majority
2 of the members then appointed to the Prisoner Review Board
3 shall constitute a quorum for the transaction of all business
4 of the Board.

5 (h) The Prisoner Review Board shall annually transmit to
6 the Director a detailed report of its work for the preceding
7 calendar year. The annual report shall also be transmitted to
8 the Governor for submission to the Legislature.

9 (Source: P.A. 96-875, eff. 1-22-10.)

10 (730 ILCS 5/3-3-3) (from Ch. 38, par. 1003-3-3)

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

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

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

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

22 (3) 20 years or one-third of a determinate sentence,
23 whichever is less, less time credit for good behavior.

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

1 eligible for parole.

2 (c) Except for those sentenced to a term of natural life
3 imprisonment, every person sentenced to imprisonment under
4 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) No person serving a term of natural life imprisonment
10 may be paroled or released except through executive clemency.

11 (e) Every person committed to the Department of Juvenile
12 Justice under Section 5-10 of the Juvenile Court Act or Section
13 5-750 of the Juvenile Court Act of 1987 or Section 5-8-6 of
14 this Code and confined in the State correctional institutions
15 or facilities if such juvenile has not been tried as an adult
16 shall be eligible for parole without regard to the length of
17 time the person has been confined or whether the person has
18 served any minimum term imposed. However, if a juvenile has
19 been tried as an adult he shall only be eligible for parole or
20 mandatory supervised release as an adult under this Section.

21 (f) Notwithstanding any other provision of law, any person
22 in the custody of IDOC who is not a citizen of the United
23 States who meets the following criteria may be released by the
24 Prisoner Review Board to the custody of the United States
25 Department of Homeland Security, Immigration and Customs
26 Enforcement under the Rapid REPAT program described in

1 subsection (5) of Section 3-2-2 of this Code:

2 (1) the person has requested such release voluntarily,
3 but only after:

4 (A) IDOC has identified the person as potentially
5 eligible for the Rapid REPAT program based on the
6 person having fulfilled the requirements in paragraphs
7 (2), (3), and (4) of this subsection (f);

8 (B) subsequent to the identification described in
9 subparagraph (A) of this paragraph (1), IDOC has fully
10 informed the person, both verbally and in writing in
11 English and in the person's native language, about the
12 Rapid REPAT program, including the program
13 requirements for transfer to Immigration and Customs
14 Enforcement and removal from the United States and the
15 consequences of returning to the United States
16 illegally subsequent to removal; and

17 (C) IDOC has provided the person with a written
18 list of names and phone numbers of legal resources with
19 which the person may seek legal consultation,
20 including legal referral services, law firms, and
21 not-for-profit organizations that provide free or
22 low-cost legal assistance;

23 (2) a final order of deportation has been issued
24 against the person, provided that prior to the issuance of
25 such an order, the person has been provided the information
26 described in the last sentence of subsection (5) of Section

1 3-2-2 of this Code, and provided further that Immigration
2 and Customs Enforcement has notified IDOC that the person
3 has exhausted or voluntarily waived in writing any further
4 rights to seek review of such order;

5 (3) the person has less than one year remaining on his
6 or her sentence of incarceration with the Department of
7 Corrections; and

8 (4) the person is not serving a sentence for a forcible
9 felony, as defined in the Criminal Code of 1961; for any
10 offense "directed against the person", as identified in
11 Part B of Title III of the Criminal Code of 1961; for any
12 offense "affecting governmental functions", as identified
13 in Part E of Title III of the Criminal Code of 1961; for
14 any "aggravated" offense, as identified in Part F of Title
15 III of the Criminal Code of 1961; or for an offense falling
16 into a Class of felony other than Class 3 or 4, as set out
17 in the Criminal Code of 1961 and the Unified Code of
18 Corrections.

19 The Board may condition the early conditional release of a
20 person under this paragraph on receipt of assurance from
21 Immigration and Customs Enforcement that the order of
22 deportation will be executed promptly and that a person
23 released hereunder will not be released from the custody of
24 Immigration and Customs Enforcement, unless such release is a
25 result of deportation, without notice to the Board and an
26 opportunity for issuance of a parole violation warrant for the

1 retaking of the person.

2 If a person released under this subsection returns
3 illegally to the United States, on notification from any
4 federal, state, or local law enforcement authority that the
5 person is in custody, the Board shall revoke his or her early
6 conditional release. Thereafter, the person shall not be
7 eligible for release without first having served the full
8 remainder of his or her term of incarceration. In such event,
9 though, the time spent in the custody of Immigration and
10 Customs Enforcement shall be credited against the remainder of
11 the term of incarceration.

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

13 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

14 Sec. 3-3-8. Length of parole and mandatory supervised
15 release; discharge.)

16 (a) The length of parole for a person sentenced under the
17 law in effect prior to the effective date of this amendatory
18 Act of 1977 and the length of mandatory supervised release for
19 those sentenced under the law in effect on and after such
20 effective date shall be as set out in Section 5-8-1 unless
21 sooner terminated under paragraph (b) of this Section. The
22 parole period of a juvenile committed to the Department under
23 the Juvenile Court Act or the Juvenile Court Act of 1987 shall
24 extend until he is 21 years of age unless sooner terminated
25 under paragraph (b) of this Section.

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

6 (b-1) The Prisoner Review Board may enter an order granting
7 early conditional release under the Rapid REPAT program
8 described in subsection (5) of Section 3-2-2 of this Code in
9 accordance with subsection (f) of Section 3-3-3 of this Code.

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

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

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