



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5218

Introduced 2/8/2012, by Rep. Randy Ramey, Jr.

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-2-2	from Ch. 38, par. 1003-2-2
730 ILCS 5/3-3-2	from Ch. 38, par. 1003-3-2
730 ILCS 5/3-3-3	from Ch. 38, par. 1003-3-3
730 ILCS 5/3-3-8	from Ch. 38, par. 1003-3-8

Amends the Unified Code of Corrections. Provides that the Illinois Department of Corrections (IDOC) shall enter into a Memorandum of Understanding (MOU) with U.S. Immigration and Customs Enforcement (ICE) which authorizes the Secretary of the U.S. Department of Homeland Security to enter into written agreements with a state or any political subdivision of a state to remove an alien in the custody of that state. Provides that the purpose of the MOU is to set forth terms by which ICE and IDOC will cooperate in a Rapid Removal of Eligible Parolees Accepted for Transfer ("Rapid REPAT") program, which allows for early conditional release for deportation of removable custodial aliens to their home countries. Provides that the MOU shall provide that a person may take part in this program only if a final order of deportation has been issued against such person. Provides that the Prisoner Review Board shall hear by at least one member and, through a panel of at least 3 members, decide all requests for release of prisoners subject to detainers filed by ICE.

LRB097 18775 RLC 64011 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-2-2, 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.

17 (b) To develop and maintain reception and evaluation
18 units for purposes of analyzing the custody and
19 rehabilitation needs of persons committed to it and to
20 assign such persons to institutions and programs under its
21 control or transfer them to other appropriate agencies. In
22 consultation with the Department of Alcoholism and
23 Substance Abuse (now the Department of Human Services), the

1 Department of Corrections shall develop a master plan for
2 the screening and evaluation of persons committed to its
3 custody who have alcohol or drug abuse problems, and for
4 making appropriate treatment available to such persons;
5 the Department shall report to the General Assembly on such
6 plan not later than April 1, 1987. The maintenance and
7 implementation of such plan shall be contingent upon the
8 availability of funds.

9 (b-1) To create and implement, on January 1, 2002, a
10 pilot program to establish the effectiveness of
11 pupillometer technology (the measurement of the pupil's
12 reaction to light) as an alternative to a urine test for
13 purposes of screening and evaluating persons committed to
14 its custody who have alcohol or drug problems. The pilot
15 program shall require the pupillometer technology to be
16 used in at least one Department of Corrections facility.
17 The Director may expand the pilot program to include an
18 additional facility or facilities as he or she deems
19 appropriate. A minimum of 4,000 tests shall be included in
20 the pilot program. The Department must report to the
21 General Assembly on the effectiveness of the program by
22 January 1, 2003.

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

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

12 Pursuant to its power to establish new institutions and
13 facilities, the Department may authorize the Department of
14 Central Management Services to accept bids from counties
15 and municipalities for the construction, remodeling or
16 conversion of a structure to be leased to the Department of
17 Corrections for the purposes of its serving as a
18 correctional institution or facility. Such construction,
19 remodeling or conversion may be financed with revenue bonds
20 issued pursuant to the Industrial Building Revenue Bond Act
21 by the municipality or county. The lease specified in a bid
22 shall be for a term of not less than the time needed to
23 retire any revenue bonds used to finance the project, but
24 not to exceed 40 years. The lease may grant to the State
25 the option to purchase the structure outright.

26 Upon receipt of the bids, the Department may certify

1 one or more of the bids and shall submit any such bids to
2 the General Assembly for approval. Upon approval of a bid
3 by a constitutional majority of both houses of the General
4 Assembly, pursuant to joint resolution, the Department of
5 Central Management Services may enter into an agreement
6 with the county or municipality pursuant to such bid.

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

20 (d) To develop and maintain programs of control,
21 rehabilitation and employment of committed persons within
22 its institutions.

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

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

1 (f) To establish in cooperation with the Department of
2 Transportation to supply a sufficient number of prisoners
3 for use by the Department of Transportation to clean up the
4 trash and garbage along State, county, township, or
5 municipal highways as designated by the Department of
6 Transportation. The Department of Corrections, at the
7 request of the Department of Transportation, shall furnish
8 such prisoners at least annually for a period to be agreed
9 upon between the Director of Corrections and the Director
10 of Transportation. The prisoners used on this program shall
11 be selected by the Director of Corrections on whatever
12 basis he deems proper in consideration of their term,
13 behavior and earned eligibility to participate in such
14 program - where they will be outside of the prison facility
15 but still in the custody of the Department of Corrections.
16 Prisoners convicted of first degree murder, or a Class X
17 felony, or armed violence, or aggravated kidnapping, or
18 criminal sexual assault, aggravated criminal sexual abuse
19 or a subsequent conviction for criminal sexual abuse, or
20 forcible detention, or arson, or a prisoner adjudged a
21 Habitual Criminal shall not be eligible for selection to
22 participate in such program. The prisoners shall remain as
23 prisoners in the custody of the Department of Corrections
24 and such Department shall furnish whatever security is
25 necessary. The Department of Transportation shall furnish
26 trucks and equipment for the highway cleanup program and

1 personnel to supervise and direct the program. Neither the
2 Department of Corrections nor the Department of
3 Transportation shall replace any regular employee with a
4 prisoner.

5 (g) To maintain records of persons committed to it and
6 to establish programs of research, statistics and
7 planning.

8 (h) To investigate the grievances of any person
9 committed to the Department, to inquire into any alleged
10 misconduct by employees or committed persons, and to
11 investigate the assets of committed persons to implement
12 Section 3-7-6 of this Code; and for these purposes it may
13 issue subpoenas and compel the attendance of witnesses and
14 the production of writings and papers, and may examine
15 under oath any witnesses who may appear before it; to also
16 investigate alleged violations of a parolee's or
17 releasee's conditions of parole or release; and for this
18 purpose it may issue subpoenas and compel the attendance of
19 witnesses and the production of documents only if there is
20 reason to believe that such procedures would provide
21 evidence that such violations have occurred.

22 If any person fails to obey a subpoena issued under
23 this subsection, the Director may apply to any circuit
24 court to secure compliance with the subpoena. The failure
25 to comply with the order of the court issued in response
26 thereto shall be punishable as contempt of court.

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

14 (j) To cooperate with other departments and agencies
15 and with local communities for the development of standards
16 and programs for better correctional services in this
17 State.

18 (k) To administer all moneys and properties of the
19 Department.

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

22 (1-5) In a confidential annual report to the Governor,
23 the Department shall identify all inmate gangs by
24 specifying each current gang's name, population and allied
25 gangs. The Department shall further specify the number of
26 top leaders identified by the Department for each gang

1 during the past year, and the measures taken by the
2 Department to segregate each leader from his or her gang
3 and allied gangs. The Department shall further report the
4 current status of leaders identified and segregated in
5 previous years. All leaders described in the report shall
6 be identified by inmate number or other designation to
7 enable tracking, auditing, and verification without
8 revealing the names of the leaders. Because this report
9 contains law enforcement intelligence information
10 collected by the Department, the report is confidential and
11 not subject to public disclosure.

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

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

18 (o) To administer the distribution of funds from the
19 State Treasury to reimburse counties where State penal
20 institutions are located for the payment of assistant
21 state's attorneys' salaries under Section 4-2001 of the
22 Counties Code.

23 (p) To exchange information with the Department of
24 Human Services and the Department of Healthcare and Family
25 Services for the purpose of verifying living arrangements
26 and for other purposes directly connected with the

1 administration of this Code and the Illinois Public Aid
2 Code.

3 (q) To establish a diversion program.

4 The program shall provide a structured environment for
5 selected technical parole or mandatory supervised release
6 violators and committed persons who have violated the rules
7 governing their conduct while in work release. This program
8 shall not apply to those persons who have committed a new
9 offense while serving on parole or mandatory supervised
10 release or while committed to work release.

11 Elements of the program shall include, but shall not be
12 limited to, the following:

13 (1) The staff of a diversion facility shall provide
14 supervision in accordance with required objectives set
15 by the facility.

16 (2) Participants shall be required to maintain
17 employment.

18 (3) Each participant shall pay for room and board
19 at the facility on a sliding-scale basis according to
20 the participant's income.

21 (4) Each participant shall:

22 (A) provide restitution to victims in
23 accordance with any court order;

24 (B) provide financial support to his
25 dependents; and

26 (C) make appropriate payments toward any other

1 court-ordered obligations.

2 (5) Each participant shall complete community
3 service in addition to employment.

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

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

9 (8) The Department shall promulgate rules
10 governing the administration of the program.

11 (r) To enter into intergovernmental cooperation
12 agreements under which persons in the custody of the
13 Department may participate in a county impact
14 incarceration program established under Section 3-6038 or
15 3-15003.5 of the Counties Code.

16 (r-5) (Blank).

17 (r-10) To systematically and routinely identify with
18 respect to each streetgang active within the correctional
19 system: (1) each active gang; (2) every existing inter-gang
20 affiliation or alliance; and (3) the current leaders in
21 each gang. The Department shall promptly segregate leaders
22 from inmates who belong to their gangs and allied gangs.
23 "Segregate" means no physical contact and, to the extent
24 possible under the conditions and space available at the
25 correctional facility, prohibition of visual and sound
26 communication. For the purposes of this paragraph (r-10),

1 "leaders" means persons who:

2 (i) are members of a criminal streetgang;

3 (ii) with respect to other individuals within the
4 streetgang, occupy a position of organizer,
5 supervisor, or other position of management or
6 leadership; and

7 (iii) are actively and personally engaged in
8 directing, ordering, authorizing, or requesting
9 commission of criminal acts by others, which are
10 punishable as a felony, in furtherance of streetgang
11 related activity both within and outside of the
12 Department of Corrections.

13 "Streetgang", "gang", and "streetgang related" have the
14 meanings ascribed to them in Section 10 of the Illinois
15 Streetgang Terrorism Omnibus Prevention Act.

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

20 (t) To monitor any unprivileged conversation or any
21 unprivileged communication, whether in person or by mail,
22 telephone, or other means, between an inmate who, before
23 commitment to the Department, was a member of an organized
24 gang and any other person without the need to show cause or
25 satisfy any other requirement of law before beginning the
26 monitoring, except as constitutionally required. The

1 monitoring may be by video, voice, or other method of
2 recording or by any other means. As used in this
3 subdivision (1)(t), "organized gang" has the meaning
4 ascribed to it in Section 10 of the Illinois Streetgang
5 Terrorism Omnibus Prevention Act.

6 As used in this subdivision (1)(t), "unprivileged
7 conversation" or "unprivileged communication" means a
8 conversation or communication that is not protected by any
9 privilege recognized by law or by decision, rule, or order
10 of the Illinois Supreme Court.

11 (u) To establish a Women's and Children's Pre-release
12 Community Supervision Program for the purpose of providing
13 housing and services to eligible female inmates, as
14 determined by the Department, and their newborn and young
15 children.

16 (u-5) To issue an order, whenever a person committed to
17 the Department absconds or absents himself or herself,
18 without authority to do so, from any facility or program to
19 which he or she is assigned. The order shall be certified
20 by the Director, the Supervisor of the Apprehension Unit,
21 or any person duly designated by the Director, with the
22 seal of the Department affixed. The order shall be directed
23 to all sheriffs, coroners, and police officers, or to any
24 particular person named in the order. Any order issued
25 pursuant to this subdivision (1) (u-5) shall be sufficient
26 warrant for the officer or person named in the order to

1 arrest and deliver the committed person to the proper
2 correctional officials and shall be executed the same as
3 criminal process.

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

6 (2) The Department of Corrections shall by January 1, 1998,
7 consider building and operating a correctional facility within
8 100 miles of a county of over 2,000,000 inhabitants, especially
9 a facility designed to house juvenile participants in the
10 impact incarceration program.

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

19 (4) When the Department lets bids for contracts for food or
20 commissary services to be provided to Department facilities,
21 the bid may only be let to a food or commissary services
22 provider that has obtained an irrevocable letter of credit or
23 performance bond issued by a company whose bonds are rated AAA
24 by a bond rating organization.

25 (5) The Illinois Department of Corrections (IDOC) shall
26 enter into a Memorandum of Understanding (MOU) with U.S.

1 Immigration and Customs Enforcement (ICE), pursuant to Section
2 241(a) of the Immigration and Nationality Act, codified at 8
3 U.S.C. Section 1231(a), as amended by the Homeland Security Act
4 of 2002, Public Law No. 107-296 as codified at 8 U.S.C.
5 Sections 131-134 which authorizes the Secretary of the
6 Department of Homeland Security to enter into written
7 agreements with a state or any political subdivision of a state
8 to remove certain non-United States citizens in the custody of
9 that state. The purpose of the MOU is to set forth terms by
10 which ICE and IDOC will cooperate in a Rapid Removal of
11 Eligible Parolees Accepted for Transfer ("Rapid REPAT")
12 program, which allows for early conditional release for
13 deportation of such noncitizens to their home countries. The
14 MOU shall provide that a person may take part in this program
15 only if a final order of deportation has been issued against
16 such person, provided that prior to the issuance of such an
17 order:

18 (A) the person has been advised of and given a full and
19 fair opportunity to exercise his or her rights under
20 federal immigration law to a hearing before an immigration
21 judge to contest his or her removal from the United States,
22 including but not limited to the right to seek and consult
23 with legal counsel and to be represented by counsel at such
24 hearing, to present evidence in support of any applicable
25 defense to a removal proceeding or claim for relief from
26 removal, and to seek review of an adverse decision by such

1 judge;

2 (B) the person has been informed of available legal
3 referral services and of law firms and not-for-profit
4 organizations that provide free or low-cost legal
5 assistance; and

6 (C) the information described in subparagraphs (A) and
7 (B) has been provided verbally and in writing in English
8 and in the person's native language.

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

10 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

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

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

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

25 (2) hear by at least one member and through a panel of

1 at least 3 members decide, the conditions of parole and the
2 time of discharge from parole, impose sanctions for
3 violations of parole, and revoke parole for those sentenced
4 under the law in effect prior to this amendatory Act of
5 1977; provided that the decision to parole and the
6 conditions of parole for all prisoners who were sentenced
7 for first degree murder or who received a minimum sentence
8 of 20 years or more under the law in effect prior to
9 February 1, 1978 shall be determined by a majority vote of
10 the Prisoner Review Board. One representative supporting
11 parole and one representative opposing parole will be
12 allowed to speak. Their comments shall be limited to making
13 corrections and filling in omissions to the Board's
14 presentation and discussion;

15 (3) hear by at least one member and through a panel of
16 at least 3 members decide, the conditions of mandatory
17 supervised release and the time of discharge from mandatory
18 supervised release, impose sanctions for violations of
19 mandatory supervised release, and revoke mandatory
20 supervised release for those sentenced under the law in
21 effect after the effective date of this amendatory Act of
22 1977;

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

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

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

24 (5) hear by at least one member and through a panel of
25 at least 3 members decide, the release dates for certain
26 prisoners sentenced under the law in existence prior to the

1 effective date of this amendatory Act of 1977, in
2 accordance with Section 3-3-2.1 of this Code;

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

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

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

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

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

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

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

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

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

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

1 and the rules of the Board.

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

22 In case of disobedience to a subpoena, the Board may
23 petition any circuit court of the State for an order requiring
24 the attendance and testimony of witnesses or the production of
25 documentary evidence or both. A copy of such petition shall be
26 served by personal service or by registered or certified mail

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

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

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

24 (h) The Prisoner Review Board shall annually transmit to
25 the Director a detailed report of its work for the preceding
26 calendar year. The annual report shall also be transmitted to

1 the Governor for submission to the Legislature.

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

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

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

5 (a) Except for those offenders who accept the fixed release
6 date established by the Prisoner Review Board under Section
7 3-3-2.1, every person serving a term of imprisonment under the
8 law in effect prior to the effective date of this amendatory
9 Act of 1977 shall be eligible for parole when he has served:

10 (1) the minimum term of an indeterminate sentence less
11 time credit for good behavior, or 20 years less time credit
12 for good behavior, whichever is less; or

13 (2) 20 years of a life sentence less time credit for
14 good behavior; or

15 (3) 20 years or one-third of a determinate sentence,
16 whichever is less, less time credit for good behavior.

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

20 (c) Except for those sentenced to a term of natural life
21 imprisonment, every person sentenced to imprisonment under
22 this amendatory Act of 1977 or given a release date under
23 Section 3-3-2.1 of this Act shall serve the full term of a
24 determinate sentence less time credit for good behavior and
25 shall then be released under the mandatory supervised release

1 provisions of paragraph (d) of Section 5-8-1 of this Code.

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

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

14 (f) Notwithstanding any other provision of law, any person
15 in the custody of IDOC who is not a citizen of the United
16 States who meets the following criteria may be released by the
17 Prisoner Review Board to the custody of the United States
18 Department of Homeland Security, Immigration and Customs
19 Enforcement under the Rapid REPAT program described in
20 subsection (5) of Section 3-2-2 of this Code:

21 (1) the person has requested such release voluntarily,
22 but only after:

23 (A) IDOC has identified the person as potentially
24 eligible for the Rapid REPAT program based on the
25 person having fulfilled the requirements in paragraphs
26 (2), (3), and (4) of this subsection (f);

1 (B) subsequent to the identification described in
2 subparagraph (A) of this paragraph (1), IDOC has fully
3 informed the person, both verbally and in writing in
4 English and in the person's native language, about the
5 Rapid REPAT program, including the program
6 requirements for transfer to Immigration and Customs
7 Enforcement and removal from the United States and the
8 consequences of returning to the United States
9 illegally subsequent to removal; and

10 (C) IDOC has provided the person with a written
11 list of names and phone numbers of legal resources with
12 which the person may seek legal consultation,
13 including legal referral services, law firms, and
14 not-for-profit organizations that provide free or
15 low-cost legal assistance;

16 (2) a final order of deportation has been issued
17 against the person, provided that prior to the issuance of
18 such an order, the person has been provided the information
19 described in the last sentence of subsection (5) of Section
20 3-2-2 of this Code, and provided further that Immigration
21 and Customs Enforcement has notified IDOC that the person
22 has exhausted or voluntarily waived in writing any further
23 rights to seek review of such order;

24 (3) the person has less than one year remaining on his
25 or her sentence of incarceration with the Department of
26 Corrections; and

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

12 The Board may condition the early conditional release of a
13 person under this paragraph on receipt of assurance from
14 Immigration and Customs Enforcement that the order of
15 deportation will be executed promptly and that a person
16 released hereunder will not be released from the custody of
17 Immigration and Customs Enforcement, unless such release is a
18 result of deportation, without notice to the Board and an
19 opportunity for issuance of a parole violation warrant for the
20 retaking of the person.

21 If a person released under this subsection returns
22 illegally to the United States, on notification from any
23 federal, state, or local law enforcement authority that the
24 person is in custody, the Board shall revoke his or her early
25 conditional release. Thereafter, the person shall not be
26 eligible for release without first having served the full

1 remainder of his or her term of incarceration. In such event,
2 though, the time spent in the custody of Immigration and
3 Customs Enforcement shall be credited against the remainder of
4 the term of incarceration.

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

6 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

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

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

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

24 (b-1) Provided that the subject is in compliance with the
25 terms and conditions of his or her parole or mandatory

1 supervised release, the Prisoner Review Board may reduce the
2 period of a parolee or releasee's parole or mandatory
3 supervised release by 90 days upon the parolee or releasee
4 receiving a high school diploma or upon passage of the high
5 school level Test of General Educational Development during the
6 period of his or her parole or mandatory supervised release.
7 This reduction in the period of a subject's term of parole or
8 mandatory supervised release shall be available only to
9 subjects who have not previously earned a high school diploma
10 or who have not previously passed the high school level Test of
11 General Educational Development.

12 (b-5) The Prisoner Review Board may enter an order granting
13 early conditional release under the Rapid REPAT program
14 described in subsection (5) of Section 3-2-2 of this Code in
15 accordance with subsection (f) of Section 3-3-3 of this Code.

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

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

25 (Source: P.A. 97-531, eff. 1-1-12.)