



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB4266

by Rep. Jay Hoffman

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-4

from Ch. 38, par. 1003-3-4

Amends the Unified Code of Corrections. Provides that the Prisoner Review Board shall not release the names or addresses of any person on its victim registry to any other person except the victim, a law enforcement agency, or other victim notification system.

LRB098 16014 RLC 51066 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by  
5 changing Section 3-3-4 as follows:

6 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)

7 Sec. 3-3-4. Preparation for Parole Hearing.

8 (a) The Prisoner Review Board shall consider the parole of  
9 each eligible person committed to the Department of Corrections  
10 at least 30 days prior to the date he or she shall first become  
11 eligible for parole, and shall consider the aftercare release  
12 of each person committed to the Department of Juvenile Justice  
13 as a delinquent at least 30 days prior to the expiration of the  
14 first year of confinement.

15 (b) A person eligible for parole or aftercare release  
16 shall, no less than 15 days in advance of his or her parole  
17 interview, prepare a parole or aftercare release plan in  
18 accordance with the rules of the Prisoner Review Board. The  
19 person shall be assisted in preparing his or her parole or  
20 aftercare release plan by personnel of the Department of  
21 Corrections, or the Department of Juvenile Justice in the case  
22 of a person committed to that Department, and may, for this  
23 purpose, be released on furlough under Article 11 or on

1 authorized absence under Section 3-9-4. The appropriate  
2 Department shall also provide assistance in obtaining  
3 information and records helpful to the individual for his or  
4 her parole hearing. If the person eligible for parole or  
5 aftercare release has a petition or any written submissions  
6 prepared on his or her behalf by an attorney or other  
7 representative, the attorney or representative for the person  
8 eligible for parole or aftercare release must serve by  
9 certified mail the State's Attorney of the county where he or  
10 she was prosecuted with the petition or any written submissions  
11 15 days after his or her parole interview. The State's Attorney  
12 shall provide the attorney for the person eligible for parole  
13 or aftercare release with a copy of his or her letter in  
14 opposition to parole or aftercare release via certified mail  
15 within 5 business days of the en banc hearing.

16 (c) Any member of the Board shall have access at all  
17 reasonable times to any committed person and to his or her  
18 master record file within the Department, and the Department  
19 shall furnish such a report to the Board concerning the conduct  
20 and character of any such person prior to his or her parole  
21 interview.

22 (d) In making its determination of parole or aftercare  
23 release, the Board shall consider:

- 24 (1) material transmitted to the Department of Juvenile  
25 Justice by the clerk of the committing court under Section  
26 5-4-1 or Section 5-10 of the Juvenile Court Act or Section

- 1           5-750 of the Juvenile Court Act of 1987;
- 2           (2) the report under Section 3-8-2 or 3-10-2;
- 3           (3) a report by the Department and any report by the  
4 chief administrative officer of the institution or  
5 facility;
- 6           (4) a parole or aftercare release progress report;
- 7           (5) a medical and psychological report, if requested by  
8 the Board;
- 9           (6) material in writing, or on film, video tape or  
10 other electronic means in the form of a recording submitted  
11 by the person whose parole or aftercare release is being  
12 considered;
- 13           (7) material in writing, or on film, video tape or  
14 other electronic means in the form of a recording or  
15 testimony submitted by the State's Attorney and the victim  
16 or a concerned citizen pursuant to the Rights of Crime  
17 Victims and Witnesses Act; and
- 18           (8) the person's eligibility for commitment under the  
19 Sexually Violent Persons Commitment Act.
- 20           (e) The prosecuting State's Attorney's office shall  
21 receive from the Board reasonable written notice not less than  
22 30 days prior to the parole or aftercare release interview and  
23 may submit relevant information by oral argument or testimony  
24 of victims and concerned citizens, or both, in writing, or on  
25 film, video tape or other electronic means or in the form of a  
26 recording to the Board for its consideration. Upon written

1 request of the State's Attorney's office, the Prisoner Review  
2 Board shall hear protests to parole, or aftercare release,  
3 except in counties of 1,500,000 or more inhabitants where there  
4 shall be standing objections to all such petitions. If a  
5 State's Attorney who represents a county of less than 1,500,000  
6 inhabitants requests a protest hearing, the inmate's counsel or  
7 other representative shall also receive notice of such request.  
8 This hearing shall take place the month following the inmate's  
9 parole or aftercare release interview. If the inmate's parole  
10 or aftercare release interview is rescheduled then the Prisoner  
11 Review Board shall promptly notify the State's Attorney of the  
12 new date. The person eligible for parole or aftercare release  
13 shall be heard at the next scheduled en banc hearing date. If  
14 the case is to be continued, the State's Attorney's office and  
15 the attorney or representative for the person eligible for  
16 parole or aftercare release will be notified of any continuance  
17 within 5 business days. The State's Attorney may waive the  
18 written notice.

19 (f) The victim of the violent crime for which the prisoner  
20 has been sentenced shall receive notice of a parole or  
21 aftercare release hearing as provided in paragraph (4) of  
22 subsection (d) of Section 4.5 of the Rights of Crime Victims  
23 and Witnesses Act.

24 (g) Any recording considered under the provisions of  
25 subsection (d)(6), (d)(7) or (e) of this Section shall be in  
26 the form designated by the Board. Such recording shall be both

1 visual and aural. Every voice on the recording and person  
2 present shall be identified and the recording shall contain  
3 either a visual or aural statement of the person submitting  
4 such recording, the date of the recording and the name of the  
5 person whose parole or aftercare release eligibility is being  
6 considered. Such recordings shall be retained by the Board and  
7 shall be deemed to be submitted at any subsequent parole or  
8 aftercare release hearing if the victim or State's Attorney  
9 submits in writing a declaration clearly identifying such  
10 recording as representing the present position of the victim or  
11 State's Attorney regarding the issues to be considered at the  
12 parole or aftercare release hearing.

13 (h) The Board shall not release any material to the inmate,  
14 the inmate's attorney, any third party, or any other person  
15 containing any information from the victim or from a person  
16 related to the victim by blood, adoption, or marriage who has  
17 written objections, testified at any hearing, or submitted  
18 audio or visual objections to the inmate's parole, or aftercare  
19 release, unless provided with a waiver from that objecting  
20 party. The Board shall not release the names or addresses of  
21 any person on its victim registry to any other person except  
22 the victim, a law enforcement agency, or other victim  
23 notification system.

24 (Source: P.A. 97-523, eff. 1-1-12; 97-1075, eff. 8-24-12;  
25 97-1083, eff. 8-24-12; 98-463, eff. 8-16-13; 98-558, eff.  
26 1-1-14.)