

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 Sex Offender Management Board Act is amended
5 by changing Section 17 as follows:

6 (20 ILCS 4026/17)

7 Sec. 17. Sentencing of sex offenders; treatment based upon
8 evaluation required.

9 (a) Each felony sex offender sentenced by the court for a
10 sex offense shall be required as a part of any sentence to
11 probation, conditional release, or periodic imprisonment to
12 undergo treatment based upon the recommendations of the
13 evaluation made pursuant to Section 16 or based upon any
14 subsequent recommendations by the Administrative Office of the
15 Illinois Courts or the county probation department, whichever
16 is appropriate. Beginning on January 1, 2014, the treatment
17 shall be with a sex offender treatment provider or associate
18 sex offender provider as defined in Section 10 of this Act and
19 at the offender's own expense based upon the offender's ability
20 to pay for such treatment.

21 (b) Beginning on January 1, 2004, each sex offender placed
22 on parole, aftercare release, or mandatory supervised release
23 ~~by the Prisoner Review Board~~ shall be required as a condition

1 of parole or aftercare release to undergo treatment based upon
2 any evaluation or subsequent reevaluation regarding such
3 offender during the offender's incarceration or any period of
4 parole or aftercare release. Beginning on January 1, 2014, the
5 treatment shall be by a sex offender treatment provider or
6 associate sex offender provider as defined in Section 10 of
7 this Act and at the offender's expense based upon the
8 offender's ability to pay for such treatment.

9 (Source: P.A. 97-1098, eff. 1-1-13; 98-558, eff. 1-1-14.)

10 Section 10. The Juvenile Court Act of 1987 is amended by
11 changing Sections 5-710, 5-740, and 5-745 as follows:

12 (705 ILCS 405/5-710)

13 Sec. 5-710. Kinds of sentencing orders.

14 (1) The following kinds of sentencing orders may be made in
15 respect of wards of the court:

16 (a) Except as provided in Sections 5-805, 5-810, 5-815,
17 a minor who is found guilty under Section 5-620 may be:

18 (i) put on probation or conditional discharge and
19 released to his or her parents, guardian or legal
20 custodian, provided, however, that any such minor who
21 is not committed to the Department of Juvenile Justice
22 under this subsection and who is found to be a
23 delinquent for an offense which is first degree murder,
24 a Class X felony, or a forcible felony shall be placed

1 on probation;

2 (ii) placed in accordance with Section 5-740, with
3 or without also being put on probation or conditional
4 discharge;

5 (iii) required to undergo a substance abuse
6 assessment conducted by a licensed provider and
7 participate in the indicated clinical level of care;

8 (iv) on and after the effective date of this
9 amendatory Act of the 98th General Assembly and before
10 January 1, 2017, placed in the guardianship of the
11 Department of Children and Family Services, but only if
12 the delinquent minor is under 16 years of age or,
13 pursuant to Article II of this Act, a minor for whom an
14 independent basis of abuse, neglect, or dependency
15 exists. On and after January 1, 2017, placed in the
16 guardianship of the Department of Children and Family
17 Services, but only if the delinquent minor is under 15
18 years of age or, pursuant to Article II of this Act, a
19 minor for whom an independent basis of abuse, neglect,
20 or dependency exists. An independent basis exists when
21 the allegations or adjudication of abuse, neglect, or
22 dependency do not arise from the same facts, incident,
23 or circumstances which give rise to a charge or
24 adjudication of delinquency;

25 (v) placed in detention for a period not to exceed
26 30 days, either as the exclusive order of disposition

1 or, where appropriate, in conjunction with any other
2 order of disposition issued under this paragraph,
3 provided that any such detention shall be in a juvenile
4 detention home and the minor so detained shall be 10
5 years of age or older. However, the 30-day limitation
6 may be extended by further order of the court for a
7 minor under age 15 committed to the Department of
8 Children and Family Services if the court finds that
9 the minor is a danger to himself or others. The minor
10 shall be given credit on the sentencing order of
11 detention for time spent in detention under Sections
12 5-501, 5-601, 5-710, or 5-720 of this Article as a
13 result of the offense for which the sentencing order
14 was imposed. The court may grant credit on a sentencing
15 order of detention entered under a violation of
16 probation or violation of conditional discharge under
17 Section 5-720 of this Article for time spent in
18 detention before the filing of the petition alleging
19 the violation. A minor shall not be deprived of credit
20 for time spent in detention before the filing of a
21 violation of probation or conditional discharge
22 alleging the same or related act or acts. The
23 limitation that the minor shall only be placed in a
24 juvenile detention home does not apply as follows:

25 Persons 18 years of age and older who have a
26 petition of delinquency filed against them may be

1 confined in an adult detention facility. In making a
2 determination whether to confine a person 18 years of
3 age or older who has a petition of delinquency filed
4 against the person, these factors, among other
5 matters, shall be considered:

6 (A) the age of the person;

7 (B) any previous delinquent or criminal
8 history of the person;

9 (C) any previous abuse or neglect history of
10 the person;

11 (D) any mental health history of the person;

12 and

13 (E) any educational history of the person;

14 (vi) ordered partially or completely emancipated
15 in accordance with the provisions of the Emancipation
16 of Minors Act;

17 (vii) subject to having his or her driver's license
18 or driving privileges suspended for such time as
19 determined by the court but only until he or she
20 attains 18 years of age;

21 (viii) put on probation or conditional discharge
22 and placed in detention under Section 3-6039 of the
23 Counties Code for a period not to exceed the period of
24 incarceration permitted by law for adults found guilty
25 of the same offense or offenses for which the minor was
26 adjudicated delinquent, and in any event no longer than

1 upon attainment of age 21; this subdivision (viii)
2 notwithstanding any contrary provision of the law;

3 (ix) ordered to undergo a medical or other
4 procedure to have a tattoo symbolizing allegiance to a
5 street gang removed from his or her body; or

6 (x) placed in electronic home detention under Part
7 7A of this Article.

8 (b) A minor found to be guilty may be committed to the
9 Department of Juvenile Justice under Section 5-750 if the
10 minor is at least 13 years and under 20 years of age,
11 provided that the commitment to the Department of Juvenile
12 Justice shall be made only if the minor was found guilty of
13 a felony offense or first degree murder ~~a term of~~
14 ~~imprisonment in the penitentiary system of the Department~~
15 ~~of Corrections is permitted by law for adults found guilty~~
16 ~~of the offense for which the minor was adjudicated~~
17 ~~delinquent~~. The court shall include in the sentencing order
18 any pre-custody credits the minor is entitled to under
19 Section 5-4.5-100 of the Unified Code of Corrections. The
20 time during which a minor is in custody before being
21 released upon the request of a parent, guardian or legal
22 custodian shall also be considered as time spent in
23 custody.

24 (c) When a minor is found to be guilty for an offense
25 which is a violation of the Illinois Controlled Substances
26 Act, the Cannabis Control Act, or the Methamphetamine

1 Control and Community Protection Act and made a ward of the
2 court, the court may enter a disposition order requiring
3 the minor to undergo assessment, counseling or treatment in
4 a substance abuse program approved by the Department of
5 Human Services.

6 (2) Any sentencing order other than commitment to the
7 Department of Juvenile Justice may provide for protective
8 supervision under Section 5-725 and may include an order of
9 protection under Section 5-730.

10 (3) Unless the sentencing order expressly so provides, it
11 does not operate to close proceedings on the pending petition,
12 but is subject to modification until final closing and
13 discharge of the proceedings under Section 5-750.

14 (4) In addition to any other sentence, the court may order
15 any minor found to be delinquent to make restitution, in
16 monetary or non-monetary form, under the terms and conditions
17 of Section 5-5-6 of the Unified Code of Corrections, except
18 that the "presentencing hearing" referred to in that Section
19 shall be the sentencing hearing for purposes of this Section.
20 The parent, guardian or legal custodian of the minor may be
21 ordered by the court to pay some or all of the restitution on
22 the minor's behalf, pursuant to the Parental Responsibility
23 Law. The State's Attorney is authorized to act on behalf of any
24 victim in seeking restitution in proceedings under this
25 Section, up to the maximum amount allowed in Section 5 of the
26 Parental Responsibility Law.

1 (5) Any sentencing order where the minor is committed or
2 placed in accordance with Section 5-740 shall provide for the
3 parents or guardian of the estate of the minor to pay to the
4 legal custodian or guardian of the person of the minor such
5 sums as are determined by the custodian or guardian of the
6 person of the minor as necessary for the minor's needs. The
7 payments may not exceed the maximum amounts provided for by
8 Section 9.1 of the Children and Family Services Act.

9 (6) Whenever the sentencing order requires the minor to
10 attend school or participate in a program of training, the
11 truant officer or designated school official shall regularly
12 report to the court if the minor is a chronic or habitual
13 truant under Section 26-2a of the School Code. Notwithstanding
14 any other provision of this Act, in instances in which
15 educational services are to be provided to a minor in a
16 residential facility where the minor has been placed by the
17 court, costs incurred in the provision of those educational
18 services must be allocated based on the requirements of the
19 School Code.

20 (7) In no event shall a guilty minor be committed to the
21 Department of Juvenile Justice for a period of time in excess
22 of that period for which an adult could be committed for the
23 same act. The court shall include in the sentencing order a
24 limitation on the period of confinement not to exceed the
25 maximum period of imprisonment the court could impose under
26 Article V of the Unified Code of Corrections.

1 (7.5) In no event shall a guilty minor be committed to the
2 Department of Juvenile Justice or placed in detention when the
3 act for which the minor was adjudicated delinquent would not be
4 illegal if committed by an adult.

5 (7.6) In no event shall a guilty minor be committed to the
6 Department of Juvenile Justice for an offense which is a Class
7 4 felony under Section 19-4 (criminal trespass to a residence),
8 21-1 (criminal damage to property), 21-1.01 (criminal damage to
9 government supported property), 21-1.3 (criminal defacement of
10 property), 26-1 (disorderly conduct), or 31-4 (obstructing
11 justice), of the Criminal Code of 2012.

12 (8) A minor found to be guilty for reasons that include a
13 violation of Section 21-1.3 of the Criminal Code of 1961 or the
14 Criminal Code of 2012 shall be ordered to perform community
15 service for not less than 30 and not more than 120 hours, if
16 community service is available in the jurisdiction. The
17 community service shall include, but need not be limited to,
18 the cleanup and repair of the damage that was caused by the
19 violation or similar damage to property located in the
20 municipality or county in which the violation occurred. The
21 order may be in addition to any other order authorized by this
22 Section.

23 (8.5) A minor found to be guilty for reasons that include a
24 violation of Section 3.02 or Section 3.03 of the Humane Care
25 for Animals Act or paragraph (d) of subsection (1) of Section
26 21-1 of the Criminal Code of 1961 or paragraph (4) of

1 subsection (a) of Section 21-1 of the Criminal Code of 2012
2 shall be ordered to undergo medical or psychiatric treatment
3 rendered by a psychiatrist or psychological treatment rendered
4 by a clinical psychologist. The order may be in addition to any
5 other order authorized by this Section.

6 (9) In addition to any other sentencing order, the court
7 shall order any minor found to be guilty for an act which would
8 constitute, predatory criminal sexual assault of a child,
9 aggravated criminal sexual assault, criminal sexual assault,
10 aggravated criminal sexual abuse, or criminal sexual abuse if
11 committed by an adult to undergo medical testing to determine
12 whether the defendant has any sexually transmissible disease
13 including a test for infection with human immunodeficiency
14 virus (HIV) or any other identified causative agency of
15 acquired immunodeficiency syndrome (AIDS). Any medical test
16 shall be performed only by appropriately licensed medical
17 practitioners and may include an analysis of any bodily fluids
18 as well as an examination of the minor's person. Except as
19 otherwise provided by law, the results of the test shall be
20 kept strictly confidential by all medical personnel involved in
21 the testing and must be personally delivered in a sealed
22 envelope to the judge of the court in which the sentencing
23 order was entered for the judge's inspection in camera. Acting
24 in accordance with the best interests of the victim and the
25 public, the judge shall have the discretion to determine to
26 whom the results of the testing may be revealed. The court

1 shall notify the minor of the results of the test for infection
2 with the human immunodeficiency virus (HIV). The court shall
3 also notify the victim if requested by the victim, and if the
4 victim is under the age of 15 and if requested by the victim's
5 parents or legal guardian, the court shall notify the victim's
6 parents or the legal guardian, of the results of the test for
7 infection with the human immunodeficiency virus (HIV). The
8 court shall provide information on the availability of HIV
9 testing and counseling at the Department of Public Health
10 facilities to all parties to whom the results of the testing
11 are revealed. The court shall order that the cost of any test
12 shall be paid by the county and may be taxed as costs against
13 the minor.

14 (10) When a court finds a minor to be guilty the court
15 shall, before entering a sentencing order under this Section,
16 make a finding whether the offense committed either: (a) was
17 related to or in furtherance of the criminal activities of an
18 organized gang or was motivated by the minor's membership in or
19 allegiance to an organized gang, or (b) involved a violation of
20 subsection (a) of Section 12-7.1 of the Criminal Code of 1961
21 or the Criminal Code of 2012, a violation of any Section of
22 Article 24 of the Criminal Code of 1961 or the Criminal Code of
23 2012, or a violation of any statute that involved the wrongful
24 use of a firearm. If the court determines the question in the
25 affirmative, and the court does not commit the minor to the
26 Department of Juvenile Justice, the court shall order the minor

1 to perform community service for not less than 30 hours nor
2 more than 120 hours, provided that community service is
3 available in the jurisdiction and is funded and approved by the
4 county board of the county where the offense was committed. The
5 community service shall include, but need not be limited to,
6 the cleanup and repair of any damage caused by a violation of
7 Section 21-1.3 of the Criminal Code of 1961 or the Criminal
8 Code of 2012 and similar damage to property located in the
9 municipality or county in which the violation occurred. When
10 possible and reasonable, the community service shall be
11 performed in the minor's neighborhood. This order shall be in
12 addition to any other order authorized by this Section except
13 for an order to place the minor in the custody of the
14 Department of Juvenile Justice. For the purposes of this
15 Section, "organized gang" has the meaning ascribed to it in
16 Section 10 of the Illinois Streetgang Terrorism Omnibus
17 Prevention Act.

18 (11) If the court determines that the offense was committed
19 in furtherance of the criminal activities of an organized gang,
20 as provided in subsection (10), and that the offense involved
21 the operation or use of a motor vehicle or the use of a
22 driver's license or permit, the court shall notify the
23 Secretary of State of that determination and of the period for
24 which the minor shall be denied driving privileges. If, at the
25 time of the determination, the minor does not hold a driver's
26 license or permit, the court shall provide that the minor shall

1 not be issued a driver's license or permit until his or her
2 18th birthday. If the minor holds a driver's license or permit
3 at the time of the determination, the court shall provide that
4 the minor's driver's license or permit shall be revoked until
5 his or her 21st birthday, or until a later date or occurrence
6 determined by the court. If the minor holds a driver's license
7 at the time of the determination, the court may direct the
8 Secretary of State to issue the minor a judicial driving
9 permit, also known as a JDP. The JDP shall be subject to the
10 same terms as a JDP issued under Section 6-206.1 of the
11 Illinois Vehicle Code, except that the court may direct that
12 the JDP be effective immediately.

13 (12) If a minor is found to be guilty of a violation of
14 subsection (a-7) of Section 1 of the Prevention of Tobacco Use
15 by Minors Act, the court may, in its discretion, and upon
16 recommendation by the State's Attorney, order that minor and
17 his or her parents or legal guardian to attend a smoker's
18 education or youth diversion program as defined in that Act if
19 that program is available in the jurisdiction where the
20 offender resides. Attendance at a smoker's education or youth
21 diversion program shall be time-credited against any community
22 service time imposed for any first violation of subsection
23 (a-7) of Section 1 of that Act. In addition to any other
24 penalty that the court may impose for a violation of subsection
25 (a-7) of Section 1 of that Act, the court, upon request by the
26 State's Attorney, may in its discretion require the offender to

1 remit a fee for his or her attendance at a smoker's education
2 or youth diversion program.

3 For purposes of this Section, "smoker's education program"
4 or "youth diversion program" includes, but is not limited to, a
5 seminar designed to educate a person on the physical and
6 psychological effects of smoking tobacco products and the
7 health consequences of smoking tobacco products that can be
8 conducted with a locality's youth diversion program.

9 In addition to any other penalty that the court may impose
10 under this subsection (12):

11 (a) If a minor violates subsection (a-7) of Section 1
12 of the Prevention of Tobacco Use by Minors Act, the court
13 may impose a sentence of 15 hours of community service or a
14 fine of \$25 for a first violation.

15 (b) A second violation by a minor of subsection (a-7)
16 of Section 1 of that Act that occurs within 12 months after
17 the first violation is punishable by a fine of \$50 and 25
18 hours of community service.

19 (c) A third or subsequent violation by a minor of
20 subsection (a-7) of Section 1 of that Act that occurs
21 within 12 months after the first violation is punishable by
22 a \$100 fine and 30 hours of community service.

23 (d) Any second or subsequent violation not within the
24 12-month time period after the first violation is
25 punishable as provided for a first violation.

26 (Source: P.A. 98-536, eff. 8-23-13; 98-803, eff. 1-1-15;

1 99-268, eff. 1-1-16.)

2 (705 ILCS 405/5-740)

3 Sec. 5-740. Placement; legal custody or guardianship.

4 (1) If the court finds that the parents, guardian, or legal
5 custodian of a minor adjudged a ward of the court are unfit or
6 are unable, for some reason other than financial circumstances
7 alone, to care for, protect, train or discipline the minor or
8 are unwilling to do so, and that appropriate services aimed at
9 family preservation and family reunification have been
10 unsuccessful in rectifying the conditions which have led to a
11 finding of unfitness or inability to care for, protect, train
12 or discipline the minor, and that it is in the best interest of
13 the minor to take him or her from the custody of his or her
14 parents, guardian or custodian, the court may:

15 (a) place him or her in the custody of a suitable
16 relative or other person;

17 (b) place him or her under the guardianship of a
18 probation officer;

19 (c) commit him or her to an agency for care or
20 placement, except an institution under the authority of the
21 Department of Juvenile Justice ~~Corrections~~ or of the
22 Department of Children and Family Services;

23 (d) commit him or her to some licensed training school
24 or industrial school; or

25 (e) commit him or her to any appropriate institution

1 having among its purposes the care of delinquent children,
2 including a child protective facility maintained by a child
3 protection district serving the county from which
4 commitment is made, but not including any institution under
5 the authority of the Department of Juvenile Justice
6 ~~Corrections~~ or of the Department of Children and Family
7 Services.

8 (2) When making such placement, the court, wherever
9 possible, shall select a person holding the same religious
10 belief as that of the minor or a private agency controlled by
11 persons of like religious faith of the minor and shall require
12 the Department of Children and Family Services to otherwise
13 comply with Section 7 of the Children and Family Services Act
14 in placing the child. In addition, whenever alternative plans
15 for placement are available, the court shall ascertain and
16 consider, to the extent appropriate in the particular case, the
17 views and preferences of the minor.

18 (3) When a minor is placed with a suitable relative or
19 other person, the court shall appoint him or her the legal
20 custodian or guardian of the person of the minor. When a minor
21 is committed to any agency, the court shall appoint the proper
22 officer or representative of the proper officer as legal
23 custodian or guardian of the person of the minor. Legal
24 custodians and guardians of the person of the minor have the
25 respective rights and duties set forth in subsection (9) of
26 Section 5-105 except as otherwise provided by order of court;

1 but no guardian of the person may consent to adoption of the
2 minor. An agency whose representative is appointed guardian of
3 the person or legal custodian of the minor may place him or her
4 in any child care facility, but the facility must be licensed
5 under the Child Care Act of 1969 or have been approved by the
6 Department of Children and Family Services as meeting the
7 standards established for such licensing. Like authority and
8 restrictions shall be conferred by the court upon any probation
9 officer who has been appointed guardian of the person of a
10 minor.

11 (4) No placement by any probation officer or agency whose
12 representative is appointed guardian of the person or legal
13 custodian of a minor may be made in any out of State child care
14 facility unless it complies with the Interstate Compact on the
15 Placement of Children.

16 (5) The clerk of the court shall issue to the guardian or
17 legal custodian of the person a certified copy of the order of
18 court, as proof of his or her authority. No other process is
19 necessary as authority for the keeping of the minor.

20 (6) Legal custody or guardianship granted under this
21 Section continues until the court otherwise directs, but not
22 after the minor reaches the age of 21 years except as set forth
23 in Section 5-750.

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

25 (705 ILCS 405/5-745)

1 Sec. 5-745. Court review.

2 (1) The court may require any legal custodian or guardian
3 of the person appointed under this Act, including the
4 Department of Juvenile Justice for youth committed under
5 Section 5-750 of this Act, to report periodically to the court
6 or may cite him or her into court and require him or her, or his
7 or her agency, to make a full and accurate report of his or her
8 or its doings in behalf of the minor, including efforts to
9 secure post-release placement of the youth after release from
10 the Department's facilities. The legal custodian or guardian,
11 within 10 days after the citation, shall make the report,
12 either in writing verified by affidavit or orally under oath in
13 open court, or otherwise as the court directs. Upon the hearing
14 of the report the court may remove the legal custodian or
15 guardian and appoint another in his or her stead or restore the
16 minor to the custody of his or her parents or former guardian
17 or legal custodian.

18 (2) A guardian or legal custodian appointed by the court
19 under Section 5-740 of this Act shall file updated case plans
20 with the court every 6 months. Every agency which has
21 guardianship of a child shall file a supplemental petition for
22 court review, or review by an administrative body appointed or
23 approved by the court and further order within 18 months of the
24 sentencing order and each 18 months thereafter. The petition
25 shall state facts relative to the child's present condition of
26 physical, mental and emotional health as well as facts relative

1 to his or her present custodial or foster care. The petition
2 shall be set for hearing and the clerk shall mail 10 days
3 notice of the hearing by certified mail, return receipt
4 requested, to the person or agency having the physical custody
5 of the child, the minor and other interested parties unless a
6 written waiver of notice is filed with the petition.

7 If the minor is in the custody of the Illinois Department
8 of Children and Family Services, pursuant to an order entered
9 under this Article, the court shall conduct permanency hearings
10 as set out in subsections (1), (2), and (3) of Section 2-28 of
11 Article II of this Act.

12 Rights of wards of the court under this Act are enforceable
13 against any public agency by complaints for relief by mandamus
14 filed in any proceedings brought under this Act.

15 (3) The minor or any person interested in the minor may
16 apply to the court for a change in custody of the minor and the
17 appointment of a new custodian or guardian of the person or for
18 the restoration of the minor to the custody of his or her
19 parents or former guardian or custodian. In the event that the
20 minor has attained 18 years of age and the guardian or
21 custodian petitions the court for an order terminating his or
22 her guardianship or custody, guardianship or legal custody
23 shall terminate automatically 30 days after the receipt of the
24 petition unless the court orders otherwise. No legal custodian
25 or guardian of the person may be removed without his or her
26 consent until given notice and an opportunity to be heard by

1 the court.

2 (Source: P.A. 96-178, eff. 1-1-10; 97-518, eff. 1-1-12.)

3 Section 15. The Illinois Controlled Substances Act is
4 amended by changing Section 509 as follows:

5 (720 ILCS 570/509) (from Ch. 56 1/2, par. 1509)

6 Sec. 509. Whenever any court in this State grants probation
7 to any person that the court has reason to believe is or has
8 been an addict or unlawful possessor of controlled substances,
9 the court shall require, as a condition of probation, that the
10 probationer submit to periodic tests by the Department of
11 Corrections to determine by means of appropriate chemical
12 detection tests whether the probationer is using controlled
13 substances. The court may require as a condition of probation
14 that the probationer enter an approved treatment program, if
15 the court determines that the probationer is addicted to a
16 controlled substance. Whenever the Prisoner Review ~~Parole and~~
17 ~~Pardon~~ Board grants parole or the Department of Juvenile
18 Justice grants aftercare release to a person believed to have
19 ~~whom the Board has reason to believe has~~ been an unlawful
20 possessor or addict of controlled substances, the Board or
21 Department shall require as a condition of parole or aftercare
22 release that the parolee or aftercare releasee submit to
23 appropriate periodic chemical tests by the Department of
24 Corrections or the Department of Juvenile Justice to determine

1 whether the parolee or aftercare releasee is using controlled
2 substances.

3 (Source: P.A. 98-558, eff. 1-1-14.)

4 Section 20. The Rights of Crime Victims and Witnesses Act
5 is amended by changing Sections 4.5 and 5 as follows:

6 (725 ILCS 120/4.5)

7 Sec. 4.5. Procedures to implement the rights of crime
8 victims. To afford crime victims their rights, law enforcement,
9 prosecutors, judges and corrections will provide information,
10 as appropriate of the following procedures:

11 (a) At the request of the crime victim, law enforcement
12 authorities investigating the case shall provide notice of the
13 status of the investigation, except where the State's Attorney
14 determines that disclosure of such information would
15 unreasonably interfere with the investigation, until such time
16 as the alleged assailant is apprehended or the investigation is
17 closed.

18 (a-5) When law enforcement authorities re-open a closed
19 case to resume investigating, they shall provide notice of the
20 re-opening of the case, except where the State's Attorney
21 determines that disclosure of such information would
22 unreasonably interfere with the investigation.

23 (b) The office of the State's Attorney:

24 (1) shall provide notice of the filing of an

1 information, the return of an indictment, or the filing of
2 a petition to adjudicate a minor as a delinquent for a
3 violent crime;

4 (2) shall provide timely notice of the date, time, and
5 place of court proceedings; of any change in the date,
6 time, and place of court proceedings; and of any
7 cancellation of court proceedings. Notice shall be
8 provided in sufficient time, wherever possible, for the
9 victim to make arrangements to attend or to prevent an
10 unnecessary appearance at court proceedings;

11 (3) or victim advocate personnel shall provide
12 information of social services and financial assistance
13 available for victims of crime, including information of
14 how to apply for these services and assistance;

15 (3.5) or victim advocate personnel shall provide
16 information about available victim services, including
17 referrals to programs, counselors, and agencies that
18 assist a victim to deal with trauma, loss, and grief;

19 (4) shall assist in having any stolen or other personal
20 property held by law enforcement authorities for
21 evidentiary or other purposes returned as expeditiously as
22 possible, pursuant to the procedures set out in Section
23 115-9 of the Code of Criminal Procedure of 1963;

24 (5) or victim advocate personnel shall provide
25 appropriate employer intercession services to ensure that
26 employers of victims will cooperate with the criminal

1 justice system in order to minimize an employee's loss of
2 pay and other benefits resulting from court appearances;

3 (6) shall provide, whenever possible, a secure waiting
4 area during court proceedings that does not require victims
5 to be in close proximity to defendants or juveniles accused
6 of a violent crime, and their families and friends;

7 (7) shall provide notice to the crime victim of the
8 right to have a translator present at all court proceedings
9 and, in compliance with the federal Americans with
10 Disabilities Act of 1990, the right to communications
11 access through a sign language interpreter or by other
12 means;

13 (8) (blank);

14 (8.5) shall inform the victim of the right to be
15 present at all court proceedings, unless the victim is to
16 testify and the court determines that the victim's
17 testimony would be materially affected if the victim hears
18 other testimony at trial;

19 (9) shall inform the victim of the right to have
20 present at all court proceedings, subject to the rules of
21 evidence and confidentiality, an advocate and other
22 support person of the victim's choice;

23 (9.3) shall inform the victim of the right to retain an
24 attorney, at the victim's own expense, who, upon written
25 notice filed with the clerk of the court and State's
26 Attorney, is to receive copies of all notices, motions and

1 court orders filed thereafter in the case, in the same
2 manner as if the victim were a named party in the case;

3 (9.5) shall inform the victim of (A) the victim's right
4 under Section 6 of this Act to make a victim impact
5 statement at the sentencing hearing; (B) the right of the
6 victim's spouse, guardian, parent, grandparent and other
7 immediate family and household members under Section 6 of
8 this Act to present an impact statement at sentencing; and
9 (C) if a presentence report is to be prepared, the right of
10 the victim's spouse, guardian, parent, grandparent and
11 other immediate family and household members to submit
12 information to the preparer of the presentence report about
13 the effect the offense has had on the victim and the
14 person;

15 (10) at the sentencing shall make a good faith attempt
16 to explain the minimum amount of time during which the
17 defendant may actually be physically imprisoned. The
18 Office of the State's Attorney shall further notify the
19 crime victim of the right to request from the Prisoner
20 Review Board or Department of Juvenile Justice information
21 concerning the release of the defendant ~~under subparagraph~~
22 ~~(d) (1) of this Section;~~

23 (11) shall request restitution at sentencing and as
24 part of a plea agreement if the victim requests
25 restitution;

26 (12) shall, upon the court entering a verdict of not

1 guilty by reason of insanity, inform the victim of the
2 notification services available from the Department of
3 Human Services, including the statewide telephone number,
4 under subparagraph (d) (2) of this Section;

5 (13) shall provide notice within a reasonable time
6 after receipt of notice from the custodian, of the release
7 of the defendant on bail or personal recognizance or the
8 release from detention of a minor who has been detained;

9 (14) shall explain in nontechnical language the
10 details of any plea or verdict of a defendant, or any
11 adjudication of a juvenile as a delinquent;

12 (15) shall make all reasonable efforts to consult with
13 the crime victim before the Office of the State's Attorney
14 makes an offer of a plea bargain to the defendant or enters
15 into negotiations with the defendant concerning a possible
16 plea agreement, and shall consider the written victim
17 impact statement, if prepared prior to entering into a plea
18 agreement. The right to consult with the prosecutor does
19 not include the right to veto a plea agreement or to insist
20 the case go to trial. If the State's Attorney has not
21 consulted with the victim prior to making an offer or
22 entering into plea negotiations with the defendant, the
23 Office of the State's Attorney shall notify the victim of
24 the offer or the negotiations within 2 business days and
25 confer with the victim;

26 (16) shall provide notice of the ultimate disposition

1 of the cases arising from an indictment or an information,
2 or a petition to have a juvenile adjudicated as a
3 delinquent for a violent crime;

4 (17) shall provide notice of any appeal taken by the
5 defendant and information on how to contact the appropriate
6 agency handling the appeal, and how to request notice of
7 any hearing, oral argument, or decision of an appellate
8 court;

9 (18) shall provide timely notice of any request for
10 post-conviction review filed by the defendant under
11 Article 122 of the Code of Criminal Procedure of 1963, and
12 of the date, time and place of any hearing concerning the
13 petition. Whenever possible, notice of the hearing shall be
14 given within 48 hours of the court's scheduling of the
15 hearing; and

16 (19) shall forward a copy of any statement presented
17 under Section 6 to the Prisoner Review Board or Department
18 of Juvenile Justice to be considered ~~by the Board~~ in making
19 a ~~its~~ determination under Section 3-2.5-85 or subsection
20 (b) of Section 3-3-8 of the Unified Code of Corrections.

21 (c) The court shall ensure that the rights of the victim
22 are afforded.

23 (c-5) The following procedures shall be followed to afford
24 victims the rights guaranteed by Article I, Section 8.1 of the
25 Illinois Constitution:

26 (1) Written notice. A victim may complete a written

1 notice of intent to assert rights on a form prepared by the
2 Office of the Attorney General and provided to the victim
3 by the State's Attorney. The victim may at any time provide
4 a revised written notice to the State's Attorney. The
5 State's Attorney shall file the written notice with the
6 court. At the beginning of any court proceeding in which
7 the right of a victim may be at issue, the court and
8 prosecutor shall review the written notice to determine
9 whether the victim has asserted the right that may be at
10 issue.

11 (2) Victim's retained attorney. A victim's attorney
12 shall file an entry of appearance limited to assertion of
13 the victim's rights. Upon the filing of the entry of
14 appearance and service on the State's Attorney and the
15 defendant, the attorney is to receive copies of all
16 notices, motions and court orders filed thereafter in the
17 case.

18 (3) Standing. The victim has standing to assert the
19 rights enumerated in subsection (a) of Article I, Section
20 8.1 of the Illinois Constitution and the statutory rights
21 under Section 4 of this Act in any court exercising
22 jurisdiction over the criminal case. The prosecuting
23 attorney, a victim, or the victim's retained attorney may
24 assert the victim's rights. The defendant in the criminal
25 case has no standing to assert a right of the victim in any
26 court proceeding, including on appeal.

1 (4) Assertion of and enforcement of rights.

2 (A) The prosecuting attorney shall assert a
3 victim's right or request enforcement of a right by
4 filing a motion or by orally asserting the right or
5 requesting enforcement in open court in the criminal
6 case outside the presence of the jury. The prosecuting
7 attorney shall consult with the victim and the victim's
8 attorney regarding the assertion or enforcement of a
9 right. If the prosecuting attorney decides not to
10 assert or enforce a victim's right, the prosecuting
11 attorney shall notify the victim or the victim's
12 attorney in sufficient time to allow the victim or the
13 victim's attorney to assert the right or to seek
14 enforcement of a right.

15 (B) If the prosecuting attorney elects not to
16 assert a victim's right or to seek enforcement of a
17 right, the victim or the victim's attorney may assert
18 the victim's right or request enforcement of a right by
19 filing a motion or by orally asserting the right or
20 requesting enforcement in open court in the criminal
21 case outside the presence of the jury.

22 (C) If the prosecuting attorney asserts a victim's
23 right or seeks enforcement of a right, and the court
24 denies the assertion of the right or denies the request
25 for enforcement of a right, the victim or victim's
26 attorney may file a motion to assert the victim's right

1 or to request enforcement of the right within 10 days
2 of the court's ruling. The motion need not demonstrate
3 the grounds for a motion for reconsideration. The court
4 shall rule on the merits of the motion.

5 (D) The court shall take up and decide any motion
6 or request asserting or seeking enforcement of a
7 victim's right without delay, unless a specific time
8 period is specified by law or court rule. The reasons
9 for any decision denying the motion or request shall be
10 clearly stated on the record.

11 (5) Violation of rights and remedies.

12 (A) If the court determines that a victim's right
13 has been violated, the court shall determine the
14 appropriate remedy for the violation of the victim's
15 right by hearing from the victim and the parties,
16 considering all factors relevant to the issue, and then
17 awarding appropriate relief to the victim.

18 (B) The appropriate remedy shall include only
19 actions necessary to provide the victim the right to
20 which the victim was entitled and may include reopening
21 previously held proceedings; however, in no event
22 shall the court vacate a conviction. Any remedy shall
23 be tailored to provide the victim an appropriate remedy
24 without violating any constitutional right of the
25 defendant. In no event shall the appropriate remedy be
26 a new trial, damages, or costs.

1 (6) Right to be heard. Whenever a victim has the right
2 to be heard, the court shall allow the victim to exercise
3 the right in any reasonable manner the victim chooses.

4 (7) Right to attend trial. A party must file a written
5 motion to exclude a victim from trial at least 60 days
6 prior to the date set for trial. The motion must state with
7 specificity the reason exclusion is necessary to protect a
8 constitutional right of the party, and must contain an
9 offer of proof. The court shall rule on the motion within
10 30 days. If the motion is granted, the court shall set
11 forth on the record the facts that support its finding that
12 the victim's testimony will be materially affected if the
13 victim hears other testimony at trial.

14 (8) Right to have advocate present. A party who intends
15 to call an advocate as a witness must seek permission of
16 the court before the subpoena is issued. The party must
17 file a written motion and offer of proof regarding the
18 anticipated testimony of the advocate in sufficient time to
19 allow the court to rule and the victim to seek appellate
20 review. The court shall rule on the motion without delay.

21 (9) Right to notice and hearing before disclosure of
22 confidential or privileged information or records. A
23 defendant who seeks to subpoena records of or concerning
24 the victim that are confidential or privileged by law must
25 seek permission of the court before the subpoena is issued.
26 The defendant must file a written motion and an offer of

1 proof regarding the relevance, admissibility and
2 materiality of the records. If the court finds by a
3 preponderance of the evidence that: (A) the records are not
4 protected by an absolute privilege and (B) the records
5 contain relevant, admissible, and material evidence that
6 is not available through other witnesses or evidence, the
7 court shall issue a subpoena requiring a sealed copy of the
8 records be delivered to the court to be reviewed in camera.
9 If, after conducting an in camera review of the records,
10 the court determines that due process requires disclosure
11 of any portion of the records, the court shall provide
12 copies of what it intends to disclose to the prosecuting
13 attorney and the victim. The prosecuting attorney and the
14 victim shall have 30 days to seek appellate review before
15 the records are disclosed to the defendant. The disclosure
16 of copies of any portion of the records to the prosecuting
17 attorney does not make the records subject to discovery.

18 (10) Right to notice of court proceedings. If the
19 victim is not present at a court proceeding in which a
20 right of the victim is at issue, the court shall ask the
21 prosecuting attorney whether the victim was notified of the
22 time, place, and purpose of the court proceeding and that
23 the victim had a right to be heard at the court proceeding.
24 If the court determines that timely notice was not given or
25 that the victim was not adequately informed of the nature
26 of the court proceeding, the court shall not rule on any

1 substantive issues, accept a plea, or impose a sentence and
2 shall continue the hearing for the time necessary to notify
3 the victim of the time, place and nature of the court
4 proceeding. The time between court proceedings shall not be
5 attributable to the State under Section 103-5 of the Code
6 of Criminal Procedure of 1963.

7 (11) Right to timely disposition of the case. A victim
8 has the right to timely disposition of the case so as to
9 minimize the stress, cost, and inconvenience resulting
10 from the victim's involvement in the case. Before ruling on
11 a motion to continue trial or other court proceeding, the
12 court shall inquire into the circumstances for the request
13 for the delay and, if the victim has provided written
14 notice of the assertion of the right to a timely
15 disposition, and whether the victim objects to the delay.
16 If the victim objects, the prosecutor shall inform the
17 court of the victim's objections. If the prosecutor has not
18 conferred with the victim about the continuance, the
19 prosecutor shall inform the court of the attempts to
20 confer. If the court finds the attempts of the prosecutor
21 to confer with the victim were inadequate to protect the
22 victim's right to be heard, the court shall give the
23 prosecutor at least 3 but not more than 5 business days to
24 confer with the victim. In ruling on a motion to continue,
25 the court shall consider the reasons for the requested
26 continuance, the number and length of continuances that

1 have been granted, the victim's objections and procedures
2 to avoid further delays. If a continuance is granted over
3 the victim's objection, the court shall specify on the
4 record the reasons for the continuance and the procedures
5 that have been or will be taken to avoid further delays.

6 (12) Right to Restitution.

7 (A) If the victim has asserted the right to
8 restitution and the amount of restitution is known at
9 the time of sentencing, the court shall enter the
10 judgment of restitution at the time of sentencing.

11 (B) If the victim has asserted the right to
12 restitution and the amount of restitution is not known
13 at the time of sentencing, the prosecutor shall, within
14 5 days after sentencing, notify the victim what
15 information and documentation related to restitution
16 is needed and that the information and documentation
17 must be provided to the prosecutor within 45 days after
18 sentencing. Failure to timely provide information and
19 documentation related to restitution shall be deemed a
20 waiver of the right to restitution. The prosecutor
21 shall file and serve within 60 days after sentencing a
22 proposed judgment for restitution and a notice that
23 includes information concerning the identity of any
24 victims or other persons seeking restitution, whether
25 any victim or other person expressly declines
26 restitution, the nature and amount of any damages

1 together with any supporting documentation, a
2 restitution amount recommendation, and the names of
3 any co-defendants and their case numbers. Within 30
4 days after receipt of the proposed judgment for
5 restitution, the defendant shall file any objection to
6 the proposed judgment, a statement of grounds for the
7 objection, and a financial statement. If the defendant
8 does not file an objection, the court may enter the
9 judgment for restitution without further proceedings.
10 If the defendant files an objection and either party
11 requests a hearing, the court shall schedule a hearing.
12 (13) Access to presentence reports.

13 (A) The victim may request a copy of the
14 presentence report prepared under the Unified Code of
15 Corrections from the State's Attorney. The State's
16 Attorney shall redact the following information before
17 providing a copy of the report:

18 (i) the defendant's mental history and
19 condition;

20 (ii) any evaluation prepared under subsection
21 (b) or (b-5) of Section 5-3-2; and

22 (iii) the name, address, phone number, and
23 other personal information about any other victim.

24 (B) The State's Attorney or the defendant may
25 request the court redact other information in the
26 report that may endanger the safety of any person.

1 (C) The State's Attorney may orally disclose to the
2 victim any of the information that has been redacted if
3 there is a reasonable likelihood that the information
4 will be stated in court at the sentencing.

5 (D) The State's Attorney must advise the victim
6 that the victim must maintain the confidentiality of
7 the report and other information. Any dissemination of
8 the report or information that was not stated at a
9 court proceeding constitutes indirect criminal
10 contempt of court.

11 (14) Appellate relief. If the trial court denies the
12 relief requested, the victim, the victim's attorney or the
13 prosecuting attorney may file an appeal within 30 days of
14 the trial court's ruling. The trial or appellate court may
15 stay the court proceedings if the court finds that a stay
16 would not violate a constitutional right of the defendant.
17 If the appellate court denies the relief sought, the
18 reasons for the denial shall be clearly stated in a written
19 opinion. In any appeal in a criminal case, the State may
20 assert as error the court's denial of any crime victim's
21 right in the proceeding to which the appeal relates.

22 (15) Limitation on appellate relief. In no case shall
23 an appellate court provide a new trial to remedy the
24 violation of a victim's right.

25 (d) (1) The Prisoner Review Board shall inform a victim or
26 any other concerned citizen, upon written request, of the

1 prisoner's release on parole, ~~aftercare release~~, mandatory
2 supervised release, electronic detention, work release,
3 international transfer or exchange, or by the custodian, other
4 than the Department of Juvenile Justice, of the discharge of
5 any individual who was adjudicated a delinquent for a crime
6 from State custody and by the sheriff of the appropriate county
7 of any such person's final discharge from county custody. The
8 Prisoner Review Board, upon written request, shall provide to a
9 victim or any other concerned citizen a recent photograph of
10 any person convicted of a felony, upon his or her release from
11 custody. The Prisoner Review Board, upon written request, shall
12 inform a victim or any other concerned citizen when feasible at
13 least 7 days prior to the prisoner's release on furlough of the
14 times and dates of such furlough. Upon written request by the
15 victim or any other concerned citizen, the State's Attorney
16 shall notify the person once of the times and dates of release
17 of a prisoner sentenced to periodic imprisonment. Notification
18 shall be based on the most recent information as to victim's or
19 other concerned citizen's residence or other location
20 available to the notifying authority.

21 (2) When the defendant has been committed to the Department
22 of Human Services pursuant to Section 5-2-4 or any other
23 provision of the Unified Code of Corrections, the victim may
24 request to be notified by the releasing authority of the
25 approval by the court of an on-grounds pass, a supervised
26 off-grounds pass, an unsupervised off-grounds pass, or

1 conditional release; the release on an off-grounds pass; the
2 return from an off-grounds pass; transfer to another facility;
3 conditional release; escape; death; or final discharge from
4 State custody. The Department of Human Services shall establish
5 and maintain a statewide telephone number to be used by victims
6 to make notification requests under these provisions and shall
7 publicize this telephone number on its website and to the
8 State's Attorney of each county.

9 (3) In the event of an escape from State custody, the
10 Department of Corrections or the Department of Juvenile Justice
11 immediately shall notify the Prisoner Review Board of the
12 escape and the Prisoner Review Board shall notify the victim.
13 The notification shall be based upon the most recent
14 information as to the victim's residence or other location
15 available to the Board. When no such information is available,
16 the Board shall make all reasonable efforts to obtain the
17 information and make the notification. When the escapee is
18 apprehended, the Department of Corrections or the Department of
19 Juvenile Justice immediately shall notify the Prisoner Review
20 Board and the Board shall notify the victim.

21 (4) The victim of the crime for which the prisoner has been
22 sentenced shall receive reasonable written notice not less than
23 30 days prior to the parole ~~or aftercare release~~ hearing or
24 target aftercare release date and may submit, in writing, on
25 film, videotape or other electronic means or in the form of a
26 recording prior to the parole hearing or target aftercare

1 release date or in person at the parole hearing or aftercare
2 release protest hearing or if a victim of a violent crime, by
3 calling the toll-free number established in subsection (f) of
4 this Section, information for consideration by the Prisoner
5 Review Board or Department of Juvenile Justice. The victim
6 shall be notified within 7 days after the prisoner has been
7 granted parole or aftercare release and shall be informed of
8 the right to inspect the registry of parole ~~or aftercare~~
9 ~~release~~ decisions, established under subsection (g) of Section
10 3-3-5 of the Unified Code of Corrections. The provisions of
11 this paragraph (4) are subject to the Open Parole Hearings Act.

12 (5) If a statement is presented under Section 6, the
13 Prisoner Review Board or Department of Juvenile Justice shall
14 inform the victim of any order of discharge ~~entered by the~~
15 ~~Board~~ pursuant to Section 3-2.5-85 or 3-3-8 of the Unified Code
16 of Corrections.

17 (6) At the written or oral request of the victim of the
18 crime for which the prisoner was sentenced or the State's
19 Attorney of the county where the person seeking parole or
20 aftercare release was prosecuted, the Prisoner Review Board or
21 Department of Juvenile Justice shall notify the victim and the
22 State's Attorney of the county where the person seeking parole
23 or aftercare release was prosecuted of the death of the
24 prisoner if the prisoner died while on parole or aftercare
25 release or mandatory supervised release.

26 (7) When a defendant who has been committed to the

1 Department of Corrections, the Department of Juvenile Justice,
2 or the Department of Human Services is released or discharged
3 and subsequently committed to the Department of Human Services
4 as a sexually violent person and the victim had requested to be
5 notified by the releasing authority of the defendant's
6 discharge, conditional release, death, or escape from State
7 custody, the releasing authority shall provide to the
8 Department of Human Services such information that would allow
9 the Department of Human Services to contact the victim.

10 (8) When a defendant has been convicted of a sex offense as
11 defined in Section 2 of the Sex Offender Registration Act and
12 has been sentenced to the Department of Corrections or the
13 Department of Juvenile Justice, the Prisoner Review Board or
14 the Department of Juvenile Justice shall notify the victim of
15 the sex offense of the prisoner's eligibility for release on
16 parole, aftercare release, mandatory supervised release,
17 electronic detention, work release, international transfer or
18 exchange, or by the custodian of the discharge of any
19 individual who was adjudicated a delinquent for a sex offense
20 from State custody and by the sheriff of the appropriate county
21 of any such person's final discharge from county custody. The
22 notification shall be made to the victim at least 30 days,
23 whenever possible, before release of the sex offender.

24 (e) The officials named in this Section may satisfy some or
25 all of their obligations to provide notices and other
26 information through participation in a statewide victim and

1 witness notification system established by the Attorney
2 General under Section 8.5 of this Act.

3 (f) To permit a crime victim of a violent crime to provide
4 information to the Prisoner Review Board or the Department of
5 Juvenile Justice for consideration by the Board or Department
6 at a parole hearing or before an aftercare release decision
7 ~~hearing~~ of a person who committed the crime against the victim
8 in accordance with clause (d)(4) of this Section or at a
9 proceeding to determine the conditions of mandatory supervised
10 release of a person sentenced to a determinate sentence or at a
11 hearing on revocation of mandatory supervised release of a
12 person sentenced to a determinate sentence, the Board shall
13 establish a toll-free number that may be accessed by the victim
14 of a violent crime to present that information to the Board.

15 (Source: P.A. 98-372, eff. 1-1-14; 98-558, eff. 1-1-14; 98-756,
16 eff. 7-16-14; 99-413, eff. 8-20-15.)

17 (725 ILCS 120/5) (from Ch. 38, par. 1405)

18 Sec. 5. Rights of Witnesses.

19 (a) Witnesses as defined in subsection (b) of Section 3 of
20 this Act shall have the following rights:

21 (1) to be notified by the Office of the State's
22 Attorney of all court proceedings at which the witness'
23 presence is required in a reasonable amount of time prior
24 to the proceeding, and to be notified of the cancellation
25 of any scheduled court proceeding in sufficient time to

1 prevent an unnecessary appearance in court, where
2 possible;

3 (2) to be provided with appropriate employer
4 intercession services by the Office of the State's Attorney
5 or the victim advocate personnel to ensure that employers
6 of witnesses will cooperate with the criminal justice
7 system in order to minimize an employee's loss of pay and
8 other benefits resulting from court appearances;

9 (3) to be provided, whenever possible, a secure waiting
10 area during court proceedings that does not require
11 witnesses to be in close proximity to defendants and their
12 families and friends;

13 (4) to be provided with notice by the Office of the
14 State's Attorney, where necessary, of the right to have a
15 translator present whenever the witness' presence is
16 required and, in compliance with the federal Americans with
17 Disabilities Act of 1990, to be provided with notice of the
18 right to communications access through a sign language
19 interpreter or by other means.

20 (b) At the written request of the witness, the witness
21 shall:

22 (1) receive notice from the office of the State's
23 Attorney of any request for post-conviction review filed by
24 the defendant under Article 122 of the Code of Criminal
25 Procedure of 1963, and of the date, time, and place of any
26 hearing concerning the petition for post-conviction

1 review; whenever possible, notice of the hearing on the
2 petition shall be given in advance;

3 (2) receive notice by the releasing authority of the
4 defendant's discharge from State custody if the defendant
5 was committed to the Department of Human Services under
6 Section 5-2-4 or any other provision of the Unified Code of
7 Corrections;

8 (3) receive notice from the Prisoner Review Board of
9 the prisoner's escape from State custody, after the Board
10 has been notified of the escape by the Department of
11 Corrections or the Department of Juvenile Justice; when the
12 escapee is apprehended, the Department of Corrections or
13 the Department of Juvenile Justice shall immediately
14 notify the Prisoner Review Board and the Board shall notify
15 the witness;

16 (4) receive notice from the Prisoner Review Board or
17 the Department of Juvenile Justice of the prisoner's
18 release on parole, aftercare release, electronic
19 detention, work release or mandatory supervised release
20 and of the prisoner's final discharge from parole,
21 aftercare release, electronic detention, work release, or
22 mandatory supervised release.

23 (Source: P.A. 98-558, eff. 1-1-14.)

24 Section 25. The Sexually Violent Persons Commitment Act is
25 amended by changing Section 15 as follows:

1 (725 ILCS 207/15)

2 Sec. 15. Sexually violent person petition; contents;
3 filing.

4 (a) A petition alleging that a person is a sexually violent
5 person must be filed before the release or discharge of the
6 person or within 30 days of placement onto parole, aftercare
7 release, or mandatory supervised release for an offense
8 enumerated in paragraph (e) of Section 5 of this Act. A
9 petition may be filed by the following:

10 (1) The Attorney General on his or her own motion,
11 after consulting with and advising the State's Attorney of
12 the county in which the person was convicted of a sexually
13 violent offense, adjudicated delinquent for a sexually
14 violent offense or found not guilty of or not responsible
15 for a sexually violent offense by reason of insanity,
16 mental disease, or mental defect; or

17 (2) The State's Attorney of the county referenced in
18 paragraph (1)(a)(1) of this Section, on his or her own
19 motion; or

20 (3) The Attorney General and the State's Attorney of
21 the county referenced in paragraph (1)(a)(1) of this
22 Section may jointly file a petition on their own motion; or

23 (4) A petition may be filed at the request of the
24 agency with jurisdiction over the person, as defined in
25 subsection (a) of Section 10 of this Act, by:

- 1 (a) the Attorney General;
- 2 (b) the State's Attorney of the county referenced
- 3 in paragraph (1) (a) (1) of this Section; or
- 4 (c) the Attorney General and the State's Attorney
- 5 jointly.

6 (b) A petition filed under this Section shall allege that

7 all of the following apply to the person alleged to be a

8 sexually violent person:

9 (1) The person satisfies any of the following criteria:

10 (A) The person has been convicted of a sexually

11 violent offense;

12 (B) The person has been found delinquent for a

13 sexually violent offense; or

14 (C) The person has been found not guilty of a

15 sexually violent offense by reason of insanity, mental

16 disease, or mental defect.

17 (2) (Blank).

18 (3) (Blank).

19 (4) The person has a mental disorder.

20 (5) The person is dangerous to others because the

21 person's mental disorder creates a substantial probability

22 that he or she will engage in acts of sexual violence.

23 (b-5) The petition must be filed no more than 90 days

24 before discharge or entry into mandatory supervised release

25 from a Department of Corrections or aftercare release from the

26 Department of Juvenile Justice correctional facility for a

1 sentence that was imposed upon a conviction for a sexually
2 violent offense. For inmates sentenced under the law in effect
3 prior to February 1, 1978, the petition shall be filed no more
4 than 90 days after the Prisoner Review Board's order granting
5 parole pursuant to Section 3-3-5 of the Unified Code of
6 Corrections.

7 (b-6) The petition must be filed no more than 90 days
8 before discharge or release:

9 (1) from a Department of Juvenile Justice juvenile
10 correctional facility if the person was placed in the
11 facility for being adjudicated delinquent under Section
12 5-20 of the Juvenile Court Act of 1987 or found guilty
13 under Section 5-620 of that Act on the basis of a sexually
14 violent offense; or

15 (2) from a commitment order that was entered as a
16 result of a sexually violent offense.

17 (b-7) A person convicted of a sexually violent offense
18 remains eligible for commitment as a sexually violent person
19 pursuant to this Act under the following circumstances: (1) the
20 person is in custody for a sentence that is being served
21 concurrently or consecutively with a sexually violent offense;
22 (2) the person returns to the custody of the Illinois
23 Department of Corrections or the Department of Juvenile Justice
24 for any reason during the term of parole, aftercare release, or
25 mandatory supervised release being served for a sexually
26 violent offense; or (3) the person is convicted or adjudicated

1 delinquent for any offense committed during the term of parole,
2 aftercare release, or mandatory supervised release being
3 served for a sexually violent offense, regardless of whether
4 that conviction or adjudication was for a sexually violent
5 offense.

6 (c) A petition filed under this Section shall state with
7 particularity essential facts to establish probable cause to
8 believe the person is a sexually violent person. If the
9 petition alleges that a sexually violent offense or act that is
10 a basis for the allegation under paragraph (b)(1) of this
11 Section was an act that was sexually motivated as provided
12 under paragraph (e)(2) of Section 5 of this Act, the petition
13 shall state the grounds on which the offense or act is alleged
14 to be sexually motivated.

15 (d) A petition under this Section shall be filed in either
16 of the following:

17 (1) The circuit court for the county in which the
18 person was convicted of a sexually violent offense,
19 adjudicated delinquent for a sexually violent offense or
20 found not guilty of a sexually violent offense by reason of
21 insanity, mental disease or mental defect.

22 (2) The circuit court for the county in which the
23 person is in custody under a sentence, a placement to a
24 Department of Corrections correctional facility or a
25 Department of Juvenile Justice juvenile correctional
26 facility, or a commitment order.

1 (e) The filing of a petition under this Act shall toll the
2 running of the term of parole or mandatory supervised release
3 until:

4 (1) dismissal of the petition filed under this Act;

5 (2) a finding by a judge or jury that the respondent is
6 not a sexually violent person; or

7 (3) the sexually violent person is discharged under
8 Section 65 of this Act.

9 (f) The State has the right to have the person evaluated by
10 experts chosen by the State. The agency with jurisdiction as
11 defined in Section 10 of this Act shall allow the expert
12 reasonable access to the person for purposes of examination, to
13 the person's records, and to past and present treatment
14 providers and any other staff members relevant to the
15 examination.

16 (Source: P.A. 98-558, eff. 1-1-14.)

17 Section 30. The Unified Code of Corrections is amended by
18 changing Sections 3-2-3.1, 3-2-5, 3-2.5-20, 3-2.5-70,
19 3-2.5-80, 3-3-1, 3-3-2, 3-3-3, 3-3-4, 3-3-5, 3-3-7, 3-3-8,
20 3-3-9, 3-3-10, 3-10-7, 5-8-6, 5-8A-3, and 5-8A-7 and by adding
21 Sections 3-2.5-85, 3-2.5-90, 3-2.5-95, 3-2.5-100, and 3-3-9.5
22 as follows:

23 (730 ILCS 5/3-2-3.1) (from Ch. 38, par. 1003-2-3.1)

24 Sec. 3-2-3.1. Treaties. If a treaty in effect between the

1 United States and a foreign country provides for the transfer
2 or exchange of convicted offenders to the country of which they
3 are citizens or nationals, the Governor may, on behalf of the
4 State and subject to the terms of the treaty, authorize the
5 Director of Corrections or the Director of Juvenile Justice to
6 consent to the transfer or exchange of offenders and take any
7 other action necessary to initiate the participation of this
8 State in the treaty. Before any transfer or exchange may occur,
9 the Director of Corrections shall notify in writing the
10 Prisoner Review Board and the Office of the State's Attorney
11 which obtained the defendant's conviction, or the Director of
12 Juvenile Justice shall notify in writing the Office of the
13 State's Attorney which obtained the youth's conviction.

14 (Source: P.A. 95-317, eff. 8-21-07.)

15 (730 ILCS 5/3-2-5) (from Ch. 38, par. 1003-2-5)

16 Sec. 3-2-5. Organization of the Department of Corrections
17 and the Department of Juvenile Justice.

18 (a) There shall be a Department of Corrections which shall
19 be administered by a Director and an Assistant Director
20 appointed by the Governor under the Civil Administrative Code
21 of Illinois. The Assistant Director shall be under the
22 direction of the Director. The Department of Corrections shall
23 be responsible for all persons committed or transferred to the
24 Department under Sections 3-10-7 or 5-8-6 of this Code.

25 (b) There shall be a Department of Juvenile Justice which

1 shall be administered by a Director appointed by the Governor
2 under the Civil Administrative Code of Illinois. The Department
3 of Juvenile Justice shall be responsible for all persons under
4 18 ~~17~~ years of age when sentenced to imprisonment and committed
5 to the Department under subsection (c) of Section 5-8-6 of this
6 Code, Section 5-10 of the Juvenile Court Act, or Section 5-750
7 of the Juvenile Court Act of 1987. Persons under 18 ~~17~~ years of
8 age committed to the Department of Juvenile Justice pursuant to
9 this Code shall be sight and sound separate from adult
10 offenders committed to the Department of Corrections.

11 (c) The Department shall create a gang intelligence unit
12 under the supervision of the Director. The unit shall be
13 specifically designed to gather information regarding the
14 inmate gang population, monitor the activities of gangs, and
15 prevent the furtherance of gang activities through the
16 development and implementation of policies aimed at deterring
17 gang activity. The Director shall appoint a Corrections
18 Intelligence Coordinator.

19 All information collected and maintained by the unit shall
20 be highly confidential, and access to that information shall be
21 restricted by the Department. The information shall be used to
22 control and limit the activities of gangs within correctional
23 institutions under the jurisdiction of the Illinois Department
24 of Corrections and may be shared with other law enforcement
25 agencies in order to curb gang activities outside of
26 correctional institutions under the jurisdiction of the

1 Department and to assist in the investigations and prosecutions
2 of gang activity. The Department shall establish and promulgate
3 rules governing the release of information to outside law
4 enforcement agencies. Due to the highly sensitive nature of the
5 information, the information is exempt from requests for
6 disclosure under the Freedom of Information Act as the
7 information contained is highly confidential and may be harmful
8 if disclosed.

9 (Source: P.A. 97-800, eff. 7-13-12; 97-1083, eff. 8-24-12;
10 98-463, eff. 8-16-13.)

11 (730 ILCS 5/3-2.5-20)

12 Sec. 3-2.5-20. General powers and duties.

13 (a) In addition to the powers, duties, and responsibilities
14 which are otherwise provided by law or transferred to the
15 Department as a result of this Article, the Department, as
16 determined by the Director, shall have, but are not limited to,
17 the following rights, powers, functions and duties:

18 (1) To accept juveniles committed to it by the courts
19 of this State for care, custody, treatment, and
20 rehabilitation.

21 (2) To maintain and administer all State juvenile
22 correctional institutions previously under the control of
23 the Juvenile and Women's & Children Divisions of the
24 Department of Corrections, and to establish and maintain
25 institutions as needed to meet the needs of the youth

1 committed to its care.

2 (3) To identify the need for and recommend the funding
3 and implementation of an appropriate mix of programs and
4 services within the juvenile justice continuum, including
5 but not limited to prevention, nonresidential and
6 residential commitment programs, day treatment, and
7 conditional release programs and services, with the
8 support of educational, vocational, alcohol, drug abuse,
9 and mental health services where appropriate.

10 (3.5) To assist youth committed to the Department of
11 Juvenile Justice under the Juvenile Court Act of 1987 with
12 successful reintegration into society, the Department
13 shall retain custody and control of all adjudicated
14 delinquent juveniles released under Section 3-2.5-85 or
15 3-3-10 of this Code, shall provide a continuum of
16 post-release treatment and services to those youth, and
17 shall supervise those youth during their release period in
18 accordance with the conditions set by the Department or the
19 Prisoner Review Board.

20 (4) To establish and provide transitional and
21 post-release treatment programs for juveniles committed to
22 the Department. Services shall include but are not limited
23 to:

24 (i) family and individual counseling and treatment
25 placement;

26 (ii) referral services to any other State or local

1 agencies;

2 (iii) mental health services;

3 (iv) educational services;

4 (v) family counseling services; and

5 (vi) substance abuse services.

6 (5) To access vital records of juveniles for the
7 purposes of providing necessary documentation for
8 transitional services such as obtaining identification,
9 educational enrollment, employment, and housing.

10 (6) To develop staffing and workload standards and
11 coordinate staff development and training appropriate for
12 juvenile populations.

13 (7) To develop, with the approval of the Office of the
14 Governor and the Governor's Office of Management and
15 Budget, annual budget requests.

16 (8) To administer the Interstate Compact for
17 Juveniles, with respect to all juveniles under its
18 jurisdiction, and to cooperate with the Department of Human
19 Services with regard to all non-offender juveniles subject
20 to the Interstate Compact for Juveniles.

21 (9) To decide the date of release on aftercare for
22 youth committed to the Department under Section 5-750 of
23 the Juvenile Court Act of 1987.

24 (10) To set conditions of aftercare release for all
25 youth committed to the Department under the Juvenile Court
26 Act of 1987.

1 (b) The Department may employ personnel in accordance with
2 the Personnel Code and Section 3-2.5-15 of this Code, provide
3 facilities, contract for goods and services, and adopt rules as
4 necessary to carry out its functions and purposes, all in
5 accordance with applicable State and federal law.

6 (c) On and after the date 6 months after August 16, 2013
7 (the effective date of Public Act 98-488), as provided in the
8 Executive Order 1 (2012) Implementation Act, all of the powers,
9 duties, rights, and responsibilities related to State
10 healthcare purchasing under this Code that were transferred
11 from the Department of Corrections to the Department of
12 Healthcare and Family Services by Executive Order 3 (2005) are
13 transferred back to the Department of Corrections; however,
14 powers, duties, rights, and responsibilities related to State
15 healthcare purchasing under this Code that were exercised by
16 the Department of Corrections before the effective date of
17 Executive Order 3 (2005) but that pertain to individuals
18 resident in facilities operated by the Department of Juvenile
19 Justice are transferred to the Department of Juvenile Justice.
20 (Source: P.A. 98-488, eff. 8-16-13; 98-558, eff. 1-1-14;
21 98-756, eff. 7-16-14.)

22 (730 ILCS 5/3-2.5-70)

23 Sec. 3-2.5-70. Aftercare.

24 (a) The Department shall implement an aftercare program
25 that includes, at a minimum, the following program elements:

1 (1) A process for developing and implementing a case
2 management plan for timely and successful reentry into the
3 community beginning upon commitment.

4 (2) A process for reviewing committed youth for
5 recommendation for aftercare release.

6 (3) Supervision in accordance with the conditions set
7 by the Department or Prisoner Review Board and referral to
8 and facilitation of community-based services including
9 education, social and mental health services, substance
10 abuse treatment, employment and vocational training,
11 individual and family counseling, financial counseling,
12 and other services as appropriate; and assistance in
13 locating appropriate residential placement and obtaining
14 suitable employment. The Department may purchase necessary
15 services for a releasee if they are otherwise unavailable
16 and the releasee is unable to pay for the services. It may
17 assess all or part of the costs of these services to a
18 releasee in accordance with his or her ability to pay for
19 the services.

20 (4) Standards for sanctioning violations of conditions
21 of aftercare release that ensure that juvenile offenders
22 face uniform and consistent consequences that hold them
23 accountable taking into account aggravating and mitigating
24 factors and prioritizing public safety.

25 (5) A process for reviewing youth on aftercare release
26 for discharge.

1 (b) The Department of Juvenile Justice shall have the
2 following rights, powers, functions, and duties:

3 (1) To investigate alleged violations of an aftercare
4 releasee's conditions of release; and for this purpose it
5 may issue subpoenas and compel the attendance of witnesses
6 and the production of documents only if there is reason to
7 believe that the procedures would provide evidence that the
8 violations have occurred. If any person fails to obey a
9 subpoena issued under this subsection, the Director may
10 apply to any circuit court to secure compliance with the
11 subpoena. The failure to comply with the order of the court
12 issued in response thereto shall be punishable as contempt
13 of court.

14 (2) To issue a violation warrant for the apprehension
15 of an aftercare releasee for violations of the conditions
16 of aftercare release. Aftercare specialists and
17 supervisors have the full power of peace officers in the
18 retaking of any youth alleged to have violated the
19 conditions of aftercare release.

20 (c) The Department of Juvenile Justice shall designate
21 aftercare specialists qualified in juvenile matters to perform
22 case management and post-release programming functions under
23 this Section.

24 (Source: P.A. 98-558, eff. 1-1-14.)

25 (730 ILCS 5/3-2.5-80)

1 Sec. 3-2.5-80. Supervision on Aftercare Release.

2 (a) The Department shall retain custody of all youth placed
3 on aftercare release or released under Section 3-2.5-85 or
4 3-3-10 of this Code. The Department shall supervise those youth
5 during their aftercare release period in accordance with the
6 conditions set by the Department or Prisoner Review Board.

7 (b) A copy of youth's conditions of aftercare release shall
8 be signed by the youth and given to the youth and to his or her
9 aftercare specialist who shall report on the youth's progress
10 under the rules of the Department ~~Prisoner Review Board~~.

11 Aftercare specialists and supervisors shall have the full power
12 of peace officers in the retaking of any releasee who has
13 allegedly violated his or her aftercare release conditions. The
14 aftercare specialist may request the Department of Juvenile
15 Justice to issue a warrant for the arrest of any releasee who
16 has allegedly violated his or her aftercare release conditions.

17 (c) The aftercare supervisor shall request the Department
18 of Juvenile Justice to issue an aftercare release violation
19 warrant, and the Department of Juvenile Justice shall issue an
20 aftercare release violation warrant, under the following
21 circumstances:

22 (1) if the releasee has a subsequent delinquency
23 petition filed against him or her alleging commission of an
24 act that constitutes a felony using a firearm or knife;

25 (2) if the releasee is required to and fails to comply
26 with the requirements of the Sex Offender Registration Act;

1 (3) (blank); or

2 (4) if the releasee is on aftercare release for a
3 murder, a Class X felony or a Class 1 felony violation of
4 the Criminal Code of 2012, or any felony that requires
5 registration as a sex offender under the Sex Offender
6 Registration Act and a subsequent delinquency petition is
7 filed against him or her alleging commission of an act that
8 constitutes first degree murder, a Class X felony, a Class
9 1 felony, a Class 2 felony, or a Class 3 felony.

10 Personnel designated by the Department of Juvenile Justice
11 or another peace officer may detain an alleged aftercare
12 release violator until a warrant for his or her return to the
13 Department of Juvenile Justice can be issued. The releasee may
14 be delivered to any secure place until he or she can be
15 transported to the Department of Juvenile Justice. The
16 aftercare specialist or the Department of Juvenile Justice
17 shall file a violation report with notice of charges with the
18 Department ~~Prisoner Review Board~~.

19 (d) The aftercare specialist shall regularly advise and
20 consult with the releasee and assist the youth in adjusting to
21 community life in accord with this Section.

22 (e) If the aftercare releasee has been convicted of a sex
23 offense as defined in the Sex Offender Management Board Act,
24 the aftercare specialist shall periodically, but not less than
25 once a month, verify that the releasee is in compliance with
26 paragraph (7.6) of subsection (a) of Section 3-3-7.

1 (f) The aftercare specialist shall keep those records as
2 the ~~Prisoner Review Board~~ or Department may require. All
3 records shall be entered in the master file of the youth.

4 (Source: P.A. 98-558, eff. 1-1-14; 99-268, eff. 1-1-16.)

5 (730 ILCS 5/3-2.5-85 new)

6 Sec. 3-2.5-85. Eligibility for release; determination.

7 (a) Every youth committed to the Department of Juvenile
8 Justice under Section 5-750 of the Juvenile Court Act of 1987,
9 except those committed for first degree murder, shall be:

10 (1) Eligible for aftercare release without regard to
11 the length of time the youth has been confined or whether
12 the youth has served any minimum term imposed.

13 (2) Placed on aftercare release on or before his or her
14 20th birthday or upon completion of the maximum term of
15 confinement ordered by the court under Section 5-710 of the
16 Juvenile Court Act of 1987, whichever is sooner.

17 (3) Considered for aftercare release at least 30 days
18 prior to the expiration of the first year of confinement
19 and at least annually thereafter.

20 (b) This Section does not apply to the initial release of
21 youth committed to the Department under Section 5-815 or 5-820
22 of the Juvenile Court Act of 1987. Those youth shall be
23 released by the Department upon completion of the determinate
24 sentence established under this Code. Subsections (d) through
25 (1) of this Section do not apply when a youth is released under

1 paragraph (2) of subsection (a) of this Section or the youth's
2 release is otherwise required by law or ordered by the court.
3 Youth who have been tried as an adult and committed to the
4 Department under Section 5-8-6 of this Code are only eligible
5 for mandatory supervised release as an adult under Section
6 3-3-3 of this Code.

7 (c) The Department shall establish a process for deciding
8 the date of release on aftercare for every youth committed to
9 the Department of Juvenile Justice under Section 5-750 of the
10 Juvenile Court Act of 1987. The process shall include
11 establishing a target release date upon commitment to the
12 Department, the regular review and appropriate adjustment of
13 the target release date, and the final release consideration at
14 least 30 days prior to the youth's target release date. The
15 establishment, adjustment, and final consideration of the
16 target release date shall include consideration of the
17 following factors:

18 (1) the nature and seriousness of the youth's offense;

19 (2) the likelihood the youth will reoffend or will pose
20 a danger to the community based on an assessment of the
21 youth's risks, strengths, and behavior; and

22 (3) the youth's progress since being committed to the
23 Department.

24 The target release date for youth committed to the
25 Department for first degree murder shall not precede the
26 minimum period of confinement provided in Section 5-750 of the

1 Juvenile Court Act of 1987. These youth shall be considered for
2 release upon completion of their minimum term of confinement
3 and at least annually thereafter.

4 (d) If the youth being considered for aftercare release has
5 a petition or any written submissions prepared on his or her
6 behalf by an attorney or other representative, the attorney or
7 representative for the youth must serve by certified mail the
8 State's Attorney of the county where the youth was prosecuted
9 with the petition or any written submissions 15 days prior to
10 the youth's target release date.

11 (e) In making its determination of aftercare release, the
12 Department shall consider:

13 (1) material transmitted to the Department by the clerk
14 of the committing court under Section 5-750 of the Juvenile
15 Court Act of 1987;

16 (2) the report under Section 3-10-2;

17 (3) a report by the Department and any report by the
18 chief administrative officer of the institution or
19 facility;

20 (4) an aftercare release progress report;

21 (5) a medical and psychological report, if available;

22 (6) material in writing, or on film, video tape or
23 other electronic means in the form of a recording submitted
24 by the youth whose aftercare release is being considered;

25 (7) material in writing, or on film, video tape or
26 other electronic means in the form of a recording or

1 testimony submitted by the State's Attorney and the victim
2 or a concerned citizen under the Rights of Crime Victims
3 and Witnesses Act; and

4 (8) the youth's eligibility for commitment under the
5 Sexually Violent Persons Commitment Act.

6 (f) The prosecuting State's Attorney's office shall
7 receive from the Department reasonable written notice not less
8 than 30 days prior to the target release date and may submit
9 relevant information by oral argument or testimony of victims
10 and concerned citizens, or both, in writing, or on film, video
11 tape or other electronic means or in the form of a recording to
12 the Department for its consideration. The State's Attorney may
13 waive the written notice of the target release date at any
14 time. Upon written request of the State's Attorney's office,
15 provided the request is received within 15 days of receipt of
16 the written notice of the target release date, the Department
17 shall hear protests to aftercare release. If a State's Attorney
18 requests a protest hearing, the committed youth's attorney or
19 other representative shall also receive notice of the request
20 and a copy of any information submitted by the State's
21 Attorney. This hearing shall take place prior to the youth's
22 aftercare release. The Department shall schedule the protest
23 hearing date, providing at least 15 days' notice to the State's
24 Attorney. If the protest hearing is rescheduled, the Department
25 shall promptly notify the State's Attorney of the new date.

26 (g) The victim of the violent crime for which the youth has

1 been sentenced shall receive notice of the target release date
2 as provided in paragraph (4) of subsection (d) of Section 4.5
3 of the Rights of Crime Victims and Witnesses Act.

4 (h) The Department shall not release any material to the
5 youth, the youth's attorney, any third party, or any other
6 person containing any information from the victim or from a
7 person related to the victim by blood, adoption, or marriage
8 who has written objections, testified at any hearing, or
9 submitted audio or visual objections to the youth's aftercare
10 release, unless provided with a waiver from that objecting
11 party. The Department shall not release the names or addresses
12 of any person on its victim registry to any other person except
13 the victim, a law enforcement agency, or other victim
14 notification system.

15 (i) Any recording considered under the provisions of
16 paragraph (6) or (7) of subsection (e) or subsection (f) of
17 this Section shall be in the form designated by the Department.
18 The recording shall be both visual and aural. Every voice on
19 the recording and person present shall be identified and the
20 recording shall contain either a visual or aural statement of
21 the person submitting the recording, the date of the recording,
22 and the name of the youth whose aftercare release is being
23 considered. The recordings shall be retained by the Department
24 and shall be considered during any subsequent aftercare release
25 decision if the victim or State's Attorney submits in writing a
26 declaration clearly identifying the recording as representing

1 the position of the victim or State's Attorney regarding the
2 release of the youth.

3 (j) The Department shall not release a youth eligible for
4 aftercare release if it determines that:

5 (1) there is a substantial risk that he or she will not
6 conform to reasonable conditions of aftercare release;

7 (2) his or her release at that time would deprecate the
8 seriousness of his or her offense or promote disrespect for
9 the law; or

10 (3) his or her release would have a substantially
11 adverse effect on institutional discipline.

12 (k) The Department shall render its release decision and
13 shall state the basis therefor both in the records of the
14 Department and in written notice to the youth who was
15 considered for aftercare release. In its decision, the
16 Department shall set the youth's time for aftercare release, or
17 if it denies aftercare release it shall provide for
18 reconsideration of aftercare release not less frequently than
19 once each year.

20 (l) The Department shall ensure all evaluations and
21 proceedings under the Sexually Violent Persons Commitment Act
22 are completed prior to any youth's release, when applicable.

23 (m) Any youth whose aftercare release has been revoked by
24 the Prisoner Review Board under Section 3-3-9.5 of this Code
25 may be rereleased to the full aftercare release term by the
26 Department at any time in accordance with this Section. Youth

1 rereleased under this subsection shall be subject to Sections
2 3-2.5-70, 3-2.5-75, 3-2.5-80, 3-2.5-90, 3-2.5-95, and 3-3-9.5
3 of this Code.

4 (n) The Department shall adopt rules regarding the exercise
5 of its discretion under this Section.

6 (730 ILCS 5/3-2.5-90 new)

7 Sec. 3-2.5-90. Release to warrant or detainer.

8 (a) If a warrant or detainer is placed against a youth by
9 the court or other authority of this or any other jurisdiction,
10 the Department of Juvenile Justice shall inquire before the
11 youth is considered for aftercare release whether the authority
12 concerned intends to execute or withdraw the process if the
13 youth is released.

14 (b) If the authority notifies the Department that it
15 intends to execute the process when the youth is released, the
16 Department shall advise the authority concerned of the sentence
17 or disposition under which the youth is held, the time of
18 eligibility for release, any decision of the Department
19 relating to the youth and the nature of his or her adjustment
20 during confinement, and shall give reasonable notice to the
21 authority of the youth's release date.

22 (c) The Department may release a youth to a warrant or
23 detainer. The Department may provide, as a condition of
24 aftercare release, that if the charge or charges on which the
25 warrant or detainer is based are dismissed or satisfied, prior

1 to the expiration of the youth's aftercare release term, the
2 authority to whose warrant or detainer he or she was released
3 shall return him or her to serve the remainder of his or her
4 aftercare release term.

5 (d) If a youth released to a warrant or detainer is
6 thereafter sentenced to probation, or released on parole in
7 another jurisdiction prior to the expiration of his or her
8 aftercare release term in this State, the Department may permit
9 the youth to serve the remainder of his or her term in either
10 of the jurisdictions.

11 (730 ILCS 5/3-2.5-95 new)

12 Sec. 3-2.5-95. Conditions of aftercare release.

13 (a) The conditions of aftercare release for all youth
14 committed to the Department under the Juvenile Court Act of
15 1987 shall be such as the Department of Juvenile Justice deems
16 necessary to assist the youth in leading a law-abiding life.
17 The conditions of every aftercare release are that the youth:

18 (1) not violate any criminal statute of any
19 jurisdiction during the aftercare release term;

20 (2) refrain from possessing a firearm or other
21 dangerous weapon;

22 (3) report to an agent of the Department;

23 (4) permit the agent or aftercare specialist to visit
24 the youth at his or her home, employment, or elsewhere to
25 the extent necessary for the agent or aftercare specialist

1 to discharge his or her duties;

2 (5) reside at a Department-approved host site;

3 (6) secure permission before visiting or writing a
4 committed person in an Illinois Department of Corrections
5 or Illinois Department of Juvenile Justice facility;

6 (7) report all arrests to an agent of the Department as
7 soon as permitted by the arresting authority but in no
8 event later than 24 hours after release from custody and
9 immediately report service or notification of an order of
10 protection, a civil no contact order, or a stalking no
11 contact order to an agent of the Department;

12 (8) obtain permission of an agent of the Department
13 before leaving the State of Illinois;

14 (9) obtain permission of an agent of the Department
15 before changing his or her residence or employment;

16 (10) consent to a search of his or her person,
17 property, or residence under his or her control;

18 (11) refrain from the use or possession of narcotics or
19 other controlled substances in any form, or both, or any
20 paraphernalia related to those substances and submit to a
21 urinalysis test as instructed by an agent of the
22 Department;

23 (12) not frequent places where controlled substances
24 are illegally sold, used, distributed, or administered;

25 (13) not knowingly associate with other persons on
26 parole, aftercare release, or mandatory supervised release

1 without prior written permission of his or her aftercare
2 specialist and not associate with persons who are members
3 of an organized gang as that term is defined in the
4 Illinois Streetgang Terrorism Omnibus Prevention Act;

5 (14) provide true and accurate information, as it
6 relates to his or her adjustment in the community while on
7 aftercare release or to his or her conduct while
8 incarcerated, in response to inquiries by an agent of the
9 Department;

10 (15) follow any specific instructions provided by the
11 agent that are consistent with furthering conditions set
12 and approved by the Department or by law to achieve the
13 goals and objectives of his or her aftercare release or to
14 protect the public; these instructions by the agent may be
15 modified at any time, as the agent deems appropriate;

16 (16) comply with the terms and conditions of an order
17 of protection issued under the Illinois Domestic Violence
18 Act of 1986; an order of protection issued by the court of
19 another state, tribe, or United States territory; a no
20 contact order issued under the Civil No Contact Order Act;
21 or a no contact order issued under the Stalking No Contact
22 Order Act;

23 (17) if convicted of a sex offense as defined in the
24 Sex Offender Management Board Act, and a sex offender
25 treatment provider has evaluated and recommended further
26 sex offender treatment while on aftercare release, the

1 youth shall undergo treatment by a sex offender treatment
2 provider or associate sex offender provider as defined in
3 the Sex Offender Management Board Act at his or her expense
4 based on his or her ability to pay for the treatment;

5 (18) if convicted of a sex offense as defined in the
6 Sex Offender Management Board Act, refrain from residing at
7 the same address or in the same condominium unit or
8 apartment unit or in the same condominium complex or
9 apartment complex with another person he or she knows or
10 reasonably should know is a convicted sex offender or has
11 been placed on supervision for a sex offense; the
12 provisions of this paragraph do not apply to a person
13 convicted of a sex offense who is placed in a Department of
14 Corrections licensed transitional housing facility for sex
15 offenders, or is in any facility operated or licensed by
16 the Department of Children and Family Services or by the
17 Department of Human Services, or is in any licensed medical
18 facility;

19 (19) if convicted for an offense that would qualify the
20 offender as a sexual predator under the Sex Offender
21 Registration Act wear an approved electronic monitoring
22 device as defined in Section 5-8A-2 for the duration of the
23 youth's aftercare release term and if convicted for an
24 offense of criminal sexual assault, aggravated criminal
25 sexual assault, predatory criminal sexual assault of a
26 child, criminal sexual abuse, aggravated criminal sexual

1 abuse, or ritualized abuse of a child when the victim was
2 under 18 years of age at the time of the commission of the
3 offense and the offender used force or the threat of force
4 in the commission of the offense wear an approved
5 electronic monitoring device as defined in Section 5-8A-2
6 that has Global Positioning System (GPS) capability for the
7 duration of the youth's aftercare release term;

8 (20) if convicted for an offense that would qualify the
9 offender as a child sex offender as defined in Section
10 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the
11 Criminal Code of 2012, refrain from communicating with or
12 contacting, by means of the Internet, a person who is not
13 related to the offender and whom the offender reasonably
14 believes to be under 18 years of age; for purposes of this
15 paragraph (20), "Internet" has the meaning ascribed to it
16 in Section 16-0.1 of the Criminal Code of 2012; and a
17 person is not related to the offender if the person is not:
18 (A) the spouse, brother, or sister of the offender; (B) a
19 descendant of the offender; (C) a first or second cousin of
20 the offender; or (D) a step-child or adopted child of the
21 offender;

22 (21) if convicted under Section 11-6, 11-20.1,
23 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or
24 the Criminal Code of 2012, consent to search of computers,
25 PDAs, cellular phones, and other devices under his or her
26 control that are capable of accessing the Internet or

1 storing electronic files, in order to confirm Internet
2 protocol addresses reported in accordance with the Sex
3 Offender Registration Act and compliance with conditions
4 in this Act;

5 (22) if convicted for an offense that would qualify the
6 offender as a sex offender or sexual predator under the Sex
7 Offender Registration Act, not possess prescription drugs
8 for erectile dysfunction;

9 (23) if convicted for an offense under Section 11-6,
10 11-9.1, 11-14.4 that involves soliciting for a juvenile
11 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
12 of the Criminal Code of 1961 or the Criminal Code of 2012,
13 or any attempt to commit any of these offenses:

14 (A) not access or use a computer or any other
15 device with Internet capability without the prior
16 written approval of the Department;

17 (B) submit to periodic unannounced examinations of
18 the youth's computer or any other device with Internet
19 capability by the youth's aftercare specialist, a law
20 enforcement officer, or assigned computer or
21 information technology specialist, including the
22 retrieval and copying of all data from the computer or
23 device and any internal or external peripherals and
24 removal of the information, equipment, or device to
25 conduct a more thorough inspection;

26 (C) submit to the installation on the youth's

1 computer or device with Internet capability, at the
2 youth's expense, of one or more hardware or software
3 systems to monitor the Internet use; and

4 (D) submit to any other appropriate restrictions
5 concerning the youth's use of or access to a computer
6 or any other device with Internet capability imposed by
7 the Department or the youth's aftercare specialist;

8 (24) if convicted of a sex offense as defined in the
9 Sex Offender Registration Act, refrain from accessing or
10 using a social networking website as defined in Section
11 17-0.5 of the Criminal Code of 2012;

12 (25) if convicted of a sex offense as defined in
13 Section 2 of the Sex Offender Registration Act that
14 requires the youth to register as a sex offender under that
15 Act, not knowingly use any computer scrub software on any
16 computer that the youth uses;

17 (26) if convicted of a sex offense as defined in
18 subsection (a-5) of Section 3-1-2 of this Code, unless the
19 youth is a parent or guardian of a person under 18 years of
20 age present in the home and no non-familial minors are
21 present, not participate in a holiday event involving
22 children under 18 years of age, such as distributing candy
23 or other items to children on Halloween, wearing a Santa
24 Claus costume on or preceding Christmas, being employed as
25 a department store Santa Claus, or wearing an Easter Bunny
26 costume on or preceding Easter;

1 (27) if convicted of a violation of an order of
2 protection under Section 12-3.4 or Section 12-30 of the
3 Criminal Code of 1961 or the Criminal Code of 2012, be
4 placed under electronic surveillance as provided in
5 Section 5-8A-7 of this Code; and

6 (28) if convicted of a violation of the Methamphetamine
7 Control and Community Protection Act, the Methamphetamine
8 Precursor Control Act, or a methamphetamine related
9 offense, be:

10 (A) prohibited from purchasing, possessing, or
11 having under his or her control any product containing
12 pseudoephedrine unless prescribed by a physician; and

13 (B) prohibited from purchasing, possessing, or
14 having under his or her control any product containing
15 ammonium nitrate.

16 (b) The Department may in addition to other conditions
17 require that the youth:

18 (1) work or pursue a course of study or vocational
19 training;

20 (2) undergo medical or psychiatric treatment, or
21 treatment for drug addiction or alcoholism;

22 (3) attend or reside in a facility established for the
23 instruction or residence of persons on probation or
24 aftercare release;

25 (4) support his or her dependents;

26 (5) if convicted for an offense that would qualify the

1 youth as a child sex offender as defined in Section 11-9.3
2 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code
3 of 2012, refrain from communicating with or contacting, by
4 means of the Internet, a person who is related to the youth
5 and whom the youth reasonably believes to be under 18 years
6 of age; for purposes of this paragraph (5), "Internet" has
7 the meaning ascribed to it in Section 16-0.1 of the
8 Criminal Code of 2012; and a person is related to the youth
9 if the person is: (A) the spouse, brother, or sister of the
10 youth; (B) a descendant of the youth; (C) a first or second
11 cousin of the youth; or (D) a step-child or adopted child
12 of the youth;

13 (6) if convicted for an offense that would qualify as a
14 sex offense as defined in the Sex Offender Registration
15 Act:

16 (A) not access or use a computer or any other
17 device with Internet capability without the prior
18 written approval of the Department;

19 (B) submit to periodic unannounced examinations of
20 the youth's computer or any other device with Internet
21 capability by the youth's aftercare specialist, a law
22 enforcement officer, or assigned computer or
23 information technology specialist, including the
24 retrieval and copying of all data from the computer or
25 device and any internal or external peripherals and
26 removal of the information, equipment, or device to

1 conduct a more thorough inspection;

2 (C) submit to the installation on the youth's
3 computer or device with Internet capability, at the
4 youth's offender's expense, of one or more hardware or
5 software systems to monitor the Internet use; and

6 (D) submit to any other appropriate restrictions
7 concerning the youth's use of or access to a computer
8 or any other device with Internet capability imposed by
9 the Department or the youth's aftercare specialist;
10 and

11 (7) in addition to other conditions:

12 (A) reside with his or her parents or in a foster
13 home;

14 (B) attend school;

15 (C) attend a non-residential program for youth; or

16 (D) contribute to his or her own support at home or
17 in a foster home.

18 (c) In addition to the conditions under subsections (a) and
19 (b) of this Section, youths required to register as sex
20 offenders under the Sex Offender Registration Act, upon release
21 from the custody of the Department of Juvenile Justice, may be
22 required by the Department to comply with the following
23 specific conditions of release:

24 (1) reside only at a Department approved location;

25 (2) comply with all requirements of the Sex Offender
26 Registration Act;

1 (3) notify third parties of the risks that may be
2 occasioned by his or her criminal record;

3 (4) obtain the approval of an agent of the Department
4 prior to accepting employment or pursuing a course of study
5 or vocational training and notify the Department prior to
6 any change in employment, study, or training;

7 (5) not be employed or participate in any volunteer
8 activity that involves contact with children, except under
9 circumstances approved in advance and in writing by an
10 agent of the Department;

11 (6) be electronically monitored for a specified period
12 of time from the date of release as determined by the
13 Department;

14 (7) refrain from entering into a designated geographic
15 area except upon terms approved in advance by an agent of
16 the Department; these terms may include consideration of
17 the purpose of the entry, the time of day, and others
18 accompanying the youth;

19 (8) refrain from having any contact, including written
20 or oral communications, directly or indirectly, personally
21 or by telephone, letter, or through a third party with
22 certain specified persons including, but not limited to,
23 the victim or the victim's family without the prior written
24 approval of an agent of the Department;

25 (9) refrain from all contact, directly or indirectly,
26 personally, by telephone, letter, or through a third party,

1 with minor children without prior identification and
2 approval of an agent of the Department;

3 (10) neither possess or have under his or her control
4 any material that is sexually oriented, sexually
5 stimulating, or that shows male or female sex organs or any
6 pictures depicting children under 18 years of age nude or
7 any written or audio material describing sexual
8 intercourse or that depicts or alludes to sexual activity,
9 including, but not limited to, visual, auditory,
10 telephonic, or electronic media, or any matter obtained
11 through access to any computer or material linked to
12 computer access use;

13 (11) not patronize any business providing sexually
14 stimulating or sexually oriented entertainment nor utilize
15 "900" or adult telephone numbers;

16 (12) not reside near, visit, or be in or about parks,
17 schools, day care centers, swimming pools, beaches,
18 theaters, or any other places where minor children
19 congregate without advance approval of an agent of the
20 Department and immediately report any incidental contact
21 with minor children to the Department;

22 (13) not possess or have under his or her control
23 certain specified items of contraband related to the
24 incidence of sexually offending as determined by an agent
25 of the Department;

26 (14) may be required to provide a written daily log of

1 activities if directed by an agent of the Department;

2 (15) comply with all other special conditions that the
3 Department may impose that restrict the youth from
4 high-risk situations and limit access to potential
5 victims;

6 (16) take an annual polygraph exam;

7 (17) maintain a log of his or her travel; or

8 (18) obtain prior approval of an agent of the
9 Department before driving alone in a motor vehicle.

10 (d) The conditions under which the aftercare release is to
11 be served shall be communicated to the youth in writing prior
12 to his or her release, and he or she shall sign the same before
13 release. A signed copy of these conditions, including a copy of
14 an order of protection if one had been issued by the criminal
15 court, shall be retained by the youth and another copy
16 forwarded to the officer or aftercare specialist in charge of
17 his or her supervision.

18 (e) After a revocation hearing under Section 3-3-9.5, the
19 Department of Juvenile Justice may modify or enlarge the
20 conditions of aftercare release.

21 (f) The Department shall inform all youth of the optional
22 services available to them upon release and shall assist youth
23 in availing themselves of the optional services upon their
24 release on a voluntary basis.

1 Sec. 3-2.5-100. Length of aftercare release; discharge.

2 (a) The aftercare release term of a youth committed to the
3 Department under the Juvenile Court Act of 1987 shall be as set
4 out in Section 5-750 of the Juvenile Court Act of 1987, unless
5 sooner terminated under subsection (b) of this Section, as
6 otherwise provided by law, or as ordered by the court. The
7 aftercare release term of youth committed to the Department as
8 a habitual or violent juvenile offender under Section 5-815 or
9 5-820 of the Juvenile Court Act of 1987 shall continue until
10 the youth's 21st birthday unless sooner terminated under
11 subsection (c) of this Section, as otherwise provided by law,
12 or as ordered by the court.

13 (b) Provided that the youth is in compliance with the terms
14 and conditions of his or her aftercare release, the Department
15 of Juvenile Justice may reduce the period of a releasee's
16 aftercare release by 90 days upon the releasee receiving a high
17 school diploma or upon passage of high school equivalency
18 testing during the period of his or her aftercare release. This
19 reduction in the period of a youth's term of aftercare release
20 shall be available only to youth who have not previously earned
21 a high school diploma or who have not previously passed high
22 school equivalency testing.

23 (c) The Department of Juvenile Justice may discharge a
24 youth from aftercare release and his or her commitment to the
25 Department in accordance with subsection (3) of Section 5-750
26 of the Juvenile Court Act of 1987, if it determines that he or

1 she is likely to remain at liberty without committing another
2 offense.

3 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

4 Sec. 3-3-1. Establishment and Appointment of Prisoner
5 Review Board.

6 (a) There shall be a Prisoner Review Board independent of
7 the Department ~~of Corrections~~ which shall be:

8 (1) the paroling authority for persons sentenced under
9 the law in effect prior to the effective date of this
10 amendatory Act of 1977;

11 (1.5) (blank); ~~the authority for hearing and deciding~~
12 ~~the time of aftercare release for persons adjudicated~~
13 ~~delinquent under the Juvenile Court Act of 1987;~~

14 (2) the board of review for cases involving the
15 revocation of sentence credits or a suspension or reduction
16 in the rate of accumulating the credit;

17 (3) the board of review and recommendation for the
18 exercise of executive clemency by the Governor;

19 (4) the authority for establishing release dates for
20 certain prisoners sentenced under the law in existence
21 prior to the effective date of this amendatory Act of 1977,
22 in accordance with Section 3-3-2.1 of this Code;

23 (5) the authority for setting conditions for parole
24 and mandatory supervised release under Section 5-8-1(a)
25 of this Code, ~~and aftercare release,~~ and determining

1 whether a violation of those conditions warrant revocation
2 of parole,~~aftercare release,~~ or mandatory supervised
3 release or the imposition of other sanctions; and.

4 (6) the authority for determining whether a violation
5 of aftercare release conditions warrant revocation of
6 aftercare release.

7 (b) The Board shall consist of 15 persons appointed by the
8 Governor by and with the advice and consent of the Senate. One
9 member of the Board shall be designated by the Governor to be
10 Chairman and shall serve as Chairman at the pleasure of the
11 Governor. The members of the Board shall have had at least 5
12 years of actual experience in the fields of penology,
13 corrections work, law enforcement, sociology, law, education,
14 social work, medicine, psychology, other behavioral sciences,
15 or a combination thereof. At least 6 members so appointed must
16 have had at least 3 years experience in the field of juvenile
17 matters. No more than 8 Board members may be members of the
18 same political party.

19 Each member of the Board shall serve on a full-time basis
20 and shall not hold any other salaried public office, whether
21 elective or appointive, nor any other office or position of
22 profit, nor engage in any other business, employment, or
23 vocation. The Chairman of the Board shall receive \$35,000 a
24 year, or an amount set by the Compensation Review Board,
25 whichever is greater, and each other member \$30,000, or an
26 amount set by the Compensation Review Board, whichever is

1 greater.

2 (c) Notwithstanding any other provision of this Section,
3 the term of each member of the Board who was appointed by the
4 Governor and is in office on June 30, 2003 shall terminate at
5 the close of business on that date or when all of the successor
6 members to be appointed pursuant to this amendatory Act of the
7 93rd General Assembly have been appointed by the Governor,
8 whichever occurs later. As soon as possible, the Governor shall
9 appoint persons to fill the vacancies created by this
10 amendatory Act.

11 Of the initial members appointed under this amendatory Act
12 of the 93rd General Assembly, the Governor shall appoint 5
13 members whose terms shall expire on the third Monday in January
14 2005, 5 members whose terms shall expire on the third Monday in
15 January 2007, and 5 members whose terms shall expire on the
16 third Monday in January 2009. Their respective successors shall
17 be appointed for terms of 6 years from the third Monday in
18 January of the year of appointment. Each member shall serve
19 until his or her successor is appointed and qualified.

20 Any member may be removed by the Governor for incompetence,
21 neglect of duty, malfeasance or inability to serve.

22 (d) The Chairman of the Board shall be its chief executive
23 and administrative officer. The Board may have an Executive
24 Director; if so, the Executive Director shall be appointed by
25 the Governor with the advice and consent of the Senate. The
26 salary and duties of the Executive Director shall be fixed by

1 the Board.

2 (Source: P.A. 97-697, eff. 6-22-12; 98-558, eff. 1-1-14.)

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

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

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

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

18 (2) hear by at least one member and through a panel of
19 at least 3 members decide, the conditions of parole and the
20 time of discharge from parole, impose sanctions for
21 violations of parole, and revoke parole for those sentenced
22 under the law in effect prior to this amendatory Act of
23 1977; provided that the decision to parole and the
24 conditions of parole for all prisoners who were sentenced
25 for first degree murder or who received a minimum sentence

1 of 20 years or more under the law in effect prior to
2 February 1, 1978 shall be determined by a majority vote of
3 the Prisoner Review Board. One representative supporting
4 parole and one representative opposing parole will be
5 allowed to speak. Their comments shall be limited to making
6 corrections and filling in omissions to the Board's
7 presentation and discussion;

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 (3.6) hear by at least one member and through a panel
25 of at least 3 members decide whether to, ~~the time of~~
26 ~~aftercare release, the conditions of aftercare release and~~

1 ~~the time of discharge from aftercare release, impose~~
2 ~~sanctions for violations of aftercare release, and revoke~~
3 aftercare release for those committed to the Department of
4 Juvenile Justice ~~adjudicated delinquent~~ under the Juvenile
5 Court Act of 1987;

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

25 (5) hear by at least one member and through a panel of
26 at least 3 members decide, the release dates for certain

1 prisoners sentenced under the law in existence prior to the
2 effective date of this amendatory Act of 1977, in
3 accordance with Section 3-3-2.1 of this Code;

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

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

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

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

24 (10) upon a petition by a person who has been convicted
25 of a Class 3 or Class 4 felony and who meets the
26 requirements of this paragraph, hear by at least 3 members

1 and, with the unanimous vote of a panel of 3 members, issue
2 a certificate of eligibility for sealing recommending that
3 the court order the sealing of all official records of the
4 arresting authority, the circuit court clerk, and the
5 Department of State Police concerning the arrest and
6 conviction for the Class 3 or 4 felony. A person may not
7 apply to the Board for a certificate of eligibility for
8 sealing:

9 (A) until 5 years have elapsed since the expiration
10 of his or her sentence;

11 (B) until 5 years have elapsed since any arrests or
12 detentions by a law enforcement officer for an alleged
13 violation of law, other than a petty offense, traffic
14 offense, conservation offense, or local ordinance
15 offense;

16 (C) if convicted of a violation of the Cannabis
17 Control Act, Illinois Controlled Substances Act, the
18 Methamphetamine Control and Community Protection Act,
19 the Methamphetamine Precursor Control Act, or the
20 Methamphetamine Precursor Tracking Act unless the
21 petitioner has completed a drug abuse program for the
22 offense on which sealing is sought and provides proof
23 that he or she has completed the program successfully;

24 (D) if convicted of:

25 (i) a sex offense described in Article 11 or
26 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of

1 the Criminal Code of 1961 or the Criminal Code of
2 2012;

3 (ii) aggravated assault;

4 (iii) aggravated battery;

5 (iv) domestic battery;

6 (v) aggravated domestic battery;

7 (vi) violation of an order of protection;

8 (vii) an offense under the Criminal Code of
9 1961 or the Criminal Code of 2012 involving a
10 firearm;

11 (viii) driving while under the influence of
12 alcohol, other drug or drugs, intoxicating
13 compound or compounds or any combination thereof;

14 (ix) aggravated driving while under the
15 influence of alcohol, other drug or drugs,
16 intoxicating compound or compounds or any
17 combination thereof; or

18 (x) any crime defined as a crime of violence
19 under Section 2 of the Crime Victims Compensation
20 Act.

21 If a person has applied to the Board for a certificate
22 of eligibility for sealing and the Board denies the
23 certificate, the person must wait at least 4 years before
24 filing again or filing for pardon from the Governor unless
25 the Chairman of the Prisoner Review Board grants a waiver.

26 The decision to issue or refrain from issuing a

1 certificate of eligibility for sealing shall be at the
2 Board's sole discretion, and shall not give rise to any
3 cause of action against either the Board or its members.

4 The Board may only authorize the sealing of Class 3 and
5 4 felony convictions of the petitioner from one information
6 or indictment under this paragraph (10). A petitioner may
7 only receive one certificate of eligibility for sealing
8 under this provision for life; and

9 (11) upon a petition by a person who after having been
10 convicted of a Class 3 or Class 4 felony thereafter served
11 in the United States Armed Forces or National Guard of this
12 or any other state and had received an honorable discharge
13 from the United States Armed Forces or National Guard or
14 who at the time of filing the petition is enlisted in the
15 United States Armed Forces or National Guard of this or any
16 other state and served one tour of duty and who meets the
17 requirements of this paragraph, hear by at least 3 members
18 and, with the unanimous vote of a panel of 3 members, issue
19 a certificate of eligibility for expungement recommending
20 that the court order the expungement of all official
21 records of the arresting authority, the circuit court
22 clerk, and the Department of State Police concerning the
23 arrest and conviction for the Class 3 or 4 felony. A person
24 may not apply to the Board for a certificate of eligibility
25 for expungement:

26 (A) if convicted of:

1 (i) a sex offense described in Article 11 or
2 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
3 the Criminal Code of 1961 or Criminal Code of 2012;

4 (ii) an offense under the Criminal Code of 1961
5 or Criminal Code of 2012 involving a firearm; or

6 (iii) a crime of violence as defined in Section
7 2 of the Crime Victims Compensation Act; or

8 (B) if the person has not served in the United
9 States Armed Forces or National Guard of this or any
10 other state or has not received an honorable discharge
11 from the United States Armed Forces or National Guard
12 of this or any other state or who at the time of the
13 filing of the petition is serving in the United States
14 Armed Forces or National Guard of this or any other
15 state and has not completed one tour of duty.

16 If a person has applied to the Board for a certificate
17 of eligibility for expungement and the Board denies the
18 certificate, the person must wait at least 4 years before
19 filing again or filing for a pardon with authorization for
20 expungement from the Governor unless the Governor or
21 Chairman of the Prisoner Review Board grants a waiver.

22 (a-5) The Prisoner Review Board, with the cooperation of
23 and in coordination with the Department of Corrections and the
24 Department of Central Management Services, shall implement a
25 pilot project in 3 correctional institutions providing for the
26 conduct of hearings under paragraphs (1) and (4) of subsection

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

11 (b) Upon recommendation of the Department the Board may
12 restore sentence credit previously revoked.

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

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

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

23 (f) The Board or one who has allegedly violated the
24 conditions of his or her parole, aftercare release, or
25 mandatory supervised release may require by subpoena the
26 attendance and testimony of witnesses and the production of

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

18 In case of disobedience to a subpoena, the Board may
19 petition any circuit court of the State for an order requiring
20 the attendance and testimony of witnesses or the production of
21 documentary evidence or both. A copy of such petition shall be
22 served by personal service or by registered or certified mail
23 upon the person who has failed to obey the subpoena, and such
24 person shall be advised in writing that a hearing upon the
25 petition will be requested in a court room to be designated in
26 such notice before the judge hearing motions or extraordinary

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

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

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

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

24 (Source: P.A. 97-697, eff. 6-22-12; 97-1120, eff. 1-1-13;
25 97-1150, eff. 1-25-13; 98-399, eff. 8-16-13; 98-558, eff.
26 1-1-14; 98-756, eff. 7-16-14.)

1 (730 ILCS 5/3-3-3) (from Ch. 38, par. 1003-3-3)

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

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

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

12 (2) 20 years of a life sentence less time credit for
13 good behavior; or

14 (3) 20 years or one-third of a determinate sentence,
15 whichever is less, less time credit for good behavior.

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

19 (c) Except for those sentenced to a term of natural life
20 imprisonment, every person sentenced to imprisonment under
21 this amendatory Act of 1977 or given a release date under
22 Section 3-3-2.1 of this Act shall serve the full term of a
23 determinate sentence less time credit for good behavior and
24 shall then be released under the mandatory supervised release
25 provisions of paragraph (d) of Section 5-8-1 of this Code.

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

3 (e) Every person committed to the Department of Juvenile
4 Justice under ~~Section 5-10 of the Juvenile Court Act or Section~~
5 ~~5-750 of the Juvenile Court Act of 1987 or Section 5-8-6 of~~
6 ~~this Code~~ and confined in the State correctional institutions
7 or facilities if such juvenile has not been tried as an adult
8 shall be eligible for aftercare release under Section 3-2.5-85
9 of this Code ~~without regard to the length of time the person~~
10 ~~has been confined or whether the person has served any minimum~~
11 ~~term imposed~~. However, if a juvenile has been tried as an adult
12 he or she shall only be eligible for parole or mandatory
13 supervised release as an adult under this Section.

14 (Source: P.A. 98-558, eff. 1-1-14.)

15 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)

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

17 (a) The Prisoner Review Board shall consider the parole of
18 each eligible person committed to the Department of Corrections
19 at least 30 days prior to the date he or she shall first become
20 eligible for parole, ~~and shall consider the aftercare release~~
21 ~~of each person committed to the Department of Juvenile Justice~~
22 ~~as a delinquent at least 30 days prior to the expiration of the~~
23 ~~first year of confinement~~.

24 (b) A person eligible for parole ~~or aftercare release~~
25 shall, no less than 15 days in advance of his or her parole

1 interview, prepare a parole ~~or aftercare release~~ plan in
2 accordance with the rules of the Prisoner Review Board. The
3 person shall be assisted in preparing his or her parole ~~or~~
4 ~~aftercare release~~ plan by personnel of the Department of
5 Corrections, ~~or the Department of Juvenile Justice in the case~~
6 ~~of a person committed to that Department,~~ and may, for this
7 purpose, be released on furlough under Article 11 ~~or on~~
8 ~~authorized absence under Section 3-9-4.~~ The appropriate
9 Department shall also provide assistance in obtaining
10 information and records helpful to the individual for his or
11 her parole hearing. If the person eligible for parole ~~or~~
12 ~~aftercare release~~ has a petition or any written submissions
13 prepared on his or her behalf by an attorney or other
14 representative, the attorney or representative for the person
15 eligible for parole ~~or aftercare release~~ must serve by
16 certified mail the State's Attorney of the county where he or
17 she was prosecuted with the petition or any written submissions
18 15 days after his or her parole interview. The State's Attorney
19 shall provide the attorney for the person eligible for parole
20 ~~or aftercare release~~ with a copy of his or her letter in
21 opposition to parole ~~or aftercare release~~ via certified mail
22 within 5 business days of the en banc hearing.

23 (c) Any member of the Board shall have access at all
24 reasonable times to any committed person and to his or her
25 master record file within the Department, and the Department
26 shall furnish such a report to the Board concerning the conduct

1 and character of any such person prior to his or her parole
2 interview.

3 (d) In making its determination of parole ~~or aftercare~~
4 ~~release~~, the Board shall consider:

5 (1) (blank); ~~material transmitted to the Department of~~
6 ~~Juvenile Justice by the clerk of the committing court under~~
7 ~~Section 5-4-1 or Section 5-10 of the Juvenile Court Act or~~
8 ~~Section 5-750 of the Juvenile Court Act of 1987;~~

9 (2) the report under Section 3-8-2 or 3-10-2;

10 (3) a report by the Department and any report by the
11 chief administrative officer of the institution or
12 facility;

13 (4) a parole ~~or aftercare release~~ progress report;

14 (5) a medical and psychological report, if requested by
15 the Board;

16 (6) material in writing, or on film, video tape or
17 other electronic means in the form of a recording submitted
18 by the person whose parole ~~or aftercare release~~ is being
19 considered;

20 (7) material in writing, or on film, video tape or
21 other electronic means in the form of a recording or
22 testimony submitted by the State's Attorney and the victim
23 or a concerned citizen pursuant to the Rights of Crime
24 Victims and Witnesses Act; and

25 (8) the person's eligibility for commitment under the
26 Sexually Violent Persons Commitment Act.

1 (e) The prosecuting State's Attorney's office shall
2 receive from the Board reasonable written notice not less than
3 30 days prior to the parole ~~or aftercare release~~ interview and
4 may submit relevant information by oral argument or testimony
5 of victims and concerned citizens, or both, in writing, or on
6 film, video tape or other electronic means or in the form of a
7 recording to the Board for its consideration. Upon written
8 request of the State's Attorney's office, the Prisoner Review
9 Board shall hear protests to parole, ~~or aftercare release,~~
10 except in counties of 1,500,000 or more inhabitants where there
11 shall be standing objections to all such petitions. If a
12 State's Attorney who represents a county of less than 1,500,000
13 inhabitants requests a protest hearing, the inmate's counsel or
14 other representative shall also receive notice of such request.
15 This hearing shall take place the month following the inmate's
16 parole ~~or aftercare release~~ interview. If the inmate's parole
17 ~~or aftercare release~~ interview is rescheduled then the Prisoner
18 Review Board shall promptly notify the State's Attorney of the
19 new date. The person eligible for parole ~~or aftercare release~~
20 shall be heard at the next scheduled en banc hearing date. If
21 the case is to be continued, the State's Attorney's office and
22 the attorney or representative for the person eligible for
23 parole ~~or aftercare release~~ will be notified of any continuance
24 within 5 business days. The State's Attorney may waive the
25 written notice.

26 (f) The victim of the violent crime for which the prisoner

1 has been sentenced shall receive notice of a parole ~~or~~
2 ~~aftercare-release~~ hearing as provided in paragraph (4) of
3 subsection (d) of Section 4.5 of the Rights of Crime Victims
4 and Witnesses Act.

5 (g) Any recording considered under the provisions of
6 subsection (d)(6), (d)(7) or (e) of this Section shall be in
7 the form designated by the Board. Such recording shall be both
8 visual and aural. Every voice on the recording and person
9 present shall be identified and the recording shall contain
10 either a visual or aural statement of the person submitting
11 such recording, the date of the recording and the name of the
12 person whose parole ~~or aftercare-release~~ eligibility is being
13 considered. Such recordings shall be retained by the Board and
14 shall be deemed to be submitted at any subsequent parole ~~or~~
15 ~~aftercare-release~~ hearing if the victim or State's Attorney
16 submits in writing a declaration clearly identifying such
17 recording as representing the present position of the victim or
18 State's Attorney regarding the issues to be considered at the
19 parole ~~or aftercare-release~~ hearing.

20 (h) The Board shall not release any material to the inmate,
21 the inmate's attorney, any third party, or any other person
22 containing any information from the victim or from a person
23 related to the victim by blood, adoption, or marriage who has
24 written objections, testified at any hearing, or submitted
25 audio or visual objections to the inmate's parole, ~~or aftercare~~
26 ~~release,~~ unless provided with a waiver from that objecting

1 party. The Board shall not release the names or addresses of
2 any person on its victim registry to any other person except
3 the victim, a law enforcement agency, or other victim
4 notification system.

5 (Source: P.A. 97-523, eff. 1-1-12; 97-1075, eff. 8-24-12;
6 97-1083, eff. 8-24-12; 98-463, eff. 8-16-13; 98-558, eff.
7 1-1-14; 98-717, eff. 1-1-15.)

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

9 Sec. 3-3-5. Hearing and Determination.

10 (a) The Prisoner Review Board shall meet as often as need
11 requires to consider the cases of persons eligible for parole
12 ~~and aftercare release~~. Except as otherwise provided in
13 paragraph (2) of subsection (a) of Section 3-3-2 of this Act,
14 the Prisoner Review Board may meet and order its actions in
15 panels of 3 or more members. The action of a majority of the
16 panel shall be the action of the Board. ~~In consideration of~~
17 ~~persons committed to the Department of Juvenile Justice, the~~
18 ~~panel shall have at least a majority of members experienced in~~
19 ~~juvenile matters.~~

20 (b) If the person under consideration for parole ~~or~~
21 ~~aftercare release~~ is in the custody of the Department, at least
22 one member of the Board shall interview him or her, and a
23 report of that interview shall be available for the Board's
24 consideration. However, in the discretion of the Board, the
25 interview need not be conducted if a psychiatric examination

1 determines that the person could not meaningfully contribute to
2 the Board's consideration. The Board may in its discretion
3 parole ~~or release on aftercare~~ a person who is then outside the
4 jurisdiction on his or her record without an interview. The
5 Board need not hold a hearing or interview a person who is
6 paroled ~~or released on aftercare~~ under paragraphs (d) or (e) of
7 this Section or released on Mandatory release under Section
8 3-3-10.

9 (c) The Board shall not parole ~~or release~~ a person eligible
10 for parole ~~or aftercare release~~ if it determines that:

11 (1) there is a substantial risk that he or she will not
12 conform to reasonable conditions of parole or aftercare
13 release; or

14 (2) his or her release at that time would deprecate the
15 seriousness of his or her offense or promote disrespect for
16 the law; or

17 (3) his or her release would have a substantially
18 adverse effect on institutional discipline.

19 (d) (Blank). ~~A person committed under the Juvenile Court~~
20 ~~Act or the Juvenile Court Act of 1987 who has not been sooner~~
21 ~~released shall be released on aftercare on or before his or her~~
22 ~~20th birthday or upon completion of the maximum term of~~
23 ~~confinement ordered by the court under Section 5-710 of the~~
24 ~~Juvenile Court Act of 1987, whichever is sooner, to begin~~
25 ~~servng a period of aftercare release under Section 3-3-8.~~

26 (e) A person who has served the maximum term of

1 imprisonment imposed at the time of sentencing less time credit
2 for good behavior shall be released on parole to serve a period
3 of parole under Section 5-8-1.

4 (f) The Board shall render its decision within a reasonable
5 time after hearing and shall state the basis therefor both in
6 the records of the Board and in written notice to the person on
7 whose application it has acted. In its decision, the Board
8 shall set the person's time for parole ~~or aftercare release~~, or
9 if it denies parole ~~or aftercare release~~ it shall provide for a
10 rehearing not less frequently than once every year, except that
11 the Board may, after denying parole, schedule a rehearing no
12 later than 5 years from the date of the parole denial, if the
13 Board finds that it is not reasonable to expect that parole
14 would be granted at a hearing prior to the scheduled rehearing
15 date. If the Board shall parole ~~or release~~ a person, and, if he
16 or she is not released within 90 days from the effective date
17 of the order granting parole ~~or aftercare release~~, the matter
18 shall be returned to the Board for review.

19 (f-1) If the Board paroles ~~or releases~~ a person who is
20 eligible for commitment as a sexually violent person, the
21 effective date of the Board's order shall be stayed for 90 days
22 for the purpose of evaluation and proceedings under the
23 Sexually Violent Persons Commitment Act.

24 (g) The Board shall maintain a registry of decisions in
25 which parole has been granted, which shall include the name and
26 case number of the prisoner, the highest charge for which the

1 prisoner was sentenced, the length of sentence imposed, the
2 date of the sentence, the date of the parole, and the basis for
3 the decision of the Board to grant parole and the vote of the
4 Board on any such decisions. The registry shall be made
5 available for public inspection and copying during business
6 hours and shall be a public record pursuant to the provisions
7 of the Freedom of Information Act.

8 (h) The Board shall promulgate rules regarding the exercise
9 of its discretion under this Section.

10 (Source: P.A. 98-558, eff. 1-1-14; 99-268, eff. 1-1-16.)

11 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

12 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
13 Release, ~~or Aftercare Release.~~

14 (a) The conditions of parole, ~~aftercare release,~~ or
15 mandatory supervised release shall be such as the Prisoner
16 Review Board deems necessary to assist the subject in leading a
17 law-abiding life. The conditions of every parole, ~~aftercare~~
18 ~~release,~~ and mandatory supervised release are that the subject:

19 (1) not violate any criminal statute of any
20 jurisdiction during the parole, ~~aftercare release,~~ or
21 release term;

22 (2) refrain from possessing a firearm or other
23 dangerous weapon;

24 (3) report to an agent of the Department of Corrections
25 ~~or to the Department of Juvenile Justice;~~

1 (4) permit the agent ~~or aftercare specialist~~ to visit
2 him or her at his or her home, employment, or elsewhere to
3 the extent necessary for the agent ~~or aftercare specialist~~
4 to discharge his or her duties;

5 (5) attend or reside in a facility established for the
6 instruction or residence of persons on parole, ~~aftercare~~
7 ~~release~~, or mandatory supervised release;

8 (6) secure permission before visiting or writing a
9 committed person in an Illinois Department of Corrections
10 facility;

11 (7) report all arrests to an agent of the Department of
12 Corrections ~~or to the Department of Juvenile Justice~~ as
13 soon as permitted by the arresting authority but in no
14 event later than 24 hours after release from custody and
15 immediately report service or notification of an order of
16 protection, a civil no contact order, or a stalking no
17 contact order to an agent of the Department of Corrections;

18 (7.5) if convicted of a sex offense as defined in the
19 Sex Offender Management Board Act, the individual shall
20 undergo and successfully complete sex offender treatment
21 conducted in conformance with the standards developed by
22 the Sex Offender Management Board Act by a treatment
23 provider approved by the Board;

24 (7.6) if convicted of a sex offense as defined in the
25 Sex Offender Management Board Act, refrain from residing at
26 the same address or in the same condominium unit or

1 apartment unit or in the same condominium complex or
2 apartment complex with another person he or she knows or
3 reasonably should know is a convicted sex offender or has
4 been placed on supervision for a sex offense; the
5 provisions of this paragraph do not apply to a person
6 convicted of a sex offense who is placed in a Department of
7 Corrections licensed transitional housing facility for sex
8 offenders, or is in any facility operated or licensed by
9 the Department of Children and Family Services or by the
10 Department of Human Services, or is in any licensed medical
11 facility;

12 (7.7) if convicted for an offense that would qualify
13 the accused as a sexual predator under the Sex Offender
14 Registration Act on or after January 1, 2007 (the effective
15 date of Public Act 94-988), wear an approved electronic
16 monitoring device as defined in Section 5-8A-2 for the
17 duration of the person's parole, ~~aftercare~~ release,
18 mandatory supervised release term, or extended mandatory
19 supervised release term and if convicted for an offense of
20 criminal sexual assault, aggravated criminal sexual
21 assault, predatory criminal sexual assault of a child,
22 criminal sexual abuse, aggravated criminal sexual abuse,
23 or ritualized abuse of a child committed on or after August
24 11, 2009 (the effective date of Public Act 96-236) when the
25 victim was under 18 years of age at the time of the
26 commission of the offense and the defendant used force or

1 the threat of force in the commission of the offense wear
2 an approved electronic monitoring device as defined in
3 Section 5-8A-2 that has Global Positioning System (GPS)
4 capability for the duration of the person's parole,
5 ~~aftercare release~~, mandatory supervised release term, or
6 extended mandatory supervised release term;

7 (7.8) if convicted for an offense committed on or after
8 June 1, 2008 (the effective date of Public Act 95-464) that
9 would qualify the accused as a child sex offender as
10 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
11 1961 or the Criminal Code of 2012, refrain from
12 communicating with or contacting, by means of the Internet,
13 a person who is not related to the accused and whom the
14 accused reasonably believes to be under 18 years of age;
15 for purposes of this paragraph (7.8), "Internet" has the
16 meaning ascribed to it in Section 16-0.1 of the Criminal
17 Code of 2012; and a person is not related to the accused if
18 the person is not: (i) the spouse, brother, or sister of
19 the accused; (ii) a descendant of the accused; (iii) a
20 first or second cousin of the accused; or (iv) a step-child
21 or adopted child of the accused;

22 (7.9) if convicted under Section 11-6, 11-20.1,
23 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or
24 the Criminal Code of 2012, consent to search of computers,
25 PDAs, cellular phones, and other devices under his or her
26 control that are capable of accessing the Internet or

1 storing electronic files, in order to confirm Internet
2 protocol addresses reported in accordance with the Sex
3 Offender Registration Act and compliance with conditions
4 in this Act;

5 (7.10) if convicted for an offense that would qualify
6 the accused as a sex offender or sexual predator under the
7 Sex Offender Registration Act on or after June 1, 2008 (the
8 effective date of Public Act 95-640), not possess
9 prescription drugs for erectile dysfunction;

10 (7.11) if convicted for an offense under Section 11-6,
11 11-9.1, 11-14.4 that involves soliciting for a juvenile
12 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
13 of the Criminal Code of 1961 or the Criminal Code of 2012,
14 or any attempt to commit any of these offenses, committed
15 on or after June 1, 2009 (the effective date of Public Act
16 95-983):

17 (i) not access or use a computer or any other
18 device with Internet capability without the prior
19 written approval of the Department;

20 (ii) submit to periodic unannounced examinations
21 of the offender's computer or any other device with
22 Internet capability by the offender's supervising
23 agent, ~~aftercare specialist,~~ a law enforcement
24 officer, or assigned computer or information
25 technology specialist, including the retrieval and
26 copying of all data from the computer or device and any

1 internal or external peripherals and removal of such
2 information, equipment, or device to conduct a more
3 thorough inspection;

4 (iii) submit to the installation on the offender's
5 computer or device with Internet capability, at the
6 offender's expense, of one or more hardware or software
7 systems to monitor the Internet use; and

8 (iv) submit to any other appropriate restrictions
9 concerning the offender's use of or access to a
10 computer or any other device with Internet capability
11 imposed by the Board, the Department or the offender's
12 supervising agent ~~or aftercare specialist~~;

13 (7.12) if convicted of a sex offense as defined in the
14 Sex Offender Registration Act committed on or after January
15 1, 2010 (the effective date of Public Act 96-262), refrain
16 from accessing or using a social networking website as
17 defined in Section 17-0.5 of the Criminal Code of 2012;

18 (7.13) if convicted of a sex offense as defined in
19 Section 2 of the Sex Offender Registration Act committed on
20 or after January 1, 2010 (the effective date of Public Act
21 96-362) that requires the person to register as a sex
22 offender under that Act, may not knowingly use any computer
23 scrub software on any computer that the sex offender uses;

24 (8) obtain permission of an agent of the Department of
25 Corrections ~~or the Department of Juvenile Justice~~ before
26 leaving the State of Illinois;

1 (9) obtain permission of an agent of the Department of
2 Corrections ~~or the Department of Juvenile Justice~~ before
3 changing his or her residence or employment;

4 (10) consent to a search of his or her person,
5 property, or residence under his or her control;

6 (11) refrain from the use or possession of narcotics or
7 other controlled substances in any form, or both, or any
8 paraphernalia related to those substances and submit to a
9 urinalysis test as instructed by a parole agent of the
10 Department of Corrections ~~or an aftercare specialist of the~~
11 ~~Department of Juvenile Justice;~~

12 (12) not frequent places where controlled substances
13 are illegally sold, used, distributed, or administered;

14 (13) not knowingly associate with other persons on
15 parole, ~~aftercare release,~~ or mandatory supervised release
16 without prior written permission of his or her parole agent
17 ~~or aftercare specialist~~ and not associate with persons who
18 are members of an organized gang as that term is defined in
19 the Illinois Streetgang Terrorism Omnibus Prevention Act;

20 (14) provide true and accurate information, as it
21 relates to his or her adjustment in the community while on
22 parole, ~~aftercare release,~~ or mandatory supervised release
23 or to his or her conduct while incarcerated, in response to
24 inquiries by his or her parole agent or of the Department
25 of Corrections ~~or by his or her aftercare specialist or of~~
26 ~~the Department of Juvenile Justice;~~

1 (15) follow any specific instructions provided by the
2 parole agent ~~or aftercare specialist~~ that are consistent
3 with furthering conditions set and approved by the Prisoner
4 Review Board or by law, exclusive of placement on
5 electronic detention, to achieve the goals and objectives
6 of his or her parole, ~~aftercare release,~~ or mandatory
7 supervised release or to protect the public. These
8 instructions by the parole agent ~~or aftercare specialist~~
9 may be modified at any time, as the agent ~~or aftercare~~
10 ~~specialist~~ deems appropriate;

11 (16) if convicted of a sex offense as defined in
12 subsection (a-5) of Section 3-1-2 of this Code, unless the
13 offender is a parent or guardian of the person under 18
14 years of age present in the home and no non-familial minors
15 are present, not participate in a holiday event involving
16 children under 18 years of age, such as distributing candy
17 or other items to children on Halloween, wearing a Santa
18 Claus costume on or preceding Christmas, being employed as
19 a department store Santa Claus, or wearing an Easter Bunny
20 costume on or preceding Easter;

21 (17) if convicted of a violation of an order of
22 protection under Section 12-3.4 or Section 12-30 of the
23 Criminal Code of 1961 or the Criminal Code of 2012, be
24 placed under electronic surveillance as provided in
25 Section 5-8A-7 of this Code;

26 (18) comply with the terms and conditions of an order

1 of protection issued pursuant to the Illinois Domestic
2 Violence Act of 1986; an order of protection issued by the
3 court of another state, tribe, or United States territory;
4 a no contact order issued pursuant to the Civil No Contact
5 Order Act; or a no contact order issued pursuant to the
6 Stalking No Contact Order Act; and

7 (19) if convicted of a violation of the Methamphetamine
8 Control and Community Protection Act, the Methamphetamine
9 Precursor Control Act, or a methamphetamine related
10 offense, be:

11 (A) prohibited from purchasing, possessing, or
12 having under his or her control any product containing
13 pseudoephedrine unless prescribed by a physician; and

14 (B) prohibited from purchasing, possessing, or
15 having under his or her control any product containing
16 ammonium nitrate.

17 (b) The Board may in addition to other conditions require
18 that the subject:

19 (1) work or pursue a course of study or vocational
20 training;

21 (2) undergo medical or psychiatric treatment, or
22 treatment for drug addiction or alcoholism;

23 (3) attend or reside in a facility established for the
24 instruction or residence of persons on probation or parole;

25 (4) support his or her dependents;

26 (5) (blank);

1 (6) (blank);

2 (7) (blank);

3 (7.5) if convicted for an offense committed on or after
4 the effective date of this amendatory Act of the 95th
5 General Assembly that would qualify the accused as a child
6 sex offender as defined in Section 11-9.3 or 11-9.4 of the
7 Criminal Code of 1961 or the Criminal Code of 2012, refrain
8 from communicating with or contacting, by means of the
9 Internet, a person who is related to the accused and whom
10 the accused reasonably believes to be under 18 years of
11 age; for purposes of this paragraph (7.5), "Internet" has
12 the meaning ascribed to it in Section 16-0.1 of the
13 Criminal Code of 2012; and a person is related to the
14 accused if the person is: (i) the spouse, brother, or
15 sister of the accused; (ii) a descendant of the accused;
16 (iii) a first or second cousin of the accused; or (iv) a
17 step-child or adopted child of the accused;

18 (7.6) if convicted for an offense committed on or after
19 June 1, 2009 (the effective date of Public Act 95-983) that
20 would qualify as a sex offense as defined in the Sex
21 Offender Registration Act:

22 (i) not access or use a computer or any other
23 device with Internet capability without the prior
24 written approval of the Department;

25 (ii) submit to periodic unannounced examinations
26 of the offender's computer or any other device with

1 Internet capability by the offender's supervising
2 agent ~~or aftercare specialist~~, a law enforcement
3 officer, or assigned computer or information
4 technology specialist, including the retrieval and
5 copying of all data from the computer or device and any
6 internal or external peripherals and removal of such
7 information, equipment, or device to conduct a more
8 thorough inspection;

9 (iii) submit to the installation on the offender's
10 computer or device with Internet capability, at the
11 offender's expense, of one or more hardware or software
12 systems to monitor the Internet use; and

13 (iv) submit to any other appropriate restrictions
14 concerning the offender's use of or access to a
15 computer or any other device with Internet capability
16 imposed by the Board, the Department or the offender's
17 supervising agent ~~or aftercare specialist~~; and

18 (8) in addition, if a minor:

19 (i) reside with his or her parents or in a foster
20 home;

21 (ii) attend school;

22 (iii) attend a non-residential program for youth;

23 or

24 (iv) contribute to his or her own support at home
25 or in a foster home.

26 (b-1) In addition to the conditions set forth in

1 subsections (a) and (b), persons required to register as sex
2 offenders pursuant to the Sex Offender Registration Act, upon
3 release from the custody of the Illinois Department of
4 Corrections ~~or Department of Juvenile Justice~~, may be required
5 by the Board to comply with the following specific conditions
6 of release:

7 (1) reside only at a Department approved location;

8 (2) comply with all requirements of the Sex Offender
9 Registration Act;

10 (3) notify third parties of the risks that may be
11 occasioned by his or her criminal record;

12 (4) obtain the approval of an agent of the Department
13 of Corrections ~~or the Department of Juvenile Justice~~ prior
14 to accepting employment or pursuing a course of study or
15 vocational training and notify the Department prior to any
16 change in employment, study, or training;

17 (5) not be employed or participate in any volunteer
18 activity that involves contact with children, except under
19 circumstances approved in advance and in writing by an
20 agent of the Department of Corrections ~~or the Department of~~
21 ~~Juvenile Justice~~;

22 (6) be electronically monitored for a minimum of 12
23 months from the date of release as determined by the Board;

24 (7) refrain from entering into a designated geographic
25 area except upon terms approved in advance by an agent of
26 the Department of Corrections ~~or the Department of Juvenile~~

1 ~~Justice~~. The terms may include consideration of the purpose
2 of the entry, the time of day, and others accompanying the
3 person;

4 (8) refrain from having any contact, including written
5 or oral communications, directly or indirectly, personally
6 or by telephone, letter, or through a third party with
7 certain specified persons including, but not limited to,
8 the victim or the victim's family without the prior written
9 approval of an agent of the Department of Corrections ~~or~~
10 ~~the Department of Juvenile Justice;~~

11 (9) refrain from all contact, directly or indirectly,
12 personally, by telephone, letter, or through a third party,
13 with minor children without prior identification and
14 approval of an agent of the Department of Corrections ~~or~~
15 ~~the Department of Juvenile Justice;~~

16 (10) neither possess or have under his or her control
17 any material that is sexually oriented, sexually
18 stimulating, or that shows male or female sex organs or any
19 pictures depicting children under 18 years of age nude or
20 any written or audio material describing sexual
21 intercourse or that depicts or alludes to sexual activity,
22 including but not limited to visual, auditory, telephonic,
23 or electronic media, or any matter obtained through access
24 to any computer or material linked to computer access use;

25 (11) not patronize any business providing sexually
26 stimulating or sexually oriented entertainment nor utilize

1 "900" or adult telephone numbers;

2 (12) not reside near, visit, or be in or about parks,
3 schools, day care centers, swimming pools, beaches,
4 theaters, or any other places where minor children
5 congregate without advance approval of an agent of the
6 Department of Corrections ~~or the Department of Juvenile~~
7 ~~Justice~~ and immediately report any incidental contact with
8 minor children to the Department;

9 (13) not possess or have under his or her control
10 certain specified items of contraband related to the
11 incidence of sexually offending as determined by an agent
12 of the Department of Corrections ~~or the Department of~~
13 ~~Juvenile Justice~~;

14 (14) may be required to provide a written daily log of
15 activities if directed by an agent of the Department of
16 Corrections ~~or the Department of Juvenile Justice~~;

17 (15) comply with all other special conditions that the
18 Department may impose that restrict the person from
19 high-risk situations and limit access to potential
20 victims;

21 (16) take an annual polygraph exam;

22 (17) maintain a log of his or her travel; or

23 (18) obtain prior approval of his or her parole officer
24 ~~or aftercare specialist~~ before driving alone in a motor
25 vehicle.

26 (c) The conditions under which the parole, ~~aftercare~~

1 ~~release,~~ or mandatory supervised release is to be served shall
2 be communicated to the person in writing prior to his or her
3 release, and he or she shall sign the same before release. A
4 signed copy of these conditions, including a copy of an order
5 of protection where one had been issued by the criminal court,
6 shall be retained by the person and another copy forwarded to
7 the officer ~~or aftercare specialist~~ in charge of his or her
8 supervision.

9 (d) After a hearing under Section 3-3-9, the Prisoner
10 Review Board may modify or enlarge the conditions of parole,
11 ~~aftercare release,~~ or mandatory supervised release.

12 (e) The Department shall inform all offenders committed to
13 the Department of the optional services available to them upon
14 release and shall assist inmates in availing themselves of such
15 optional services upon their release on a voluntary basis.

16 (f) (Blank).

17 (Source: P.A. 97-50, eff. 6-28-11; 97-531, eff. 1-1-12; 97-560,
18 eff. 1-1-12; 97-597, eff. 1-1-12; 97-1109, eff. 1-1-13;
19 97-1150, eff. 1-25-13; 98-558, eff. 1-1-14.)

20 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

21 Sec. 3-3-8. Length of parole, ~~aftercare release,~~ and
22 mandatory supervised release; discharge.→

23 (a) The length of parole for a person sentenced under the
24 law in effect prior to the effective date of this amendatory
25 Act of 1977 and the length of mandatory supervised release for

1 those sentenced under the law in effect on and after such
2 effective date shall be as set out in Section 5-8-1 unless
3 sooner terminated under paragraph (b) of this Section. ~~The~~
4 ~~aftercare release period of a juvenile committed to the~~
5 ~~Department under the Juvenile Court Act or the Juvenile Court~~
6 ~~Act of 1987 shall be as set out in Section 5-750 of the~~
7 ~~Juvenile Court Act of 1987 unless sooner terminated under~~
8 ~~paragraph (b) of this Section or under the Juvenile Court Act~~
9 ~~of 1987.~~

10 (b) The Prisoner Review Board may enter an order releasing
11 and discharging one from parole, ~~aftercare release,~~ or
12 mandatory supervised release, and his or her commitment to the
13 Department, when it determines that he or she is likely to
14 remain at liberty without committing another offense.

15 (b-1) Provided that the subject is in compliance with the
16 terms and conditions of his or her parole, ~~aftercare release,~~
17 or mandatory supervised release, the Prisoner Review Board may
18 reduce the period of a parolee or releasee's parole, ~~aftercare~~
19 ~~release,~~ or mandatory supervised release by 90 days upon the
20 parolee or releasee receiving a high school diploma or upon
21 passage of high school equivalency testing during the period of
22 his or her parole, ~~aftercare release,~~ or mandatory supervised
23 release. This reduction in the period of a subject's term of
24 parole, ~~aftercare release,~~ or mandatory supervised release
25 shall be available only to subjects who have not previously
26 earned a high school diploma or who have not previously passed

1 high school equivalency testing.

2 (c) The order of discharge shall become effective upon
3 entry of the order of the Board. The Board shall notify the
4 clerk of the committing court of the order. Upon receipt of
5 such copy, the clerk shall make an entry on the record judgment
6 that the sentence or commitment has been satisfied pursuant to
7 the order.

8 (d) Rights of the person discharged under this Section
9 shall be restored under Section 5-5-5. ~~This Section is subject~~
10 ~~to Section 5-750 of the Juvenile Court Act of 1987.~~

11 (Source: P.A. 98-558, eff. 1-1-14; 98-718, eff. 1-1-15; 99-268,
12 eff. 1-1-16.)

13 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

14 Sec. 3-3-9. Violations; changes of conditions; preliminary
15 hearing; revocation of parole, ~~aftercare release,~~ or mandatory
16 supervised release; revocation hearing.

17 (a) If prior to expiration or termination of the term of
18 parole, ~~aftercare release,~~ or mandatory supervised release, a
19 person violates a condition set by the Prisoner Review Board or
20 a condition of parole, ~~aftercare release,~~ or mandatory
21 supervised release under Section 3-3-7 of this Code to govern
22 that term, the Board may:

23 (1) continue the existing term, with or without
24 modifying or enlarging the conditions; or

25 (2) parole or release the person to a half-way house;

1 or

2 (3) revoke the parole, ~~aftercare release,~~ or mandatory
3 supervised release and reconfine the person for a term
4 computed in the following manner:

5 (i) (A) For those sentenced under the law in effect
6 prior to this amendatory Act of 1977, the recommitment
7 shall be for any portion of the imposed maximum term of
8 imprisonment or confinement which had not been served
9 at the time of parole and the parole term, less the
10 time elapsed between the parole of the person and the
11 commission of the violation for which parole was
12 revoked;

13 (B) Except as set forth in paragraph (C), for those
14 subject to mandatory supervised release under
15 paragraph (d) of Section 5-8-1 of this Code, the
16 recommitment shall be for the total mandatory
17 supervised release term, less the time elapsed between
18 the release of the person and the commission of the
19 violation for which mandatory supervised release is
20 revoked. The Board may also order that a prisoner serve
21 up to one year of the sentence imposed by the court
22 which was not served due to the accumulation of
23 sentence credit;

24 (C) For those subject to sex offender supervision
25 under clause (d) (4) of Section 5-8-1 of this Code, the
26 reconfinement period for violations of clauses (a) (3)

1 through (b-1)(15) of Section 3-3-7 shall not exceed 2
2 years from the date of reconfinement;

3 (ii) the person shall be given credit against
4 the term of reimprisonment or reconfinement for
5 time spent in custody since he or she was paroled
6 or released which has not been credited against
7 another sentence or period of confinement;

8 (iii) (blank); ~~persons committed under the~~
9 ~~Juvenile Court Act or the Juvenile Court Act of~~
10 ~~1987 may be continued under the existing term of~~
11 ~~aftercare release with or without modifying the~~
12 ~~conditions of aftercare release, released on~~
13 ~~aftercare release to a group home or other~~
14 ~~residential facility, or recommitted until the age~~
15 ~~of 21 unless sooner terminated;~~

16 (iv) this Section is subject to the release
17 under supervision and the reparole and rerelease
18 provisions of Section 3-3-10.

19 (b) The Board may revoke parole, ~~aftercare release,~~ or
20 mandatory supervised release for violation of a condition for
21 the duration of the term and for any further period which is
22 reasonably necessary for the adjudication of matters arising
23 before its expiration. The issuance of a warrant of arrest for
24 an alleged violation of the conditions of parole, ~~aftercare~~
25 ~~release,~~ or mandatory supervised release shall toll the running
26 of the term until the final determination of the charge. When

1 parole, ~~aftercare release,~~ or mandatory supervised release is
2 not revoked that period shall be credited to the term, unless a
3 community-based sanction is imposed as an alternative to
4 revocation and reincarceration, including a diversion
5 established by the Illinois Department of Corrections Parole
6 Services Unit prior to the holding of a preliminary parole
7 revocation hearing. Parolees who are diverted to a
8 community-based sanction shall serve the entire term of parole
9 or mandatory supervised release, if otherwise appropriate.

10 (b-5) The Board shall revoke parole, ~~aftercare release,~~ or
11 mandatory supervised release for violation of the conditions
12 prescribed in paragraph (7.6) of subsection (a) of Section
13 3-3-7.

14 (c) A person charged with violating a condition of parole, ~~7~~
15 ~~aftercare release,~~ or mandatory supervised release shall have a
16 preliminary hearing before a hearing officer designated by the
17 Board to determine if there is cause to hold the person for a
18 revocation hearing. However, no preliminary hearing need be
19 held when revocation is based upon new criminal charges and a
20 court finds probable cause on the new criminal charges or when
21 the revocation is based upon a new criminal conviction and a
22 certified copy of that conviction is available.

23 (d) Parole, ~~aftercare release,~~ or mandatory supervised
24 release shall not be revoked without written notice to the
25 offender setting forth the violation of parole, ~~aftercare~~
26 ~~release,~~ or mandatory supervised release charged against him or

1 her.

2 (e) A hearing on revocation shall be conducted before at
3 least one member of the Prisoner Review Board. The Board may
4 meet and order its actions in panels of 3 or more members. The
5 action of a majority of the panel shall be the action of the
6 Board. ~~In consideration of persons committed to the Department~~
7 ~~of Juvenile Justice, the member hearing the matter and at least~~
8 ~~a majority of the panel shall be experienced in juvenile~~
9 ~~matters.~~ A record of the hearing shall be made. At the hearing
10 the offender shall be permitted to:

11 (1) appear and answer the charge; and

12 (2) bring witnesses on his or her behalf.

13 (f) The Board shall either revoke parole, ~~aftercare~~
14 ~~release,~~ or mandatory supervised release or order the person's
15 term continued with or without modification or enlargement of
16 the conditions.

17 (g) Parole, ~~aftercare release,~~ or mandatory supervised
18 release shall not be revoked for failure to make payments under
19 the conditions of parole or release unless the Board determines
20 that such failure is due to the offender's willful refusal to
21 pay.

22 (Source: P.A. 97-697, eff. 6-22-12; 98-463, eff. 8-16-13;
23 98-558, eff. 1-1-14.)

24 (730 ILCS 5/3-3-9.5 new)

25 Sec. 3-3-9.5. Revocation of aftercare release; revocation

1 hearing.

2 (a) If, prior to expiration or termination of the aftercare
3 release term, a juvenile committed to the Department of
4 Juvenile Justice under the Juvenile Court Act of 1987 violates
5 a condition of release set by the Department under Section
6 3-2.5-95 of this Code, the Department may initiate revocation
7 proceedings by issuing a violation warrant under Section
8 3-2.5-70 of this Code or by retaking of the releasee and
9 returning him or her to a Department facility.

10 (b) The Department shall provide the releasee and the
11 Prisoner Review Board with written notice of the alleged
12 violation of aftercare release charged against him or her.

13 (c) The issuance of a warrant of arrest for an alleged
14 violation of the conditions of aftercare release shall toll the
15 running of the aftercare release term until the final
16 determination of the alleged violation is made. If the Board
17 finds that the youth has not violated a condition of aftercare
18 release, that period shall be credited to the term.

19 (d) A person charged with violating a condition of
20 aftercare release shall have a preliminary hearing before a
21 hearing officer designated by the Board to determine if there
22 is probable cause to hold the person for a revocation hearing.
23 However, no preliminary hearing need be held when revocation is
24 based upon new criminal charges and a court finds probable
25 cause on the new criminal charges or when the revocation is
26 based upon a new criminal conviction or a finding of

1 delinquency and a certified copy of that conviction is
2 available.

3 (e) At the preliminary hearing, the Board may order the
4 releasee held in Department custody or released under
5 supervision pending a final revocation decision of the Board. A
6 youth who is held in Department custody, shall be released and
7 discharged upon the expiration of the maximum term permitted
8 under the Juvenile Court Act of 1987.

9 (f) A hearing on revocation shall be conducted before at
10 least one member of the Prisoner Review Board. The Board may
11 meet and order its actions in panels of 3 or more members. The
12 action of a majority of the panel shall be the action of the
13 Board. The member hearing the matter and at least a majority of
14 the panel shall be experienced in juvenile matters. A record of
15 the hearing shall be made. At the hearing the releasee shall be
16 permitted to:

17 (1) appear and answer the charge; and

18 (2) bring witnesses on his or her behalf.

19 (g) If the Board finds that the juvenile has not violated a
20 condition of aftercare release, the Board shall order the
21 juvenile rereleased and aftercare release continued under the
22 existing term and may make specific recommendations to the
23 Department regarding appropriate conditions of release.

24 (h) If the Board finds that the juvenile has violated a
25 condition of aftercare release, the Board shall either:

26 (1) revoke aftercare release and order the juvenile

1 reconfined; or

2 (2) order the juvenile rereleased to serve a specified
3 aftercare release term not to exceed the full term
4 permitted under the Juvenile Court Act of 1987 and may make
5 specific recommendations to the Department regarding
6 appropriate conditions of rerelease.

7 (i) Aftercare release shall not be revoked for failure to
8 make payments under the conditions of release unless the Board
9 determines that the failure is due to the juvenile's willful
10 refusal to pay.

11 (730 ILCS 5/3-3-10) (from Ch. 38, par. 1003-3-10)

12 Sec. 3-3-10. Eligibility after Revocation; Release under
13 Supervision.

14 (a) A person whose parole,~~aftercare release,~~ or mandatory
15 supervised release has been revoked may be reparaoled or
16 rereleased by the Board at any time to the full parole,~~7~~
17 ~~aftercare release,~~ or mandatory supervised release term under
18 Section 3-3-8, except that the time which the person shall
19 remain subject to the Board shall not exceed (1) the imposed
20 maximum term of imprisonment or confinement and the parole term
21 for those sentenced under the law in effect prior to the
22 effective date of this amendatory Act of 1977 or (2) the term
23 of imprisonment imposed by the court and the mandatory
24 supervised release term for those sentenced under the law in
25 effect on and after such effective date.

1 (b) If the Board sets no earlier release date:

2 (1) A person sentenced for any violation of law which
3 occurred before January 1, 1973, shall be released under
4 supervision 6 months prior to the expiration of his or her
5 maximum sentence of imprisonment less good time credit
6 under Section 3-6-3.

7 (2) Any person who has violated the conditions of his
8 or her parole and been reconfined under Section 3-3-9 shall
9 be released under supervision 6 months prior to the
10 expiration of the term of his or her reconfinement under
11 paragraph (a) of Section 3-3-9 less good time credit under
12 Section 3-6-3. This paragraph shall not apply to persons
13 serving terms of mandatory supervised release ~~or aftercare~~
14 ~~release~~.

15 (3) Nothing herein shall require the release of a
16 person who has violated his or her parole within 6 months
17 of the date when his or her release under this Section
18 would otherwise be mandatory.

19 (c) Persons released under this Section shall be subject to
20 Sections 3-3-6, 3-3-7, 3-3-9, 3-14-1, 3-14-2, 3-14-2.5,
21 3-14-3, and 3-14-4.

22 (d) This Section shall not apply to a juvenile committed to
23 the Department of Juvenile Justice under the Juvenile Court Act
24 of 1987 serving terms of aftercare release.

25 (Source: P.A. 98-558, eff. 1-1-14; 99-268, eff. 1-1-16.)

1 (730 ILCS 5/3-10-7) (from Ch. 38, par. 1003-10-7)

2 Sec. 3-10-7. Interdepartment ~~Interdivisional~~ Transfers.

3 (a) (Blank). ~~In any case where a minor was originally~~
4 ~~prosecuted under the provisions of the Criminal Code of 1961 or~~
5 ~~the Criminal Code of 2012 and sentenced under the provisions of~~
6 ~~this Act pursuant to Section 2-7 of the Juvenile Court Act or~~
7 ~~Section 5-805 of the Juvenile Court Act of 1987 and committed~~
8 ~~to the Department of Juvenile Justice under Section 5-8-6, the~~
9 ~~Department of Juvenile Justice shall, within 30 days of the~~
10 ~~date that the minor reaches the age of 17, send formal~~
11 ~~notification to the sentencing court and the State's Attorney~~
12 ~~of the county from which the minor was sentenced indicating the~~
13 ~~day upon which the minor offender will achieve the age of 17.~~
14 ~~Within 90 days of receipt of that notice, the sentencing court~~
15 ~~shall conduct a hearing, pursuant to the provisions of~~
16 ~~subsection (c) of this Section to determine whether or not the~~
17 ~~minor shall continue to remain under the auspices of the~~
18 ~~Department of Juvenile Justice or be transferred to the~~
19 ~~Department of Corrections.~~

20 ~~The minor shall be served with notice of the date of the~~
21 ~~hearing, shall be present at the hearing, and has the right to~~
22 ~~counsel at the hearing. The minor, with the consent of his or~~
23 ~~her counsel or guardian may waive his presence at hearing.~~

24 (b) (Blank). ~~Unless sooner paroled under Section 3-3-3, the~~
25 ~~confinement of a minor person committed for an indeterminate~~
26 ~~sentence in a criminal proceeding shall terminate at the~~

1 ~~expiration of the maximum term of imprisonment, and he shall~~
2 ~~thereupon be released to serve a period of parole under Section~~
3 ~~5-8-1, but if the maximum term of imprisonment does not expire~~
4 ~~until after his 21st birthday, he shall continue to be subject~~
5 ~~to the control and custody of the Department of Juvenile~~
6 ~~Justice, and on his 21st birthday, he shall be transferred to~~
7 ~~the Department of Corrections. If such person is on parole on~~
8 ~~his 21st birthday, his parole supervision may be transferred to~~
9 ~~the Department of Corrections.~~

10 (c) (Blank). ~~Any interdivisional transfer hearing~~
11 ~~conducted pursuant to subsection (a) of this Section shall~~
12 ~~consider all available information which may bear upon the~~
13 ~~issue of transfer. All evidence helpful to the court in~~
14 ~~determining the question of transfer, including oral and~~
15 ~~written reports containing hearsay, may be relied upon to the~~
16 ~~extent of its probative value, even though not competent for~~
17 ~~the purposes of an adjudicatory hearing. The court shall~~
18 ~~consider, along with any other relevant matter, the following:~~

19 1. ~~The nature of the offense for which the minor was~~
20 ~~found guilty and the length of the sentence the minor has~~
21 ~~to serve and the record and previous history of the minor.~~

22 2. ~~The record of the minor's adjustment within the~~
23 ~~Department of Juvenile Justice, including, but not limited~~
24 ~~to, reports from the minor's counselor, any escapes,~~
25 ~~attempted escapes or violent or disruptive conduct on the~~
26 ~~part of the minor, any tickets received by the minor,~~

1 ~~summaries of classes attended by the minor, and any record~~
2 ~~of work performed by the minor while in the institution.~~

3 ~~3. The relative maturity of the minor based upon the~~
4 ~~physical, psychological and emotional development of the~~
5 ~~minor.~~

6 ~~4. The record of the rehabilitative progress of the~~
7 ~~minor and an assessment of the vocational potential of the~~
8 ~~minor.~~

9 ~~5. An assessment of the necessity for transfer of the~~
10 ~~minor, including, but not limited to, the availability of~~
11 ~~space within the Department of Corrections, the~~
12 ~~disciplinary and security problem which the minor has~~
13 ~~presented to the Department of Juvenile Justice and the~~
14 ~~practicability of maintaining the minor in a juvenile~~
15 ~~facility, whether resources have been exhausted within the~~
16 ~~Department of Juvenile Justice, the availability of~~
17 ~~rehabilitative and vocational programs within the~~
18 ~~Department of Corrections, and the anticipated ability of~~
19 ~~the minor to adjust to confinement within an adult~~
20 ~~institution based upon the minor's physical size and~~
21 ~~maturity.~~

22 ~~All relevant factors considered under this subsection need~~
23 ~~not be resolved against the juvenile in order to justify such~~
24 ~~transfer. Access to social records, probation reports or any~~
25 ~~other reports which are considered by the court for the purpose~~
26 ~~of transfer shall be made available to counsel for the juvenile~~

1 ~~at least 30 days prior to the date of the transfer hearing. The~~
2 ~~Sentencing Court, upon granting a transfer order, shall~~
3 ~~accompany such order with a statement of reasons.~~

4 (d) (Blank). ~~Whenever the Director of Juvenile Justice or~~
5 ~~his designee determines that the interests of safety, security~~
6 ~~and discipline require the transfer to the Department of~~
7 ~~Corrections of a person 17 years or older who was prosecuted~~
8 ~~under the provisions of the Criminal Code of 1961 or the~~
9 ~~Criminal Code of 2012 and sentenced under the provisions of~~
10 ~~this Act pursuant to Section 2-7 of the Juvenile Court Act or~~
11 ~~Section 5-805 of the Juvenile Court Act of 1987 and committed~~
12 ~~to the Department of Juvenile Justice under Section 5-8-6, the~~
13 ~~Director or his designee may authorize the emergency transfer~~
14 ~~of such person, unless the transfer of the person is governed~~
15 ~~by subsection (c) of this Section. The sentencing court shall~~
16 ~~be provided notice of any emergency transfer no later than 3~~
17 ~~days after the emergency transfer. Upon motion brought within~~
18 ~~60 days of the emergency transfer by the sentencing court or~~
19 ~~any party, the sentencing court may conduct a hearing pursuant~~
20 ~~to the provisions of subsection (c) of this Section in order to~~
21 ~~determine whether the person shall remain confined in the~~
22 ~~Department of Corrections.~~

23 (e) The Director of Juvenile Justice or his designee may
24 authorize the permanent transfer to the Department of
25 Corrections of any person 18 years or older who was prosecuted
26 under the provisions of the Criminal Code of 1961 or the

1 Criminal Code of 2012 and sentenced under the provisions of
2 this Act pursuant to Section 2-7 of the Juvenile Court Act or
3 Section 5-805 of the Juvenile Court Act of 1987 and committed
4 to the Department of Juvenile Justice under Section 5-8-6 of
5 this Act. ~~The Director of Juvenile Justice or his designee~~
6 ~~shall be governed by the following factors in determining~~
7 ~~whether to authorize the permanent transfer of the person to~~
8 ~~the Department of Corrections:~~

9 ~~1. The nature of the offense for which the person was~~
10 ~~found guilty and the length of the sentence the person has~~
11 ~~to serve and the record and previous history of the person.~~

12 ~~2. The record of the person's adjustment within the~~
13 ~~Department of Juvenile Justice, including, but not limited~~
14 ~~to, reports from the person's counselor, any escapes,~~
15 ~~attempted escapes or violent or disruptive conduct on the~~
16 ~~part of the person, any tickets received by the person,~~
17 ~~summaries of classes attended by the person, and any record~~
18 ~~of work performed by the person while in the institution.~~

19 ~~3. The relative maturity of the person based upon the~~
20 ~~physical, psychological and emotional development of the~~
21 ~~person.~~

22 ~~4. The record of the rehabilitative progress of the~~
23 ~~person and an assessment of the vocational potential of the~~
24 ~~person.~~

25 ~~5. An assessment of the necessity for transfer of the~~
26 ~~person, including, but not limited to, the availability of~~

1 ~~space within the Department of Corrections, the~~
2 ~~disciplinary and security problem which the person has~~
3 ~~presented to the Department of Juvenile Justice and the~~
4 ~~practicability of maintaining the person in a juvenile~~
5 ~~facility, whether resources have been exhausted within the~~
6 ~~Department of Juvenile Justice, the availability of~~
7 ~~rehabilitative and vocational programs within the~~
8 ~~Department of Corrections, and the anticipated ability of~~
9 ~~the person to adjust to confinement within an adult~~
10 ~~institution based upon the person's physical size and~~
11 ~~maturity.~~

12 (Source: P.A. 97-1083, eff. 8-24-12; 97-1150, eff. 1-25-13.)

13 (730 ILCS 5/5-8-6) (from Ch. 38, par. 1005-8-6)

14 Sec. 5-8-6. Place of Confinement.

15 (a) Offenders sentenced to a term of imprisonment for a
16 felony shall be committed to the penitentiary system of the
17 Department of Corrections. However, such sentence shall not
18 limit the powers of the Department of Children and Family
19 Services in relation to any child under the age of one year in
20 the sole custody of a person so sentenced, nor in relation to
21 any child delivered by a female so sentenced while she is so
22 confined as a consequence of such sentence. A person sentenced
23 for a felony may be assigned by the Department of Corrections
24 to any of its institutions, facilities or programs.

25 (b) Offenders sentenced to a term of imprisonment for less

1 than one year shall be committed to the custody of the sheriff.
2 A person committed to the Department of Corrections, prior to
3 July 14, 1983, for less than one year may be assigned by the
4 Department to any of its institutions, facilities or programs.

5 (c) All offenders under 18 ~~17~~ years of age when sentenced
6 to imprisonment shall be committed to the Department of
7 Juvenile Justice and the court in its order of commitment shall
8 set a definite term. ~~Such order of commitment shall be the~~
9 ~~sentence of the court which may be amended by the court while~~
10 ~~jurisdiction is retained; and such sentence shall apply~~
11 ~~whenever the offender sentenced is in the control and custody~~
12 ~~of the Department of Corrections.~~ The provisions of Section
13 3-3-3 shall be a part of such commitment as fully as though
14 written in the order of commitment. The place of confinement
15 for sentences imposed before the effective date of this
16 amendatory Act of the 99th General Assembly are not affected or
17 abated by this amendatory Act of the 99th General Assembly. ~~The~~
18 ~~committing court shall retain jurisdiction of the subject~~
19 ~~matter and the person until he or she reaches the age of 21~~
20 ~~unless earlier discharged. However, the Department of Juvenile~~
21 ~~Justice shall, after a juvenile has reached 17 years of age,~~
22 ~~petition the court to conduct a hearing pursuant to subsection~~
23 ~~(c) of Section 3-10-7 of this Code.~~

24 (d) No defendant shall be committed to the Department of
25 Corrections for the recovery of a fine or costs.

26 (e) When a court sentences a defendant to a term of

1 imprisonment concurrent with a previous and unexpired sentence
2 of imprisonment imposed by any district court of the United
3 States, it may commit the offender to the custody of the
4 Attorney General of the United States. The Attorney General of
5 the United States, or the authorized representative of the
6 Attorney General of the United States, shall be furnished with
7 the warrant of commitment from the court imposing sentence,
8 which warrant of commitment shall provide that, when the
9 offender is released from federal confinement, whether by
10 parole or by termination of sentence, the offender shall be
11 transferred by the Sheriff of the committing county to the
12 Department of Corrections. The court shall cause the Department
13 to be notified of such sentence at the time of commitment and
14 to be provided with copies of all records regarding the
15 sentence.

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

17 (730 ILCS 5/5-8A-3) (from Ch. 38, par. 1005-8A-3)

18 Sec. 5-8A-3. Application.

19 (a) Except as provided in subsection (d), a person charged
20 with or convicted of an excluded offense may not be placed in
21 an electronic home detention program, except for bond pending
22 trial or appeal or while on parole, aftercare release, or
23 mandatory supervised release.

24 (b) A person serving a sentence for a conviction of a Class
25 1 felony, other than an excluded offense, may be placed in an

1 electronic home detention program for a period not to exceed
2 the last 90 days of incarceration.

3 (c) A person serving a sentence for a conviction of a Class
4 X felony, other than an excluded offense, may be placed in an
5 electronic home detention program for a period not to exceed
6 the last 90 days of incarceration, provided that the person was
7 sentenced on or after the effective date of this amendatory Act
8 of 1993 and provided that the court has not prohibited the
9 program for the person in the sentencing order.

10 (d) A person serving a sentence for conviction of an
11 offense other than for predatory criminal sexual assault of a
12 child, aggravated criminal sexual assault, criminal sexual
13 assault, aggravated criminal sexual abuse, or felony criminal
14 sexual abuse, may be placed in an electronic home detention
15 program for a period not to exceed the last 12 months of
16 incarceration, provided that (i) the person is 55 years of age
17 or older; (ii) the person is serving a determinate sentence;
18 (iii) the person has served at least 25% of the sentenced
19 prison term; and (iv) placement in an electronic home detention
20 program is approved by the Prisoner Review Board or the
21 Department of Juvenile Justice.

22 (e) A person serving a sentence for conviction of a Class
23 2, 3 or 4 felony offense which is not an excluded offense may
24 be placed in an electronic home detention program pursuant to
25 Department administrative directives.

26 (f) Applications for electronic home detention may include

1 the following:

2 (1) pretrial or pre-adjudicatory detention;

3 (2) probation;

4 (3) conditional discharge;

5 (4) periodic imprisonment;

6 (5) parole, aftercare release, or mandatory supervised
7 release;

8 (6) work release;

9 (7) furlough; or

10 (8) post-trial incarceration.

11 (g) A person convicted of an offense described in clause
12 (4) or (5) of subsection (d) of Section 5-8-1 of this Code
13 shall be placed in an electronic home detention program for at
14 least the first 2 years of the person's mandatory supervised
15 release term.

16 (Source: P.A. 98-558, eff. 1-1-14; 98-756, eff. 7-16-14.)

17 (730 ILCS 5/5-8A-7)

18 Sec. 5-8A-7. Domestic violence surveillance program. If
19 the Prisoner Review Board, Department of Corrections,
20 Department of Juvenile Justice, or court (the supervising
21 authority) orders electronic surveillance as a condition of
22 parole, aftercare release, mandatory supervised release, early
23 release, probation, or conditional discharge for a violation of
24 an order of protection or as a condition of bail for a person
25 charged with a violation of an order of protection, the

1 supervising authority shall use the best available global
2 positioning technology to track domestic violence offenders.
3 Best available technology must have real-time and interactive
4 capabilities that facilitate the following objectives: (1)
5 immediate notification to the supervising authority of a breach
6 of a court ordered exclusion zone; (2) notification of the
7 breach to the offender; and (3) communication between the
8 supervising authority, law enforcement, and the victim,
9 regarding the breach.

10 (Source: P.A. 98-558, eff. 1-1-14.)

11 Section 35. The Open Parole Hearings Act is amended by
12 changing Sections 5, 10, 15, and 20 as follows:

13 (730 ILCS 105/5) (from Ch. 38, par. 1655)

14 Sec. 5. Definitions. As used in this Act:

15 (a) "Applicant" means an inmate who is being considered for
16 parole ~~or aftercare release~~ by the Prisoner Review Board.

17 (a-1) "Aftercare releasee" means a person released from the
18 Department of Juvenile Justice on aftercare release subject to
19 aftercare revocation proceedings.

20 (b) "Board" means the Prisoner Review Board as established
21 in Section 3-3-1 of the Unified Code of Corrections.

22 (c) "Parolee" means a person subject to parole revocation
23 proceedings.

24 (d) "Parole ~~or aftercare release~~ hearing" means the formal

1 hearing and determination of an inmate being considered for
2 release from incarceration on parole ~~community supervision~~.

3 (e) "Parole, aftercare release, or mandatory supervised
4 release revocation hearing" means the formal hearing and
5 determination of allegations that a parolee, aftercare
6 releasee, or mandatory supervised releasee has violated the
7 conditions of his or her release ~~agreement~~.

8 (f) "Victim" means a victim or witness of a violent crime
9 as defined in subsection (a) of Section 3 of the Bill of Rights
10 for Victims and Witnesses of Violent Crime Act, or any person
11 legally related to the victim by blood, marriage, adoption, or
12 guardianship, or any friend of the victim, or any concerned
13 citizen.

14 (g) "Violent crime" means a crime defined in subsection (c)
15 of Section 3 of the Bill of Rights for Victims and Witnesses of
16 Violent Crime Act.

17 (Source: P.A. 97-299, eff. 8-11-11; 98-558, eff. 1-1-14.)

18 (730 ILCS 105/10) (from Ch. 38, par. 1660)

19 Sec. 10. Victim's statements.

20 (a) Upon request of the victim, the State's Attorney shall
21 forward a copy of any statement presented at the time of trial
22 to the Prisoner Review Board to be considered at the time of a
23 parole ~~or aftercare release~~ hearing.

24 (b) The victim may enter a statement either oral, written,
25 on video tape, or other electronic means in the form and manner

1 described by the Prisoner Review Board to be considered at the
2 time of a parole ~~or aftercare release~~ consideration hearing.

3 (Source: P.A. 98-558, eff. 1-1-14.)

4 (730 ILCS 105/15) (from Ch. 38, par. 1665)

5 Sec. 15. Open hearings.

6 (a) The Board may restrict the number of individuals
7 allowed to attend parole ~~or aftercare release~~, or parole or
8 aftercare release revocation hearings in accordance with
9 physical limitations, security requirements of the hearing
10 facilities or those giving repetitive or cumulative testimony.
11 The Board may also restrict attendance at an aftercare release
12 or aftercare release revocation hearing in order to protect the
13 confidentiality of the youth.

14 (b) The Board may deny admission or continued attendance at
15 parole ~~or aftercare release~~ hearings, or parole or aftercare
16 release revocation hearings to individuals who:

17 (1) threaten or present danger to the security of the
18 institution in which the hearing is being held;

19 (2) threaten or present a danger to other attendees or
20 participants; or

21 (3) disrupt the hearing.

22 (c) Upon formal action of a majority of the Board members
23 present, the Board may close parole ~~or aftercare release~~
24 hearings and parole or aftercare release revocation hearings in
25 order to:

1 (1) deliberate upon the oral testimony and any other
2 relevant information received from applicants, parolees,
3 releasees, victims, or others; or

4 (2) provide applicants, releasees, and parolees the
5 opportunity to challenge information other than that which
6 if the person's identity were to be exposed would possibly
7 subject them to bodily harm or death, which they believe
8 detrimental to their parole ~~or aftercare release~~
9 determination hearing or revocation proceedings.

10 (Source: P.A. 98-558, eff. 1-1-14.)

11 (730 ILCS 105/20) (from Ch. 38, par. 1670)

12 Sec. 20. Finality of Board decisions. A Board decision
13 concerning parole ~~or aftercare release~~, or parole or aftercare
14 release revocation shall be final at the time the decision is
15 delivered to the inmate, subject to any rehearing granted under
16 Board rules.

17 (Source: P.A. 98-558, eff. 1-1-14.)