

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.)