



Sen. Don Harmon

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1 AMENDMENT TO HOUSE BILL 531

2 AMENDMENT NO. _____. Amend House Bill 531 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-3-1, 3-3-2, 3-3-9, 5-4.5-20, 5-4.5-25,
6 5-4.5-30, and 5-8-1 and by adding Section 5-4.5-110 as follows:

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

8 Sec. 3-3-1. Establishment and appointment of Prisoner
9 Review Board.

10 (a) There shall be a Prisoner Review Board independent of
11 the Department which shall be:

12 (1) the paroling authority for persons sentenced under
13 the law in effect prior to the effective date of this
14 amendatory Act of 1977;

15 (1.2) the paroling authority for persons eligible for
16 parole review under Section 5-4.5-110;

1 (1.5) (blank);

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

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

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

11 (5) the authority for setting conditions for parole and
12 mandatory supervised release under Section 5-8-1(a) of
13 this Code, and determining whether a violation of those
14 conditions warrant revocation of parole or mandatory
15 supervised release or the imposition of other sanctions;
16 and

17 (6) the authority for determining whether a violation
18 of aftercare release conditions warrant revocation of
19 aftercare release.

20 (b) The Board shall consist of 15 persons appointed by the
21 Governor by and with the advice and consent of the Senate. One
22 member of the Board shall be designated by the Governor to be
23 Chairman and shall serve as Chairman at the pleasure of the
24 Governor. The members of the Board shall have had at least 5
25 years of actual experience in the fields of penology,
26 corrections work, law enforcement, sociology, law, education,

1 social work, medicine, psychology, other behavioral sciences,
2 or a combination thereof. At least 6 members so appointed must
3 have ~~had~~ at least 3 years experience in the field of juvenile
4 matters. No more than 8 Board members may be members of the
5 same political party.

6 Each member of the Board shall serve on a full-time basis
7 and shall not hold any other salaried public office, whether
8 elective or appointive, nor any other office or position of
9 profit, nor engage in any other business, employment, or
10 vocation. The Chairman of the Board shall receive \$35,000 a
11 year, or an amount set by the Compensation Review Board,
12 whichever is greater, and each other member \$30,000, or an
13 amount set by the Compensation Review Board, whichever is
14 greater.

15 (c) Notwithstanding any other provision of this Section,
16 the term of each member of the Board who was appointed by the
17 Governor and is in office on June 30, 2003 shall terminate at
18 the close of business on that date or when all of the successor
19 members to be appointed pursuant to this amendatory Act of the
20 93rd General Assembly have been appointed by the Governor,
21 whichever occurs later. As soon as possible, the Governor shall
22 appoint persons to fill the vacancies created by this
23 amendatory Act.

24 Of the initial members appointed under this amendatory Act
25 of the 93rd General Assembly, the Governor shall appoint 5
26 members whose terms shall expire on the third Monday in January

1 2005, 5 members whose terms shall expire on the third Monday in
2 January 2007, and 5 members whose terms shall expire on the
3 third Monday in January 2009. Their respective successors shall
4 be appointed for terms of 6 years from the third Monday in
5 January of the year of appointment. Each member shall serve
6 until his or her successor is appointed and qualified.

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

9 (d) The Chairman of the Board shall be its chief executive
10 and administrative officer. The Board may have an Executive
11 Director; if so, the Executive Director shall be appointed by
12 the Governor with the advice and consent of the Senate. The
13 salary and duties of the Executive Director shall be fixed by
14 the Board.

15 (Source: P.A. 98-558, eff. 1-1-14; 99-628, eff. 1-1-17.)

16 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

17 Sec. 3-3-2. Powers and duties.

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

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

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

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

1 effect after the effective date of this amendatory Act of
2 1977;

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

11 (3.6) hear by at least one member and through a panel
12 of at least 3 members decide whether to revoke aftercare
13 release for those committed to the Department of Juvenile
14 Justice under the Juvenile Court Act of 1987;

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

1 subsequently approve the revocation of additional sentence
2 credit, if the Department seeks to revoke sentence credit
3 in excess of thirty days. However, the Board shall not be
4 empowered to review the Department's decision with respect
5 to the loss of 30 days of sentence credit for any prisoner
6 or to increase any penalty beyond the length requested by
7 the Department;

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

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

17 (6.5) hear, by at least one member who is qualified in
18 the field of juvenile matters and through a panel of at
19 least 3 members, 2 of whom are qualified in the field of
20 juvenile matters, decide parole review cases in accordance
21 with Section 5-4.5-110 of this Code and make release
22 determinations of persons under the age of 21 at the time
23 of the commission of an offense or offenses, other than
24 those persons serving sentences for first degree murder or
25 aggravated criminal sexual assault;

26 (6.6) hear by at least a quorum of the Prisoner Review

1 Board and decide by a majority of members present at the
2 hearing, in accordance with Section 5-4.5-110 of this Code,
3 release determinations of persons under the age of 21 at
4 the time of the commission of an offense or offenses of
5 those persons serving sentences for first degree murder or
6 aggravated criminal sexual assault;

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

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

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

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

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

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

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

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

23 (D) if convicted of:

24 (i) a sex offense described in Article 11 or
25 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
26 the Criminal Code of 1961 or the Criminal Code of

- 1 2012;
- 2 (ii) aggravated assault;
- 3 (iii) aggravated battery;
- 4 (iv) domestic battery;
- 5 (v) aggravated domestic battery;
- 6 (vi) violation of an order of protection;
- 7 (vii) an offense under the Criminal Code of
- 8 1961 or the Criminal Code of 2012 involving a
- 9 firearm;
- 10 (viii) driving while under the influence of
- 11 alcohol, other drug or drugs, intoxicating
- 12 compound or compounds or any combination thereof;
- 13 (ix) aggravated driving while under the
- 14 influence of alcohol, other drug or drugs,
- 15 intoxicating compound or compounds or any
- 16 combination thereof; or
- 17 (x) any crime defined as a crime of violence
- 18 under Section 2 of the Crime Victims Compensation
- 19 Act.

20 If a person has applied to the Board for a certificate

21 of eligibility for sealing and the Board denies the

22 certificate, the person must wait at least 4 years before

23 filing again or filing for pardon from the Governor unless

24 the Chairman of the Prisoner Review Board grants a waiver.

25 The decision to issue or refrain from issuing a

26 certificate of eligibility for sealing shall be at the

1 Board's sole discretion, and shall not give rise to any
2 cause of action against either the Board or its members.

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

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

25 (A) if convicted of:

26 (i) a sex offense described in Article 11 or

1 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
2 the Criminal Code of 1961 or Criminal Code of 2012;

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

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

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

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

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

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

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

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

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

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

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

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

17 In case of disobedience to a subpoena, the Board may
18 petition any circuit court of the State for an order requiring
19 the attendance and testimony of witnesses or the production of
20 documentary evidence or both. A copy of such petition shall be
21 served by personal service or by registered or certified mail
22 upon the person who has failed to obey the subpoena, and such
23 person shall be advised in writing that a hearing upon the
24 petition will be requested in a court room to be designated in
25 such notice before the judge hearing motions or extraordinary
26 remedies at a specified time, on a specified date, not less

1 than 10 nor more than 15 days after the deposit of the copy of
2 the written notice and petition in the U.S. mails addressed to
3 the person at his last known address or after the personal
4 service of the copy of the notice and petition upon such
5 person. The court upon the filing of such a petition, may order
6 the person refusing to obey the subpoena to appear at an
7 investigation or hearing, or to there produce documentary
8 evidence, if so ordered, or to give evidence relative to the
9 subject matter of that investigation or hearing. Any failure to
10 obey such order of the circuit court may be punished by that
11 court as a contempt of court.

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

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

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

23 (Source: P.A. 98-399, eff. 8-16-13; 98-558, eff. 1-1-14;
24 98-756, eff. 7-16-14; 99-628, eff. 1-1-17.)

1 Sec. 3-3-9. Violations; changes of conditions; preliminary
2 hearing; revocation of parole or mandatory supervised release;
3 revocation hearing.

4 (a) If prior to expiration or termination of the term of
5 parole or mandatory supervised release, a person violates a
6 condition set by the Prisoner Review Board or a condition of
7 parole or mandatory supervised release under Section 3-3-7 of
8 this Code to govern that term, the Board may:

9 (1) continue the existing term, with or without
10 modifying or enlarging the conditions; or

11 (1.5) for those released as a result of youthful
12 offender parole as set forth in Section 5-4.5-110 of this
13 Code, order that the inmate be subsequently rereleased to
14 serve a specified mandatory supervised release term not to
15 exceed the full term permitted under the provisions of
16 5-4.5-110 and subsection (d) of Section 5-8-1 of this Code
17 and may modify or enlarge the conditions of the release as
18 the Board deems proper; or

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

21 (3) revoke the parole or mandatory supervised release
22 and reconfine the person for a term computed in the
23 following manner:

24 (i) (A) For those sentenced under the law in effect
25 prior to this amendatory Act of 1977, the recommitment
26 shall be for any portion of the imposed maximum term of

1 imprisonment or confinement which had not been served
2 at the time of parole and the parole term, less the
3 time elapsed between the parole of the person and the
4 commission of the violation for which parole was
5 revoked;

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

17 (C) For those subject to sex offender supervision
18 under clause (d) (4) of Section 5-8-1 of this Code, the
19 reconfinement period for violations of clauses (a) (3)
20 through (b-1) (15) of Section 3-3-7 shall not exceed 2
21 years from the date of reconfinement;

22 (D) For those released as a result of youthful
23 offender parole as set forth in Section 5-4.5-110 of
24 this Code, the reconfinement period shall be for the
25 total mandatory supervised release term, less the time
26 elapsed between the release of the person and the

1 commission of the violation for which mandatory
2 supervised release is revoked. The Board may also order
3 that a prisoner serve up to one year of the mandatory
4 supervised release term previously earned. The Board
5 may also order that the inmate be subsequently
6 rereleased to serve a specified mandatory supervised
7 release term not to exceed the full term permitted
8 under the provisions of 5-4.5-110 and subsection (d) of
9 Section 5-8-1 of this Code and may modify or enlarge
10 the conditions of the release as the Board deems
11 proper;

12 (ii) the person shall be given credit against the
13 term of reimprisonment or reconfinement for time spent
14 in custody since he or she was paroled or released
15 which has not been credited against another sentence or
16 period of confinement;

17 (iii) (blank);

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

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

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

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

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

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

1 (e) A hearing on revocation shall be conducted before at
2 least one member of the Prisoner Review Board. The Board may
3 meet and order its actions in panels of 3 or more members. The
4 action of a majority of the panel shall be the action of the
5 Board. A record of the hearing shall be made. At the hearing
6 the offender shall be permitted to:

7 (1) appear and answer the charge; and

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

9 (f) The Board shall either revoke parole or mandatory
10 supervised release or order the person's term continued with or
11 without modification or enlargement of the conditions.

12 (g) Parole or mandatory supervised release shall not be
13 revoked for failure to make payments under the conditions of
14 parole or release unless the Board determines that such failure
15 is due to the offender's willful refusal to pay.

16 (Source: P.A. 98-463, eff. 8-16-13; 98-558, eff. 1-1-14;
17 99-628, eff. 1-1-17.)

18 (730 ILCS 5/5-4.5-20)

19 Sec. 5-4.5-20. FIRST DEGREE MURDER; SENTENCE. For first
20 degree murder:

21 (a) TERM. The defendant shall be sentenced to imprisonment
22 or, if appropriate, death under Section 9-1 of the Criminal
23 Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/9-1).
24 Imprisonment shall be for a determinate term, subject to
25 Section 5-4.5-110 of this Code, of (1) not less than 20 years

1 and not more than 60 years; (2) not less than 60 years and not
2 more than 100 years when an extended term is imposed under
3 Section 5-8-2 (730 ILCS 5/5-8-2); or (3) natural life as
4 provided in Section 5-8-1 (730 ILCS 5/5-8-1).

5 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
6 shall not be imposed.

7 (c) IMPACT INCARCERATION. The impact incarceration program
8 or the county impact incarceration program is not an authorized
9 disposition.

10 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
11 probation or conditional discharge shall not be imposed.

12 (e) FINE. Fines may be imposed as provided in Section
13 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

14 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
15 concerning restitution.

16 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
17 be concurrent or consecutive as provided in Section 5-8-4 (730
18 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

19 (h) DRUG COURT. Drug court is not an authorized
20 disposition.

21 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
22 ILCS 5/5-4.5-100) concerning no credit for time spent in home
23 detention prior to judgment.

24 (j) SENTENCE CREDIT. See Section 3-6-3 (730 ILCS 5/3-6-3)
25 for rules and regulations for sentence credit.

26 (k) ELECTRONIC HOME DETENTION. Electronic home detention

1 is not an authorized disposition, except in limited
2 circumstances as provided in Section 5-8A-3 (730 ILCS
3 5/5-8A-3).

4 (1) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
5 provided in Section 3-3-8 (730 ILCS 5/3-3-8), the parole or
6 mandatory supervised release term shall be 3 years upon release
7 from imprisonment.

8 (Source: P.A. 97-697, eff. 6-22-12; 97-1150, eff. 1-25-13.)

9 (730 ILCS 5/5-4.5-25)

10 Sec. 5-4.5-25. CLASS X FELONIES; SENTENCE. For a Class X
11 felony:

12 (a) TERM. The sentence of imprisonment shall be a
13 determinate sentence, subject to Section 5-4.5-110 of this
14 Code, of not less than 6 years and not more than 30 years. The
15 sentence of imprisonment for an extended term Class X felony,
16 as provided in Section 5-8-2 (730 ILCS 5/5-8-2), subject to
17 Section 5-4.5-110 of this Code, shall be not less than 30 years
18 and not more than 60 years.

19 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
20 shall not be imposed.

21 (c) IMPACT INCARCERATION. The impact incarceration program
22 or the county impact incarceration program is not an authorized
23 disposition.

24 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
25 probation or conditional discharge shall not be imposed.

1 (e) FINE. Fines may be imposed as provided in Section
2 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

3 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
4 concerning restitution.

5 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
6 be concurrent or consecutive as provided in Section 5-8-4 (730
7 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

8 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
9 Act (730 ILCS 166/20) concerning eligibility for a drug court
10 program.

11 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
12 ILCS 5/5-4.5-100) concerning no credit for time spent in home
13 detention prior to judgment.

14 (j) SENTENCE CREDIT. See Section 3-6-3 (730 ILCS 5/3-6-3)
15 for rules and regulations for sentence credit.

16 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
17 5/5-8A-3) concerning eligibility for electronic home
18 detention.

19 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
20 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
21 5/5-8-1), the parole or mandatory supervised release term shall
22 be 3 years upon release from imprisonment.

23 (Source: P.A. 97-697, eff. 6-22-12.)

24 (730 ILCS 5/5-4.5-30)

25 Sec. 5-4.5-30. CLASS 1 FELONIES; SENTENCE. For a Class 1

1 felony:

2 (a) TERM. The sentence of imprisonment, other than for
3 second degree murder, shall be a determinate sentence of not
4 less than 4 years and not more than 15 years, subject to
5 Section 5-4.5-110 of this Code. The sentence of imprisonment
6 for second degree murder shall be a determinate sentence of not
7 less than 4 years and not more than 20 years, subject to
8 Section 5-4.5-110 of this Code. The sentence of imprisonment
9 for an extended term Class 1 felony, as provided in Section
10 5-8-2 (730 ILCS 5/5-8-2), subject to Section 5-4.5-110 of this
11 Code, shall be a term not less than 15 years and not more than
12 30 years.

13 (b) PERIODIC IMPRISONMENT. A sentence of periodic
14 imprisonment shall be for a definite term of from 3 to 4 years,
15 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
16 ILCS 5/5-5-3 or 5/5-7-1).

17 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
18 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
19 the impact incarceration program or the county impact
20 incarceration program.

21 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
22 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
23 period of probation or conditional discharge shall not exceed 4
24 years. The court shall specify the conditions of probation or
25 conditional discharge as set forth in Section 5-6-3 (730 ILCS
26 5/5-6-3). In no case shall an offender be eligible for a

1 disposition of probation or conditional discharge for a Class 1
2 felony committed while he or she was serving a term of
3 probation or conditional discharge for a felony.

4 (e) FINE. Fines may be imposed as provided in Section
5 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

6 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
7 concerning restitution.

8 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
9 be concurrent or consecutive as provided in Section 5-8-4 (730
10 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

11 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
12 Act (730 ILCS 166/20) concerning eligibility for a drug court
13 program.

14 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
15 ILCS 5/5-4.5-100) concerning credit for time spent in home
16 detention prior to judgment.

17 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
18 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
19 (730 ILCS 130/) for rules and regulations for sentence credit.

20 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
21 5/5-8A-3) concerning eligibility for electronic home
22 detention.

23 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
24 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
25 5/5-8-1), the parole or mandatory supervised release term shall
26 be 2 years upon release from imprisonment.

1 (Source: P.A. 97-697, eff. 6-22-12.)

2 (730 ILCS 5/5-4.5-110 new)

3 Sec. 5-4.5-110. Parole review of persons under the age of
4 21 at the time of the commission of an offense.

5 (a) For purposes of this Section, "victim" means a victim
6 of a violent crime as defined in subsection (a) of Section 3 of
7 the Rights of Crime Victims and Witnesses Act including a
8 witness as defined in subsection (b) of Section 3 of the Rights
9 of Crime Victims and Witnesses Act; any person legally related
10 to the victim by blood, marriage, adoption, or guardianship;
11 any friend of the victim; or any concerned citizen.

12 (b) A person under 21 years of age at the time of the
13 commission of an offense or offenses, other than first degree
14 murder, and who is not serving a sentence for first degree
15 murder and who is sentenced on or after the effective date of
16 this amendatory Act of the 100th General Assembly shall be
17 eligible for parole review by the Prisoner Review Board after
18 serving 10 years or more of his or her sentence or sentences,
19 except for those serving a sentence or sentences for: (1)
20 aggravated criminal sexual assault who shall be eligible for
21 parole review by the Prisoner Review Board after serving 20
22 years or more of his or her sentence or sentences or (2)
23 predatory criminal sexual assault of a child who shall not be
24 eligible for parole review by the Prisoner Review Board under
25 this Section. A person under 21 years of age at the time of the

1 commission of first degree murder who is sentenced on or after
2 the effective date of this amendatory Act of the 100th General
3 Assembly shall be eligible for parole review by the Prisoner
4 Review Board after serving 20 years or more of his or her
5 sentence or sentences, except for those subject to a term of
6 natural life imprisonment under Section 5-8-1 of this Code or
7 any person subject to sentencing under subsection (c) of
8 Section 5-4.5-105 of this Code.

9 (c) Three years prior to becoming eligible for parole
10 review, the eligible person may file his or her petition for
11 parole review with the Prisoner Review Board. The petition
12 shall include a copy of the order of commitment and sentence to
13 the Department of Corrections for the offense or offenses for
14 which review is sought. Within 30 days of receipt of this
15 petition, the Prisoner Review Board shall determine whether the
16 petition is appropriately filed, and if so, shall set a date
17 for parole review 3 years from receipt of the petition and
18 notify the Department of Corrections within 10 business days.
19 If the Prisoner Review Board determines that the petition is
20 not appropriately filed, it shall notify the petitioner in
21 writing, including a basis for its determination.

22 (d) Within 6 months of the Prisoner Review Board's
23 determination that the petition was appropriately filed, a
24 representative from the Department of Corrections shall meet
25 with the eligible person and provide the inmate information
26 about the parole hearing process and personalized

1 recommendations for the inmate regarding his or her work
2 assignments, rehabilitative programs, and institutional
3 behavior. Following this meeting, the eligible person has 7
4 calendar days to file a written request to the representative
5 from the Department of Corrections who met with the eligible
6 person of any additional programs and services which the
7 eligible person believes should be made available to prepare
8 the eligible person for return to the community.

9 (e) One year prior to the person being eligible for parole,
10 counsel shall be appointed by the Prisoner Review Board upon a
11 finding of indigency. The eligible person may waive appointed
12 counsel or retain his or her own counsel at his or her own
13 expense.

14 (f) Nine months prior to the hearing, the Prisoner Review
15 Board shall provide the eligible person, and his or her
16 counsel, any written documents or materials it will be
17 considering in making its decision unless the written documents
18 or materials are specifically found to: (1) include information
19 which, if disclosed, would damage the therapeutic relationship
20 between the inmate and a mental health professional; (2)
21 subject any person to the actual risk of physical harm; (3)
22 threaten the safety or security of the Department or an
23 institution. In accordance with Section 35 of the Open Parole
24 Hearings Act, victim impact statements either oral, written,
25 video-taped, tape recorded or made by other electronic means
26 shall not be considered public documents under the provisions

1 of the Freedom of Information Act. The inmate or his or her
2 attorney shall not be given a copy of the statement, but shall
3 be informed of the existence of a victim impact statement and
4 the position taken by the victim on the inmate's request for
5 parole. This shall not be construed to permit disclosure to an
6 inmate of any information which might result in the risk of
7 threats or physical harm to a victim. The Prisoner Review Board
8 shall have an ongoing duty to provide the eligible person, and
9 his or her counsel, with any further documents or materials
10 that come into its possession prior to the hearing subject to
11 the limitations contained in this subsection.

12 (g) Not less than 12 months prior to the hearing, the
13 Prisoner Review Board shall provide notification to the State's
14 Attorney of the county from which the person was committed and
15 written notification to the victim or family of the victim of
16 the scheduled hearing place, date, and approximate time. The
17 written notification shall contain: (1) information about
18 their right to be present, appear in person at the parole
19 hearing, and their right to make an oral statement and submit
20 information in writing, by videotape, tape recording, or other
21 electronic means; (2) a toll-free number to call for further
22 information about the parole review process; and (3)
23 information regarding available resources, including
24 trauma-informed therapy, they may access. If the Board does not
25 have knowledge of the current address of the victim or family
26 of the victim, it shall notify the State's Attorney of the

1 county of commitment and request assistance in locating the
2 victim or family of the victim. Those victims or family of the
3 victims who advise the Board in writing that they no longer
4 wish to be notified shall not receive future notices. A victim
5 shall have the right to submit information by videotape, tape
6 recording, or other electronic means. The victim may submit
7 this material prior to or at the parole hearing. The victim
8 also has the right to be heard at the parole hearing.

9 (h) The hearing conducted by the Prisoner Review Board
10 shall be governed by Sections 15 and 20, subsection (f) of
11 Section 5, subsection (a) of Section 10, subsection (d) of
12 Section 25, and subsections (a), (b), and (e) of Section 35 of
13 the Open Parole Hearings Act and Part 1610 of Title 20 of the
14 Illinois Administrative Code. The eligible person has a right
15 to be present at the Prisoner Review Board hearing, unless the
16 Prisoner Review Board determines the eligible person's
17 presence is unduly burdensome when conducting a hearing under
18 paragraph (6.6) of subsection (a) of Section 3-3-2 of this
19 Code. If a psychological evaluation is submitted for the
20 Prisoner Review Board's consideration, it shall be prepared by
21 a person who has expertise in adolescent brain development and
22 behavior, and shall take into consideration the diminished
23 culpability of youthful offenders, the hallmark features of
24 youth, and any subsequent growth and increased maturity of the
25 person. At the hearing, the eligible person shall have the
26 right to make a statement on his or her own behalf.

1 (i) Only upon motion for good cause shall the date for the
2 Prisoner Review Board hearing, as set by subsection (b) of this
3 Section, be changed. No less than 15 days prior to the hearing,
4 the Prisoner Review Board shall notify the victim or victim
5 representative, the attorney, and the eligible person of the
6 exact date and time of the hearing. All hearings shall be open
7 to the public.

8 (j) The Prisoner Review Board shall not parole the eligible
9 person if it determines that:

10 (1) there is a substantial risk that the eligible
11 person will not conform to reasonable conditions of parole
12 or aftercare release; or

13 (2) the eligible person's release at that time would
14 deprecate the seriousness of his or her offense or promote
15 disrespect for the law; or

16 (3) the eligible person's release would have a
17 substantially adverse effect on institutional discipline.

18 In considering the factors affecting the release
19 determination under 20 Ill. Adm. Code 1610.50(b), the Prisoner
20 Review Board panel shall consider the diminished culpability of
21 youthful offenders, the hallmark features of youth, and any
22 subsequent growth and maturity of the youthful offender during
23 incarceration.

24 (k) Unless denied parole under subsection (j) of this
25 Section and subject to the provisions of Section 3-3-9 of this
26 Code: (1) the eligible person serving a sentence for any

1 non-first degree murder offense or offenses, shall be released
2 on parole which shall operate to discharge any remaining term
3 of years sentence imposed upon him or her, notwithstanding any
4 required mandatory supervised release period the eligible
5 person is required to serve; and (2) the eligible person
6 -serving a sentence for any first degree murder offense, shall
7 be released on mandatory supervised release for a period of 10
8 years subject to Section 3-3-8, which shall operate to
9 discharge any remaining term of years sentence imposed upon him
10 or her, however in no event shall the eligible person serve a
11 period of mandatory supervised release greater than the
12 aggregate of the discharged underlying sentence and the
13 mandatory supervised release period as sent forth in Section
14 5-4.5-20.

15 (l) If the Prisoner Review Board denies parole after
16 conducting the hearing under subsection (j) of this Section, it
17 shall issue a written decision which states the rationale for
18 denial, including the primary factors considered. This
19 decision shall be provided to the eligible person and his or
20 her counsel within 30 days.

21 (m) A person denied parole under subsection (j) of this
22 Section, who is not serving a sentence for either first degree
23 murder or aggravated criminal sexual assault, shall be eligible
24 for a second parole review by the Prisoner Review Board 5 years
25 after the written decision under subsection (l) of this
26 Section; a person denied parole under subsection (j) of this

1 Section, who is serving a sentence or sentences for first
2 degree murder or aggravated criminal sexual assault shall be
3 eligible for a second and final parole review by the Prisoner
4 Review Board 10 years after the written decision under
5 subsection (k) of this Section. The procedures for a second
6 parole review shall be governed by subsections (c) through (k)
7 of this Section.

8 (n) A person denied parole under subsection (m) of this
9 Section, who is not serving a sentence for either first degree
10 murder or aggravated criminal sexual assault, shall be eligible
11 for a third and final parole review by the Prisoner Review
12 Board 5 years after the written decision under subsection (l)
13 of this Section. The procedures for the third and final parole
14 review shall be governed by subsections (c) through (k) of this
15 Section.

16 (o) Notwithstanding anything else to the contrary in this
17 Section, nothing in this Section shall be construed to delay
18 parole or mandatory supervised release consideration for
19 petitioners who are or will be eligible for release earlier
20 than this Section provides. Nothing in this Section shall be
21 construed as a limit, substitution, or bar on a person's right
22 to sentencing relief, or any other manner of relief, obtained
23 by order of a court in proceedings other than as provided in
24 this Section.

1 Sec. 5-8-1. Natural life imprisonment; enhancements for
2 use of a firearm; mandatory supervised release terms.

3 (a) Except as otherwise provided in the statute defining
4 the offense or in Article 4.5 of Chapter V, a sentence of
5 imprisonment for a felony shall be a determinate sentence set
6 by the court under this Section, subject to Section 5-4.5-110
7 of this Code, according to the following limitations:

8 (1) for first degree murder,

9 (a) (blank),

10 (b) if a trier of fact finds beyond a reasonable
11 doubt that the murder was accompanied by exceptionally
12 brutal or heinous behavior indicative of wanton
13 cruelty or, except as set forth in subsection (a) (1) (c)
14 of this Section, that any of the aggravating factors
15 listed in subsection (b) or (b-5) of Section 9-1 of the
16 Criminal Code of 1961 or the Criminal Code of 2012 are
17 present, the court may sentence the defendant, subject
18 to Section 5-4.5-105, to a term of natural life
19 imprisonment, or

20 (c) the court shall sentence the defendant to a
21 term of natural life imprisonment if the defendant, at
22 the time of the commission of the murder, had attained
23 the age of 18, and

24 (i) has previously been convicted of first
25 degree murder under any state or federal law, or

26 (ii) is found guilty of murdering more than one

1 victim, or

2 (iii) is found guilty of murdering a peace
3 officer, fireman, or emergency management worker
4 when the peace officer, fireman, or emergency
5 management worker was killed in the course of
6 performing his official duties, or to prevent the
7 peace officer or fireman from performing his
8 official duties, or in retaliation for the peace
9 officer, fireman, or emergency management worker
10 from performing his official duties, and the
11 defendant knew or should have known that the
12 murdered individual was a peace officer, fireman,
13 or emergency management worker, or

14 (iv) is found guilty of murdering an employee
15 of an institution or facility of the Department of
16 Corrections, or any similar local correctional
17 agency, when the employee was killed in the course
18 of performing his official duties, or to prevent
19 the employee from performing his official duties,
20 or in retaliation for the employee performing his
21 official duties, or

22 (v) is found guilty of murdering an emergency
23 medical technician - ambulance, emergency medical
24 technician - intermediate, emergency medical
25 technician - paramedic, ambulance driver or other
26 medical assistance or first aid person while

1 employed by a municipality or other governmental
2 unit when the person was killed in the course of
3 performing official duties or to prevent the
4 person from performing official duties or in
5 retaliation for performing official duties and the
6 defendant knew or should have known that the
7 murdered individual was an emergency medical
8 technician - ambulance, emergency medical
9 technician - intermediate, emergency medical
10 technician - paramedic, ambulance driver, or other
11 medical assistant or first aid personnel, or

12 (vi) (blank), or

13 (vii) is found guilty of first degree murder
14 and the murder was committed by reason of any
15 person's activity as a community policing
16 volunteer or to prevent any person from engaging in
17 activity as a community policing volunteer. For
18 the purpose of this Section, "community policing
19 volunteer" has the meaning ascribed to it in
20 Section 2-3.5 of the Criminal Code of 2012.

21 For purposes of clause (v), "emergency medical
22 technician - ambulance", "emergency medical technician
23 - intermediate", "emergency medical technician -
24 paramedic", have the meanings ascribed to them in the
25 Emergency Medical Services (EMS) Systems Act.

26 (d) (i) if the person committed the offense while

1 armed with a firearm, 15 years shall be added to
2 the term of imprisonment imposed by the court;

3 (ii) if, during the commission of the offense,
4 the person personally discharged a firearm, 20
5 years shall be added to the term of imprisonment
6 imposed by the court;

7 (iii) if, during the commission of the
8 offense, the person personally discharged a
9 firearm that proximately caused great bodily harm,
10 permanent disability, permanent disfigurement, or
11 death to another person, 25 years or up to a term
12 of natural life shall be added to the term of
13 imprisonment imposed by the court.

14 (2) (blank);

15 (2.5) for a person who has attained the age of 18 years
16 at the time of the commission of the offense and who is
17 convicted under the circumstances described in subdivision
18 (b) (1) (B) of Section 11-1.20 or paragraph (3) of subsection
19 (b) of Section 12-13, subdivision (d) (2) of Section 11-1.30
20 or paragraph (2) of subsection (d) of Section 12-14,
21 subdivision (b) (1.2) of Section 11-1.40 or paragraph (1.2)
22 of subsection (b) of Section 12-14.1, subdivision (b) (2) of
23 Section 11-1.40 or paragraph (2) of subsection (b) of
24 Section 12-14.1 of the Criminal Code of 1961 or the
25 Criminal Code of 2012, the sentence shall be a term of
26 natural life imprisonment.

1 (b) (Blank).

2 (c) (Blank).

3 (d) Subject to earlier termination under Section 3-3-8, the
4 parole or mandatory supervised release term shall be written as
5 part of the sentencing order and shall be as follows:

6 (1) for first degree murder or a Class X felony except
7 for the offenses of predatory criminal sexual assault of a
8 child, aggravated criminal sexual assault, and criminal
9 sexual assault if committed on or after the effective date
10 of this amendatory Act of the 94th General Assembly and
11 except for the offense of aggravated child pornography
12 under Section 11-20.1B, 11-20.3, or 11-20.1 with
13 sentencing under subsection (c-5) of Section 11-20.1 of the
14 Criminal Code of 1961 or the Criminal Code of 2012, if
15 committed on or after January 1, 2009, 3 years;

16 (2) for a Class 1 felony or a Class 2 felony except for
17 the offense of criminal sexual assault if committed on or
18 after the effective date of this amendatory Act of the 94th
19 General Assembly and except for the offenses of manufacture
20 and dissemination of child pornography under clauses
21 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code
22 of 1961 or the Criminal Code of 2012, if committed on or
23 after January 1, 2009, 2 years;

24 (3) for a Class 3 felony or a Class 4 felony, 1 year;

25 (4) for defendants who commit the offense of predatory
26 criminal sexual assault of a child, aggravated criminal

1 sexual assault, or criminal sexual assault, on or after the
2 effective date of this amendatory Act of the 94th General
3 Assembly, or who commit the offense of aggravated child
4 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
5 with sentencing under subsection (c-5) of Section 11-20.1
6 of the Criminal Code of 1961 or the Criminal Code of 2012,
7 manufacture of child pornography, or dissemination of
8 child pornography after January 1, 2009, the term of
9 mandatory supervised release shall range from a minimum of
10 3 years to a maximum of the natural life of the defendant;

11 (5) if the victim is under 18 years of age, for a
12 second or subsequent offense of aggravated criminal sexual
13 abuse or felony criminal sexual abuse, 4 years, at least
14 the first 2 years of which the defendant shall serve in an
15 electronic home detention program under Article 8A of
16 Chapter V of this Code;

17 (6) for a felony domestic battery, aggravated domestic
18 battery, stalking, aggravated stalking, and a felony
19 violation of an order of protection, 4 years.

20 (e) (Blank).

21 (f) (Blank).

22 (Source: P.A. 99-69, eff. 1-1-16; 99-875, eff. 1-1-17.)".