



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB0353

by Rep. Rita Mayfield

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-2-3	from Ch. 38, par. 1003-2-3
730 ILCS 5/3-3-1	from Ch. 38, par. 1003-3-1
730 ILCS 5/3-3-2	from Ch. 38, par. 1003-3-2

Amends the Unified Code of Corrections. Requires the Director of Corrections to revise and implement the mission statement of the Department of Corrections to include the goal of rehabilitation of inmates where appropriate. Increases the salary of Chairman and the members of the Prisoner Review Board by \$10,000. Reduces the number of members on the Board required to have at least 3 years experience in the field of juvenile matters from 6 to 3. Recommends 3 members of the Board to have had at least 3 years experience with social justice, social service, or mental health. Provides that notwithstanding any provision of law to the contrary, the Board may reconsider the extension or modification of parole for up to 10 years for a person who has been convicted of a "crime of violence" as defined in the Crime Victims Compensation Act.

LRB101 06781 SLF 51808 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by  
5 changing Sections 3-2-3, 3-3-1, and 3-3-2 as follows:

6 (730 ILCS 5/3-2-3) (from Ch. 38, par. 1003-2-3)

7 Sec. 3-2-3. Director; Appointment; Powers and Duties.

8 (a) The Department shall be administered by the Director of  
9 Corrections who shall be appointed by the Governor in  
10 accordance with the Civil Administrative Code of Illinois.

11 (b) The Director shall establish such Divisions within the  
12 Department in addition to those established under Sections  
13 3-2-5 and 3-2-5.5 as shall be desirable and shall assign to the  
14 various Divisions the responsibilities and duties placed in the  
15 Department by the laws of this State.

16 (c) The Director shall revise and implement the mission  
17 statement of the Department to include the goal of  
18 rehabilitation of inmates where appropriate.

19 (Source: P.A. 100-527, eff. 6-1-18.)

20 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

21 Sec. 3-3-1. Establishment and appointment of Prisoner  
22 Review Board.

1 (a) There shall be a Prisoner Review Board independent of  
2 the Department which shall be:

3 (1) the paroling authority for persons sentenced under  
4 the law in effect prior to the effective date of this  
5 amendatory Act of 1977;

6 (1.5) (blank);

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

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

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

16 (5) the authority for setting conditions for parole and  
17 mandatory supervised release under Section 5-8-1(a) of  
18 this Code, and determining whether a violation of those  
19 conditions warrant revocation of parole or mandatory  
20 supervised release or the imposition of other sanctions;  
21 and

22 (6) the authority for determining whether a violation  
23 of aftercare release conditions warrant revocation of  
24 aftercare release.

25 (b) The Board shall consist of 15 persons appointed by the  
26 Governor by and with the advice and consent of the Senate. One

1 member of the Board shall be designated by the Governor to be  
2 Chairman and shall serve as Chairman at the pleasure of the  
3 Governor. The members of the Board shall have had at least 5  
4 years of actual experience in the fields of penology,  
5 corrections work, law enforcement, sociology, law, education,  
6 social work, medicine, psychology, other behavioral sciences,  
7 or a combination thereof. At least 3 ~~6~~ members so appointed  
8 must have had at least 3 years experience in the field of  
9 juvenile matters. It shall be recommended that at least 3  
10 members have had at least 3 years experience with social  
11 justice, social service, or mental health. No more than 8 Board  
12 members may be members of the same political party.

13 Each member of the Board shall serve on a full-time basis  
14 and shall not hold any other salaried public office, whether  
15 elective or appointive, nor any other office or position of  
16 profit, nor engage in any other business, employment, or  
17 vocation. The Chairman of the Board shall receive \$45,000  
18 ~~\$35,000~~ a year, or an amount set by the Compensation Review  
19 Board, whichever is greater, and each other member \$40,000,  
20 ~~\$30,000,~~ or an amount set by the Compensation Review Board,  
21 whichever is greater.

22 (c) Notwithstanding any other provision of this Section,  
23 the term of each member of the Board who was appointed by the  
24 Governor and is in office on June 30, 2003 shall terminate at  
25 the close of business on that date or when all of the successor  
26 members to be appointed pursuant to this amendatory Act of the

1 93rd General Assembly have been appointed by the Governor,  
2 whichever occurs later. As soon as possible, the Governor shall  
3 appoint persons to fill the vacancies created by this  
4 amendatory Act.

5 Of the initial members appointed under this amendatory Act  
6 of the 93rd General Assembly, the Governor shall appoint 5  
7 members whose terms shall expire on the third Monday in January  
8 2005, 5 members whose terms shall expire on the third Monday in  
9 January 2007, and 5 members whose terms shall expire on the  
10 third Monday in January 2009. Their respective successors shall  
11 be appointed for terms of 6 years from the third Monday in  
12 January of the year of appointment. Each member shall serve  
13 until his or her successor is appointed and qualified.

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

16 (d) The Chairman of the Board shall be its chief executive  
17 and administrative officer. The Board may have an Executive  
18 Director; if so, the Executive Director shall be appointed by  
19 the Governor with the advice and consent of the Senate. The  
20 salary and duties of the Executive Director shall be fixed by  
21 the Board.

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

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

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

25 (a) The Parole and Pardon Board is abolished and the term

1 "Parole and Pardon Board" as used in any law of Illinois, shall  
2 read "Prisoner Review Board." After the effective date of this  
3 amendatory Act of 1977, the Prisoner Review Board shall provide  
4 by rule for the orderly transition of all files, records, and  
5 documents of the Parole and Pardon Board and for such other  
6 steps as may be necessary to effect an orderly transition and  
7 shall:

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

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

1 presentation and discussion;

2 (3) hear by at least one member and through a panel of  
3 at least 3 members decide, the conditions of mandatory  
4 supervised release and the time of discharge from mandatory  
5 supervised release, impose sanctions for violations of  
6 mandatory supervised release, and revoke mandatory  
7 supervised release for those sentenced under the law in  
8 effect after the effective date of this amendatory Act of  
9 1977;

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

18 (3.6) hear by at least one member and through a panel  
19 of at least 3 members decide whether to revoke aftercare  
20 release for those committed to the Department of Juvenile  
21 Justice under the Juvenile Court Act of 1987;

22 (4) hear by at least one member and through a panel of  
23 at least 3 members, decide cases brought by the Department  
24 of Corrections against a prisoner in the custody of the  
25 Department for alleged violation of Department rules with  
26 respect to sentence credits under Section 3-6-3 of this

1 Code in which the Department seeks to revoke sentence  
2 credits, if the amount of time at issue exceeds 30 days or  
3 when, during any 12 month period, the cumulative amount of  
4 credit revoked exceeds 30 days except where the infraction  
5 is committed or discovered within 60 days of scheduled  
6 release. In such cases, the Department of Corrections may  
7 revoke up to 30 days of sentence credit. The Board may  
8 subsequently approve the revocation of additional sentence  
9 credit, if the Department seeks to revoke sentence credit  
10 in excess of thirty days. However, the Board shall not be  
11 empowered to review the Department's decision with respect  
12 to the loss of 30 days of sentence credit for any prisoner  
13 or to increase any penalty beyond the length requested by  
14 the Department;

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

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

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

26 (8) hear by at least one member and, through a panel of



1 at least 3 members, decide cases brought by the Department  
2 of Corrections against a prisoner in the custody of the  
3 Department for court dismissal of a frivolous lawsuit  
4 pursuant to Section 3-6-3(d) of this Code in which the  
5 Department seeks to revoke up to 180 days of sentence  
6 credit, and if the prisoner has not accumulated 180 days of  
7 sentence credit at the time of the dismissal, then all  
8 sentence credit accumulated by the prisoner shall be  
9 revoked;

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

14 (10) upon a petition by a person who has been convicted  
15 of a Class 3 or Class 4 felony 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 sealing recommending that  
19 the court order the sealing of all official records of the  
20 arresting authority, the circuit court clerk, and the  
21 Department of State Police concerning the arrest and  
22 conviction for the Class 3 or 4 felony. A person may not  
23 apply to the Board for a certificate of eligibility for  
24 sealing:

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

1 (B) until 5 years have elapsed since any arrests or  
2 detentions by a law enforcement officer for an alleged  
3 violation of law, other than a petty offense, traffic  
4 offense, conservation offense, or local ordinance  
5 offense;

6 (C) if convicted of a violation of the Cannabis  
7 Control Act, Illinois Controlled Substances Act, the  
8 Methamphetamine Control and Community Protection Act,  
9 the Methamphetamine Precursor Control Act, or the  
10 Methamphetamine Precursor Tracking Act unless the  
11 petitioner has completed a drug abuse program for the  
12 offense on which sealing is sought and provides proof  
13 that he or she has completed the program successfully;

14 (D) if convicted of:

15 (i) a sex offense described in Article 11 or  
16 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of  
17 the Criminal Code of 1961 or the Criminal Code of  
18 2012;

19 (ii) aggravated assault;

20 (iii) aggravated battery;

21 (iv) domestic battery;

22 (v) aggravated domestic battery;

23 (vi) violation of an order of protection;

24 (vii) an offense under the Criminal Code of  
25 1961 or the Criminal Code of 2012 involving a  
26 firearm;

1 (viii) driving while under the influence of  
2 alcohol, other drug or drugs, intoxicating  
3 compound or compounds or any combination thereof;

4 (ix) aggravated driving while under the  
5 influence of alcohol, other drug or drugs,  
6 intoxicating compound or compounds or any  
7 combination thereof; or

8 (x) any crime defined as a crime of violence  
9 under Section 2 of the Crime Victims Compensation  
10 Act.

11 If a person has applied to the Board for a certificate  
12 of eligibility for sealing and the Board denies the  
13 certificate, the person must wait at least 4 years before  
14 filing again or filing for pardon from the Governor unless  
15 the Chairman of the Prisoner Review Board grants a waiver.

16 Notwithstanding any provision of law to the contrary,  
17 the Board may reconsider the extension or modification of  
18 parole for up to 10 years for a person who has been  
19 convicted of a "crime of violence" as defined in Section 2  
20 of the Crime Victims Compensation Act.

21 The decision to issue or refrain from issuing a  
22 certificate of eligibility for sealing shall be at the  
23 Board's sole discretion, and shall not give rise to any  
24 cause of action against either the Board or its members.

25 The Board may only authorize the sealing of Class 3 and  
26 4 felony convictions of the petitioner from one information

1 or indictment under this paragraph (10). A petitioner may  
2 only receive one certificate of eligibility for sealing  
3 under this provision for life; and

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

21 (A) if convicted of:

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

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

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

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

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

17 (a-5) The Prisoner Review Board, with the cooperation of  
18 and in coordination with the Department of Corrections and the  
19 Department of Central Management Services, shall implement a  
20 pilot project in 3 correctional institutions providing for the  
21 conduct of hearings under paragraphs (1) and (4) of subsection  
22 (a) of this Section through interactive video conferences. The  
23 project shall be implemented within 6 months after the  
24 effective date of this amendatory Act of 1996. Within 6 months  
25 after the implementation of the pilot project, the Prisoner  
26 Review Board, with the cooperation of and in coordination with

1 the Department of Corrections and the Department of Central  
2 Management Services, shall report to the Governor and the  
3 General Assembly regarding the use, costs, effectiveness, and  
4 future viability of interactive video conferences for Prisoner  
5 Review Board hearings.

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

8 (c) The Board shall cooperate with the Department in  
9 promoting an effective system of parole and mandatory  
10 supervised release.

11 (d) The Board shall promulgate rules for the conduct of its  
12 work, and the Chairman shall file a copy of such rules and any  
13 amendments thereto with the Director and with the Secretary of  
14 State.

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

18 (f) The Board or one who has allegedly violated the  
19 conditions of his or her parole, aftercare release, or  
20 mandatory supervised release may require by subpoena the  
21 attendance and testimony of witnesses and the production of  
22 documentary evidence relating to any matter under  
23 investigation or hearing. The Chairman of the Board may sign  
24 subpoenas which shall be served by any agent or public official  
25 authorized by the Chairman of the Board, or by any person  
26 lawfully authorized to serve a subpoena under the laws of the

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

13 In case of disobedience to a subpoena, the Board may  
14 petition any circuit court of the State for an order requiring  
15 the attendance and testimony of witnesses or the production of  
16 documentary evidence or both. A copy of such petition shall be  
17 served by personal service or by registered or certified mail  
18 upon the person who has failed to obey the subpoena, and such  
19 person shall be advised in writing that a hearing upon the  
20 petition will be requested in a court room to be designated in  
21 such notice before the judge hearing motions or extraordinary  
22 remedies at a specified time, on a specified date, not less  
23 than 10 nor more than 15 days after the deposit of the copy of  
24 the written notice and petition in the U.S. mails addressed to  
25 the person at his last known address or after the personal  
26 service of the copy of the notice and petition upon such

1 person. The court upon the filing of such a petition, may order  
2 the person refusing to obey the subpoena to appear at an  
3 investigation or hearing, or to there produce documentary  
4 evidence, if so ordered, or to give evidence relative to the  
5 subject matter of that investigation or hearing. Any failure to  
6 obey such order of the circuit court may be punished by that  
7 court as a contempt of court.

8 Each member of the Board and any hearing officer designated  
9 by the Board shall have the power to administer oaths and to  
10 take the testimony of persons under oath.

11 (g) Except under subsection (a) of this Section, a majority  
12 of the members then appointed to the Prisoner Review Board  
13 shall constitute a quorum for the transaction of all business  
14 of the Board.

15 (h) The Prisoner Review Board shall annually transmit to  
16 the Director a detailed report of its work for the preceding  
17 calendar year. The annual report shall also be transmitted to  
18 the Governor for submission to the Legislature.

19 (Source: P.A. 98-399, eff. 8-16-13; 98-558, eff. 1-1-14;  
20 98-756, eff. 7-16-14; 99-628, eff. 1-1-17.)