

HB3421



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3421

by Rep. Luis Arroyo

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-9

from Ch. 38, par. 1003-3-9

Amends the Unified Code of Corrections. Provides that parole or mandatory supervised release shall not be automatically revoked or the person automatically recommitted if the violation of the terms of parole or mandatory supervised release is based upon a new criminal charge that is a misdemeanor.

LRB101 10167 SLF 55270 b

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 Section 3-3-9 as follows:

6 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

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

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

15 (1) continue the existing term, with or without
16 modifying or enlarging the conditions; or

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

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

22 (i) (A) For those sentenced under the law in effect
23 prior to this amendatory Act of 1977, the recommitment

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

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

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

23 (ii) the person shall be given credit against
24 the term of reimprisonment or reconfinement for
25 time spent in custody since he or she was paroled
26 or released which has not been credited against

1 another sentence or period of confinement;
2 (iii) (blank);
3 (iv) this Section is subject to the release
4 under supervision and the reparole and rerelease
5 provisions of Section 3-3-10.

6 (b) The Board may revoke parole or mandatory supervised
7 release for violation of a condition for the duration of the
8 term and for any further period which is reasonably necessary
9 for the adjudication of matters arising before its expiration.
10 The issuance of a warrant of arrest for an alleged violation of
11 the conditions of parole or mandatory supervised release shall
12 toll the running of the term until the final determination of
13 the charge. When parole or mandatory supervised release is not
14 revoked that period shall be credited to the term, unless a
15 community-based sanction is imposed as an alternative to
16 revocation and reincarceration, including a diversion
17 established by the Illinois Department of Corrections Parole
18 Services Unit prior to the holding of a preliminary parole
19 revocation hearing. Parolees who are diverted to a
20 community-based sanction shall serve the entire term of parole
21 or mandatory supervised release, if otherwise appropriate.

22 (b-5) The Board shall revoke parole or mandatory supervised
23 release for violation of the conditions prescribed in paragraph
24 (7.6) of subsection (a) of Section 3-3-7.

25 (c) A person charged with violating a condition of parole
26 or mandatory supervised release shall have a preliminary

1 hearing before a hearing officer designated by the Board to
2 determine if there is cause to hold the person for a revocation
3 hearing. However, no preliminary hearing need be held when
4 revocation is based upon new criminal charges and a court finds
5 probable cause on the new criminal charges or when the
6 revocation is based upon a new criminal conviction and a
7 certified copy of that conviction is available.

8 (d) Parole or mandatory supervised release shall not be
9 revoked without written notice to the offender setting forth
10 the violation of parole or mandatory supervised release charged
11 against him or her.

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

18 (1) appear and answer the charge; and

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

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

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

1 (h) Parole or mandatory supervised release shall not be
2 automatically revoked or the person automatically recommitted
3 if the violation of the terms of parole or mandatory supervised
4 release is based upon a new criminal charge that is a
5 misdemeanor.

6 (Source: P.A. 98-463, eff. 8-16-13; 98-558, eff. 1-1-14;
7 99-628, eff. 1-1-17.)