



Rep. Robyn Gabel

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09700HB5492ham001

LRB097 18828 MRW 67308 a

1 AMENDMENT TO HOUSE BILL 5492

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5492 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by  
5 changing Section 3-3-5 as follows:

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

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

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

1 (b) If the person under consideration for parole is in the  
2 custody of the Department, at least one member of the Board  
3 shall interview him, and a report of that interview shall be  
4 available for the Board's consideration. However, in the  
5 discretion of the Board, the interview need not be conducted if  
6 a psychiatric examination determines that the person could not  
7 meaningfully contribute to the Board's consideration. The  
8 Board may in its discretion parole a person who is then outside  
9 the jurisdiction on his record without an interview. The Board  
10 need not hold a hearing or interview a person who is paroled  
11 under paragraphs (d) or (e) of this Section or released on  
12 Mandatory release under Section 3-3-10.

13 (c) The Board shall not parole a person eligible for parole  
14 if it determines that:

15 (1) there is a substantial risk that he will not  
16 conform to reasonable conditions of parole; or

17 (2) his release at that time would deprecate the  
18 seriousness of his offense or promote disrespect for the  
19 law; or

20 (3) his release would have a substantially adverse  
21 effect on institutional discipline.

22 (d) A person committed under the Juvenile Court Act or the  
23 Juvenile Court Act of 1987 who has not been sooner released  
24 shall be paroled on or before his 20th birthday to begin  
25 serving a period of parole 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 if it denies parole  
9 it shall provide for a rehearing not less frequently than once  
10 every year, except that the Board may, after denying parole,  
11 schedule a rehearing no later than 5 years from the date of the  
12 parole denial, if the Board finds that it is not reasonable to  
13 expect that parole would be granted at a hearing prior to the  
14 scheduled rehearing date. If the Board shall parole a person,  
15 and, if he is not released within 90 days from the effective  
16 date of the order granting parole, the matter shall be returned  
17 to the Board for review.

18 (g) The Board shall maintain a registry of decisions in  
19 which parole has been granted, which shall include the name and  
20 case number of the prisoner, the highest charge for which the  
21 prisoner was sentenced, the length of sentence imposed, the  
22 date of the sentence, the date of the parole, and the basis for  
23 the decision of the Board to grant parole and the vote of the  
24 Board on any such decisions. The registry shall be made  
25 available for public inspection and copying during business  
26 hours and shall be a public record pursuant to the provisions

1 of the Freedom of Information Act.

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

4 (Source: P.A. 96-875, eff. 1-22-10; 97-522, eff. 1-1-12.)".