

HB6110



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6110

Introduced 2/11/2016, by Rep. Michael P. McAuliffe

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-5

from Ch. 38, par. 1003-3-5

Amends the Unified Code of Corrections. Provides that a person who was convicted of killing a peace officer in the line of duty shall not be granted parole or aftercare release unless three-fourths members of the Prisoner Review Board agree.

LRB099 16772 SLF 41117 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 3-3-5 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 meet as often as need
9 requires to consider the cases of persons eligible for parole
10 and aftercare release. Except as otherwise provided in
11 paragraph (2) of subsection (a) of Section 3-3-2 of this Act,
12 the Prisoner Review Board may meet and order its actions in
13 panels of 3 or more members. The action of a majority of the
14 panel shall be the action of the Board. In consideration of
15 persons committed to the Department of Juvenile Justice, the
16 panel shall have at least a majority of members experienced in
17 juvenile matters.

18 (b) If the person under consideration for parole or
19 aftercare release is in the custody of the Department, at least
20 one member of the Board shall interview him or her, and a
21 report of that interview shall be available for the Board's
22 consideration. However, in the discretion of the Board, the
23 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) A person committed under the Juvenile Court Act or the
20 Juvenile Court Act of 1987 who has not been sooner released
21 shall be released on aftercare on or before his or her 20th
22 birthday or upon completion of the maximum term of confinement
23 ordered by the court under Section 5-710 of the Juvenile Court
24 Act of 1987, whichever is sooner, to begin serving a period of
25 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 (f-2) A person who was convicted of killing a peace officer
25 in the line of duty who is eligible for parole or aftercare
26 release shall be granted parole or aftercare release only with

1 the action of three-fourths of the members of the Board.

2 (g) The Board shall maintain a registry of decisions in
3 which parole has been granted, which shall include the name and
4 case number of the prisoner, the highest charge for which the
5 prisoner was sentenced, the length of sentence imposed, the
6 date of the sentence, the date of the parole, and the basis for
7 the decision of the Board to grant parole and the vote of the
8 Board on any such decisions. The registry shall be made
9 available for public inspection and copying during business
10 hours and shall be a public record pursuant to the provisions
11 of the Freedom of Information Act.

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

14 (Source: P.A. 98-558, eff. 1-1-14; 99-268, eff. 1-1-16.)