



Rep. Barbara Flynn Currie

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1 AMENDMENT TO HOUSE BILL 2515

2 AMENDMENT NO. _____. Amend House Bill 2515, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Unified Code of Corrections is amended by
6 changing Sections 3-3-1, 3-3-2, 5-4.5-20, 5-4.5-25, 5-4.5-30,
7 and 5-8-1 by adding Sections 5-4.5-110 and 5-4.5-115 as
8 follows:

9 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

10 Sec. 3-3-1. Establishment and appointment of Prisoner
11 Review Board.

12 (a) There shall be a Prisoner Review Board independent of
13 the Department which shall be:

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

1 (1.2) the paroling authority for persons eligible for
2 parole review under Section 5-4.5-110;

3 (1.5) (blank);

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

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

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

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

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

22 (b) The Board shall consist of 15 persons appointed by the
23 Governor by and with the advice and consent of the Senate. One
24 member of the Board shall be designated by the Governor to be
25 Chairman and shall serve as Chairman at the pleasure of the
26 Governor. The members of the Board shall have had at least 5

1 years of actual experience in the fields of penology,
2 corrections work, law enforcement, sociology, law, education,
3 social work, medicine, psychology, other behavioral sciences,
4 or a combination thereof. At least 9 ~~6~~ members so appointed
5 must have ~~had~~ at least 5 ~~3~~ years experience in the field of
6 juvenile matters. No more than 8 Board members may be members
7 of the same political party. At least 4 members so qualified in
8 the field of juvenile matters must use their experience outside
9 the fields of law enforcement, the prosecution of juveniles,
10 corrections, or their prior experience as a member of the Board
11 prior to the effective date of this amendatory Act of the 100th
12 General Assembly, towards their 5 years of actual experience in
13 the field of juvenile matters.

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

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

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

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

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

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

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

24 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

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

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

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

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

1 corrections and filling in omissions to the Board's
2 presentation and discussion;

3 (3) hear by at least one member and through a panel of
4 at least 3 members decide, the conditions of mandatory
5 supervised release and the time of discharge from mandatory
6 supervised release, impose sanctions for violations of
7 mandatory supervised release, and revoke mandatory
8 supervised release for those sentenced under the law in
9 effect after the effective date of this amendatory Act of
10 1977;

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

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

23 (4) hear by at least one member and through a panel of
24 at least 3 members, decide cases brought by the Department
25 of Corrections against a prisoner in the custody of the
26 Department for alleged violation of Department rules with

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

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

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

25 (6.5) hear, by at least one member who is qualified in
26 the field of juvenile matters parole review cases in

1 accordance with Section 5-4.5-110 of this Code, and through
2 a panel of at least 3 members who are qualified in the
3 field of juvenile matters, make release determinations of
4 persons under the age of 21 at the time of the commission
5 of an offense or offenses;

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

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

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

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

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

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

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

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

22 (D) if convicted of:

23 (i) a sex offense described in Article 11 or
24 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
25 the Criminal Code of 1961 or the Criminal Code of
26 2012;

1 (ii) aggravated assault;

2 (iii) aggravated battery;

3 (iv) domestic battery;

4 (v) aggravated domestic battery;

5 (vi) violation of an order of protection;

6 (vii) an offense under the Criminal Code of
7 1961 or the Criminal Code of 2012 involving a
8 firearm;

9 (viii) driving while under the influence of
10 alcohol, other drug or drugs, intoxicating
11 compound or compounds or any combination thereof;

12 (ix) aggravated driving while under the
13 influence of alcohol, other drug or drugs,
14 intoxicating compound or compounds or any
15 combination thereof; or

16 (x) any crime defined as a crime of violence
17 under Section 2 of the Crime Victims Compensation
18 Act.

19 If a person has applied to the Board for a certificate
20 of eligibility for sealing and the Board denies the
21 certificate, the person must wait at least 4 years before
22 filing again or filing for pardon from the Governor unless
23 the Chairman of the Prisoner Review Board grants a waiver.

24 The decision to issue or refrain from issuing a
25 certificate of eligibility for sealing shall be at the
26 Board's sole discretion, and shall not give rise to any

1 cause of action against either the Board or its members.

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

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

24 (A) if convicted of:

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

1 the Criminal Code of 1961 or Criminal Code of 2012;

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the written notice and petition in the U.S. mails addressed to
2 the person at his last known address or after the personal
3 service of the copy of the notice and petition upon such
4 person. The court upon the filing of such a petition, may order
5 the person refusing to obey the subpoena to appear at an
6 investigation or hearing, or to there produce documentary
7 evidence, if so ordered, or to give evidence relative to the
8 subject matter of that investigation or hearing. Any failure to
9 obey such order of the circuit court may be punished by that
10 court as a contempt of court.

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

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

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

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

24 (730 ILCS 5/5-4.5-20)

25 Sec. 5-4.5-20. FIRST DEGREE MURDER; SENTENCE. For first

1 degree murder:

2 (a) TERM. The defendant shall be sentenced to imprisonment
3 or, if appropriate, death under Section 9-1 of the Criminal
4 Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/9-1).
5 Imprisonment shall be for a determinate term, subject to
6 Section 5-4.5-110 of this Code, of (1) not less than 20 years
7 and not more than 60 years; (2) not less than 60 years and not
8 more than 100 years when an extended term is imposed under
9 Section 5-8-2 (730 ILCS 5/5-8-2); or (3) natural life as
10 provided in Section 5-8-1 (730 ILCS 5/5-8-1).

11 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
12 shall not be imposed.

13 (c) IMPACT INCARCERATION. The impact incarceration program
14 or the county impact incarceration program is not an authorized
15 disposition.

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

18 (e) FINE. Fines may be imposed as provided in Section
19 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

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

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

25 (h) DRUG COURT. Drug court is not an authorized
26 disposition.

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

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

6 (k) ELECTRONIC HOME DETENTION. Electronic home detention
7 is not an authorized disposition, except in limited
8 circumstances as provided in Section 5-8A-3 (730 ILCS
9 5/5-8A-3).

10 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
11 provided in Section 3-3-8 (730 ILCS 5/3-3-8), the parole or
12 mandatory supervised release term shall be 3 years upon release
13 from imprisonment.

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

15 (730 ILCS 5/5-4.5-25)

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

18 (a) TERM. The sentence of imprisonment shall be a
19 determinate sentence, subject to Section 5-4.5-110 of this
20 Code, of not less than 6 years and not more than 30 years. The
21 sentence of imprisonment for an extended term Class X felony,
22 as provided in Section 5-8-2 (730 ILCS 5/5-8-2), subject to
23 Section 5-4.5-110 of this Code, shall be not less than 30 years
24 and not more than 60 years.

25 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment

1 shall not be imposed.

2 (c) IMPACT INCARCERATION. The impact incarceration program
3 or the county impact incarceration program is not an authorized
4 disposition.

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

7 (e) FINE. Fines may be imposed as provided in Section
8 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

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

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

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

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

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

22 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
23 5/5-8A-3) concerning eligibility for electronic home
24 detention.

25 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
26 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or

1 5/5-8-1), the parole or mandatory supervised release term shall
2 be 3 years upon release from imprisonment.

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

4 (730 ILCS 5/5-4.5-30)

5 Sec. 5-4.5-30. CLASS 1 FELONIES; SENTENCE. For a Class 1
6 felony:

7 (a) TERM. The sentence of imprisonment, other than for
8 second degree murder, shall be a determinate sentence of not
9 less than 4 years and not more than 15 years, subject to
10 Section 5-4.5-110 of this Code. The sentence of imprisonment
11 for second degree murder shall be a determinate sentence of not
12 less than 4 years and not more than 20 years, subject to
13 Section 5-4.5-110 of this Code. The sentence of imprisonment
14 for an extended term Class 1 felony, as provided in Section
15 5-8-2 (730 ILCS 5/5-8-2), subject to Section 5-4.5-110 of this
16 Code, shall be a term not less than 15 years and not more than
17 30 years.

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

22 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
23 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
24 the impact incarceration program or the county impact
25 incarceration program.

1 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
2 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
3 period of probation or conditional discharge shall not exceed 4
4 years. The court shall specify the conditions of probation or
5 conditional discharge as set forth in Section 5-6-3 (730 ILCS
6 5/5-6-3). In no case shall an offender be eligible for a
7 disposition of probation or conditional discharge for a Class 1
8 felony committed while he or she was serving a term of
9 probation or conditional discharge for a felony.

10 (e) FINE. Fines may be imposed as provided in Section
11 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

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

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

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

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

23 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
24 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
25 (730 ILCS 130/) for rules and regulations for sentence credit.

26 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS

1 5/5-8A-3) concerning eligibility for electronic home
2 detention.

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

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

8 (730 ILCS 5/5-4.5-110 new)

9 Sec. 5-4.5-110. Parole review of persons under the age of
10 21 at the time of the commission of an offense.

11 (a) A person under 21 years of age at the time of the
12 commission of an offense or offenses, other than first degree
13 murder, and who is not serving a sentence for first degree
14 murder, shall be eligible for parole review by the Prisoner
15 Review Board after serving 10 years or more of his or her
16 sentence, except for those serving a sentence or sentences for:
17 (1) aggravated criminal sexual assault who shall be eligible
18 for parole review by the Prisoner Review Board after serving 20
19 years or more of his or her sentence or (2) predatory criminal
20 sexual assault of a child who shall be eligible for parole
21 review by the Prisoner Review Board after serving 40 years or
22 more of his or her sentence. A person under 21 years of age at
23 the time of the commission of first degree murder shall be
24 eligible for parole review by the Prisoner Review Board after
25 serving 20 years or more of his or her sentence, except for

1 those subject to sentencing under item (iii), (iv), or (vii) of
2 subparagraph (c) of paragraph (1) of subsection (a) of Section
3 5-8-1 of this Code based on the category of persons identified
4 therein shall be eligible for parole review by the Prisoner
5 Review Board after serving 40 years or more of his or her
6 sentence.

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

22 (c) 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, legal factors relevant to his

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

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

15 (e) Nine months prior to the hearing, the Prisoner Review
16 Board shall provide the eligible person, and his or her
17 counsel, any written documents or materials it will be
18 considering in making its decision unless the written documents
19 or materials are specifically found to: (1) include information
20 which, if disclosed, would damage the therapeutic relationship
21 between the inmate and a mental health professional; (2)
22 subject any person to the actual risk of physical harm; (3)
23 threaten the safety or security of the Department or an
24 institution. Disclosure of victim impact statements shall be
25 governed by Section 35 of the Open Parole Hearings Act. The
26 Prisoner Review Board shall have an ongoing duty to provide the

1 eligible person, and his or her counsel, with any further
2 documents or materials that come into its possession prior to
3 the hearing subject to the limitations contained in this
4 subsection.

5 (f) Not less than 15 days prior to the hearing, the
6 Prisoner Review Board shall provide notification to the State's
7 Attorney of the county from which the person was committed and
8 to the victim or family of the victim of the scheduled hearing
9 place, date, and approximate time. If the Board does not have
10 knowledge of the current address of the victim or family of the
11 victim, it shall notify the State's Attorney of the county of
12 commitment and request assistance in locating the victim or
13 family of the victim. Those victims or family of the victims
14 who advise the Board in writing that they no longer wish to be
15 notified shall not receive future notices. Any victim impact
16 statements shall be governed by Section 35 of the Open Parole
17 Hearings Act.

18 (g) The hearing conducted by the Prisoner Review Board
19 shall be governed by the Open Parole Hearings Act and Part 1610
20 of Title 20 of the Illinois Administrative Code. The eligible
21 person has a right to be present at the Prisoner Review Board
22 hearing. If a psychological evaluation is submitted for the
23 Prisoner Review Board's consideration, it shall be prepared by
24 a person who has expertise in adolescent brain development and
25 behavior, and shall take into consideration the diminished
26 culpability of youthful offenders, the hallmark features of

1 youth, and any subsequent growth and increased maturity of the
2 person. At the hearing, the eligible person shall have the
3 right to make a statement on his or her own behalf.

4 (h) Only upon motion for good cause shall the date for the
5 Prisoner Review Board hearing, as set by subsection (b) of this
6 Section, be changed. All hearings shall be open to the public,
7 and may be transcribed by any party, at their own expense.

8 (i) Unless the Prisoner Review Board after the hearing,
9 finds by a preponderance of the evidence 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 the eligible person shall be release on parole. In considering
19 the factors affecting the release determination under 20 Ill.
20 Adm. Code 1610.50(b), the Prisoner Review Board panel shall
21 consider the diminished culpability of youthful offenders, the
22 hallmark features of youth, and any subsequent growth and
23 maturity of the youthful offender during incarceration.

24 (j) Unless denied parole under subsection (i) of this
25 Section: (1) the eligible person serving a sentence for any
26 non-first degree murder offense or offenses, shall be released

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

14 (k) A person denied parole under subsection (i) of this
15 Section shall be eligible for a second parole review by the
16 Prisoner Review Board 5 years after the written decision under
17 subsection (i) of this Section. The procedures for a second
18 parole review shall be governed by subsections (b) through (j)
19 of this Section.

20 (l) A person denied parole under subsection (i) of this
21 Section shall be eligible for a third and final parole review
22 by the Prisoner Review Board 5 years after the written decision
23 under subsection (i) of this Section. The procedures for the
24 third and final parole review shall be governed by subsections
25 (b) through (j) of this Section.

26 (m) Notwithstanding anything else to the contrary in this

1 Section, nothing in this Section shall be construed to delay
2 parole or mandatory supervised release consideration for
3 petitioners who, prior to the effective date of this amendatory
4 Act of the 100th General Assembly, are or will be eligible for
5 release earlier than this Section provides. Nothing in this
6 Section shall be construed as a limit, substitution, or bar on
7 a person's right to sentencing relief including any relief
8 provided under Section 5-4.5-115 of this Act, or any other
9 manner of relief, obtained by order of a court in proceedings
10 other than as provided in this Section.

11 (730 ILCS 5/5-4.5-115 new)

12 Sec. 5-4.5-115. Procedure for resentencing of persons who
13 received or are serving a sentence of natural life for an
14 offense committed prior to the age of 18.

15 (a) If at the time of the effective date of this amendatory
16 Act of the 100th General Assembly an individual is serving a
17 sentence of natural life, or was previously serving a sentence
18 of natural life that was vacated after January 1, 2012, for an
19 offense that occurred when he or she was under the age of 18,
20 he or she may seek resentencing under this Section, provided
21 the individual has not already been resentenced after January
22 1, 2012.

23 (b) At the resentencing hearing, the court shall:

24 (1) consider in mitigation the factors listed in
25 paragraphs (1) through (9) of subsection (a) of Section

1 5-4.5-105 of this Code;

2 (2) consider the evidence, if any, received at the
3 trial;

4 (3) consider any presentence reports;

5 (4) consider the financial impact of incarceration
6 based on the financial impact statement filed with the
7 clerk of the court by the Department of Corrections;

8 (5) consider any additional evidence and information
9 offered by the parties in aggravation and mitigation,
10 including, but not limited to, scientific evidence of
11 recidivism;

12 (6) consider the individual's overall record of
13 behavior while incarcerated, including disciplinary
14 history, and participation in educational, vocational, and
15 life skills programs, including, but not limited to,
16 restorative justice programs, and extent of cooperation
17 with staff;

18 (7) consider the individual's acceptance of
19 responsibility for the crime or expressions of remorse, or
20 both; however, nothing in this paragraph (7) shall be
21 construed against a petitioner who avers a good faith claim
22 of innocence;

23 (8) hear arguments as to sentencing alternatives;

24 (9) afford the individual the opportunity to make a
25 statement in his or her own behalf; and

26 (10) afford the victim or family of victim of the

1 crime, or both, for which the individual was originally
2 sentenced an opportunity to provide a victim impact
3 statement to the court. The court shall permit those
4 statements and may consider the live testimony of a victim
5 or a victim representative at its discretion.

6 (c) Nothing in this Section shall be construed to prevent
7 or limit a person's constitutional or statutory claims, which
8 have been brought or may be brought, before any court in this
9 State.

10 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

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

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

18 (1) for first degree murder,

19 (a) (blank),

20 (b) if a trier of fact finds beyond a reasonable
21 doubt that the murder was accompanied by exceptionally
22 brutal or heinous behavior indicative of wanton
23 cruelty or, except as set forth in subsection (a) (1) (c)
24 of this Section, that any of the aggravating factors
25 listed in subsection (b) or (b-5) of Section 9-1 of the

1 Criminal Code of 1961 or the Criminal Code of 2012 are
2 present, the court may sentence the defendant, subject
3 to Section 5-4.5-105, to a term of natural life
4 imprisonment, or

5 (c) the court shall sentence the defendant to a
6 term of natural life imprisonment if the defendant, at
7 the time of the commission of the murder, had attained
8 the age of 18, and

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

11 (ii) is found guilty of murdering more than one
12 victim, or

13 (iii) is found guilty of murdering a peace
14 officer, fireman, or emergency management worker
15 when the peace officer, fireman, or emergency
16 management worker was killed in the course of
17 performing his official duties, or to prevent the
18 peace officer or fireman from performing his
19 official duties, or in retaliation for the peace
20 officer, fireman, or emergency management worker
21 from performing his official duties, and the
22 defendant knew or should have known that the
23 murdered individual was a peace officer, fireman,
24 or emergency management worker, or

25 (iv) is found guilty of murdering an employee
26 of an institution or facility of the Department of

1 Corrections, or any similar local correctional
2 agency, when the employee was killed in the course
3 of performing his official duties, or to prevent
4 the employee from performing his official duties,
5 or in retaliation for the employee performing his
6 official duties, or

7 (v) is found guilty of murdering an emergency
8 medical technician - ambulance, emergency medical
9 technician - intermediate, emergency medical
10 technician - paramedic, ambulance driver or other
11 medical assistance or first aid person while
12 employed by a municipality or other governmental
13 unit when the person was killed in the course of
14 performing official duties or to prevent the
15 person from performing official duties or in
16 retaliation for performing official duties and the
17 defendant knew or should have known that the
18 murdered individual was an emergency medical
19 technician - ambulance, emergency medical
20 technician - intermediate, emergency medical
21 technician - paramedic, ambulance driver, or other
22 medical assistant or first aid personnel, or

23 (vi) (blank), or

24 (vii) is found guilty of first degree murder
25 and the murder was committed by reason of any
26 person's activity as a community policing

1 volunteer or to prevent any person from engaging in
2 activity as a community policing volunteer. For
3 the purpose of this Section, "community policing
4 volunteer" has the meaning ascribed to it in
5 Section 2-3.5 of the Criminal Code of 2012.

6 For purposes of clause (v), "emergency medical
7 technician - ambulance", "emergency medical technician
8 - intermediate", "emergency medical technician -
9 paramedic", have the meanings ascribed to them in the
10 Emergency Medical Services (EMS) Systems Act.

11 (d) (i) if the person committed the offense while
12 armed with a firearm, 15 years shall be added to
13 the term of imprisonment imposed by the court;

14 (ii) if, during the commission of the offense,
15 the person personally discharged a firearm, 20
16 years shall be added to the term of imprisonment
17 imposed by the court;

18 (iii) if, during the commission of the
19 offense, the person personally discharged a
20 firearm that proximately caused great bodily harm,
21 permanent disability, permanent disfigurement, or
22 death to another person, 25 years or up to a term
23 of natural life shall be added to the term of
24 imprisonment imposed by the court.

25 (2) (blank);

26 (2.5) for a person who has attained the age of 18 years

1 at the time of the commission of the offense and who is
2 convicted under the circumstances described in subdivision
3 (b) (1) (B) of Section 11-1.20 or paragraph (3) of subsection
4 (b) of Section 12-13, subdivision (d) (2) of Section 11-1.30
5 or paragraph (2) of subsection (d) of Section 12-14,
6 subdivision (b) (1.2) of Section 11-1.40 or paragraph (1.2)
7 of subsection (b) of Section 12-14.1, subdivision (b) (2) of
8 Section 11-1.40 or paragraph (2) of subsection (b) of
9 Section 12-14.1 of the Criminal Code of 1961 or the
10 Criminal Code of 2012, the sentence shall be a term of
11 natural life imprisonment.

12 (b) (Blank).

13 (c) (Blank).

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

17 (1) for first degree murder or a Class X felony except
18 for the offenses of predatory criminal sexual assault of a
19 child, aggravated criminal sexual assault, and criminal
20 sexual assault if committed on or after the effective date
21 of this amendatory Act of the 94th General Assembly and
22 except for the offense of aggravated child pornography
23 under Section 11-20.1B, 11-20.3, or 11-20.1 with
24 sentencing under subsection (c-5) of Section 11-20.1 of the
25 Criminal Code of 1961 or the Criminal Code of 2012, if
26 committed on or after January 1, 2009, 3 years;

1 (2) for a Class 1 felony or a Class 2 felony except for
2 the offense of criminal sexual assault if committed on or
3 after the effective date of this amendatory Act of the 94th
4 General Assembly and except for the offenses of manufacture
5 and dissemination of child pornography under clauses
6 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code
7 of 1961 or the Criminal Code of 2012, if committed on or
8 after January 1, 2009, 2 years;

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

10 (4) for defendants who commit the offense of predatory
11 criminal sexual assault of a child, aggravated criminal
12 sexual assault, or criminal sexual assault, on or after the
13 effective date of this amendatory Act of the 94th General
14 Assembly, or who commit the offense of aggravated child
15 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
16 with sentencing under subsection (c-5) of Section 11-20.1
17 of the Criminal Code of 1961 or the Criminal Code of 2012,
18 manufacture of child pornography, or dissemination of
19 child pornography after January 1, 2009, the term of
20 mandatory supervised release shall range from a minimum of
21 3 years to a maximum of the natural life of the defendant;

22 (5) if the victim is under 18 years of age, for a
23 second or subsequent offense of aggravated criminal sexual
24 abuse or felony criminal sexual abuse, 4 years, at least
25 the first 2 years of which the defendant shall serve in an
26 electronic home detention program under Article 8A of

1 Chapter V of this Code;

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

5 (e) (Blank).

6 (f) (Blank).

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