



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 and by adding Section 5-4.5-110 as follows:

8 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

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

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

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

16 (1.2) the paroling authority for persons eligible for

1           parole review under Section 5-4.5-110;

2           (1.5) (blank);

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

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

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

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

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

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

1 corrections work, law enforcement, sociology, law, education,  
2 social work, medicine, psychology, other behavioral sciences,  
3 or a combination thereof. At least 6 members so appointed must  
4 have ~~had~~ at least 3 years experience in the field of juvenile  
5 matters. No more than 8 Board members may be members of the  
6 same political party.

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

16 (c) Notwithstanding any other provision of this Section,  
17 the term of each member of the Board who was appointed by the  
18 Governor and is in office on June 30, 2003 shall terminate at  
19 the close of business on that date or when all of the successor  
20 members to be appointed pursuant to this amendatory Act of the  
21 93rd General Assembly have been appointed by the Governor,  
22 whichever occurs later. As soon as possible, the Governor shall  
23 appoint persons to fill the vacancies created by this  
24 amendatory Act.

25 Of the initial members appointed under this amendatory Act  
26 of the 93rd General Assembly, the Governor shall appoint 5

1 members whose terms shall expire on the third Monday in January  
2 2005, 5 members whose terms shall expire on the third Monday in  
3 January 2007, and 5 members whose terms shall expire on the  
4 third Monday in January 2009. Their respective successors shall  
5 be appointed for terms of 6 years from the third Monday in  
6 January of the year of appointment. Each member shall serve  
7 until his or her successor is appointed and qualified.

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

10 (d) The Chairman of the Board shall be its chief executive  
11 and administrative officer. The Board may have an Executive  
12 Director; if so, the Executive Director shall be appointed by  
13 the Governor with the advice and consent of the Senate. The  
14 salary and duties of the Executive Director shall be fixed by  
15 the Board.

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

17 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

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

19 (a) The Parole and Pardon Board is abolished and the term  
20 "Parole and Pardon Board" as used in any law of Illinois, shall  
21 read "Prisoner Review Board." After the effective date of this  
22 amendatory Act of 1977, the Prisoner Review Board shall provide  
23 by rule for the orderly transition of all files, records, and  
24 documents of the Parole and Pardon Board and for such other  
25 steps as may be necessary to effect an orderly transition and

1 shall:

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

7 (2) hear by at least one member and through a panel of  
8 at least 3 members decide, the conditions of parole and the  
9 time of discharge from parole, impose sanctions for  
10 violations of parole, and revoke parole for those sentenced  
11 under the law in effect prior to this amendatory Act of  
12 1977; provided that the decision to parole and the  
13 conditions of parole for all prisoners who were sentenced  
14 for first degree murder or who received a minimum sentence  
15 of 20 years or more under the law in effect prior to  
16 February 1, 1978 shall be determined by a majority vote of  
17 the Prisoner Review Board. One representative supporting  
18 parole and one representative opposing parole will be  
19 allowed to speak. Their comments shall be limited to making  
20 corrections and filling in omissions to the Board's  
21 presentation and discussion;

22 (3) hear by at least one member and through a panel of  
23 at least 3 members decide, the conditions of mandatory  
24 supervised release and the time of discharge from mandatory  
25 supervised release, impose sanctions for violations of  
26 mandatory supervised release, and revoke mandatory

1 supervised release for those sentenced under the law in  
2 effect after the effective date of this amendatory Act of  
3 1977;

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

12 (3.6) hear by at least one member and through a panel  
13 of at least 3 members decide whether to revoke aftercare  
14 release for those committed to the Department of Juvenile  
15 Justice under the Juvenile Court Act of 1987;

16 (4) hear by at least one member and through a panel of  
17 at least 3 members, decide cases brought by the Department  
18 of Corrections against a prisoner in the custody of the  
19 Department for alleged violation of Department rules with  
20 respect to sentence credits under Section 3-6-3 of this  
21 Code in which the Department seeks to revoke sentence  
22 credits, if the amount of time at issue exceeds 30 days or  
23 when, during any 12 month period, the cumulative amount of  
24 credit revoked exceeds 30 days except where the infraction  
25 is committed or discovered within 60 days of scheduled  
26 release. In such cases, the Department of Corrections may

1       revoke up to 30 days of sentence credit. The Board may  
2       subsequently approve the revocation of additional sentence  
3       credit, if the Department seeks to revoke sentence credit  
4       in excess of thirty days. However, the Board shall not be  
5       empowered to review the Department's decision with respect  
6       to the loss of 30 days of sentence credit for any prisoner  
7       or to increase any penalty beyond the length requested by  
8       the Department;

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

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

18          (6.5) hear, by at least one member who is qualified in  
19       the field of juvenile matters parole review cases in  
20       accordance with Section 5-4.5-110 of this Code, and through  
21       a panel of at least 3 members who are qualified in the  
22       field of juvenile matters, make release determinations of  
23       persons under the age of 21 at the time of the commission  
24       of an offense or offenses;

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

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

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

15          (10) upon a petition by a person who has been convicted  
16          of a Class 3 or Class 4 felony and who meets the  
17          requirements of this paragraph, hear by at least 3 members  
18          and, with the unanimous vote of a panel of 3 members, issue  
19          a certificate of eligibility for sealing recommending that  
20          the court order the sealing of all official records of the  
21          arresting authority, the circuit court clerk, and the  
22          Department of State Police concerning the arrest and  
23          conviction for the Class 3 or 4 felony. A person may not  
24          apply to the Board for a certificate of eligibility for  
25          sealing:

26                 (A) until 5 years have elapsed since the expiration



1 of his or her sentence;

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

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

15 (D) if convicted of:

16 (i) a sex offense described in Article 11 or  
17 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of  
18 the Criminal Code of 1961 or the Criminal Code of  
19 2012;

20 (ii) aggravated assault;

21 (iii) aggravated battery;

22 (iv) domestic battery;

23 (v) aggravated domestic battery;

24 (vi) violation of an order of protection;

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

1 firearm;

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

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

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

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

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

21 The Board may only authorize the sealing of Class 3 and  
22 4 felony convictions of the petitioner from one information  
23 or indictment under this paragraph (10). A petitioner may  
24 only receive one certificate of eligibility for sealing  
25 under this provision for life; and

26 (11) upon a petition by a person who after having been

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

17 (A) if convicted of:

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

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

23 (iii) a crime of violence as defined in Section  
24 2 of the Crime Victims Compensation Act; or

25 (B) if the person has not served in the United  
26 States Armed Forces or National Guard of this or any

1 other state or has not received an honorable discharge  
2 from the United States Armed Forces or National Guard  
3 of this or any other state or who at the time of the  
4 filing of the petition is serving in the United States  
5 Armed Forces or National Guard of this or any other  
6 state and has not completed one tour of duty.

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

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

1 Review Board hearings.

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

4 (c) The Board shall cooperate with the Department in  
5 promoting an effective system of parole and mandatory  
6 supervised release.

7 (d) The Board shall promulgate rules for the conduct of its  
8 work, and the Chairman shall file a copy of such rules and any  
9 amendments thereto with the Director and with the Secretary of  
10 State.

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

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

1 agents or any duly constituted Committee or Subcommittee of the  
2 Board. Witnesses so summoned shall be paid the same fees and  
3 mileage that are paid witnesses in the circuit courts of the  
4 State, and witnesses whose depositions are taken and the  
5 persons taking those depositions are each entitled to the same  
6 fees as are paid for like services in actions in the circuit  
7 courts of the State. Fees and mileage shall be vouchered for  
8 payment when the witness is discharged from further attendance.

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

1 subject matter of that investigation or hearing. Any failure to  
2 obey such order of the circuit court may be punished by that  
3 court as a contempt of court.

4 Each member of the Board and any hearing officer designated  
5 by the Board shall have the power to administer oaths and to  
6 take the testimony of persons under oath.

7 (g) Except under subsection (a) of this Section, a majority  
8 of the members then appointed to the Prisoner Review Board  
9 shall constitute a quorum for the transaction of all business  
10 of the Board.

11 (h) The Prisoner Review Board shall annually transmit to  
12 the Director a detailed report of its work for the preceding  
13 calendar year. The annual report shall also be transmitted to  
14 the Governor for submission to the Legislature.

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

17 (730 ILCS 5/5-4.5-20)

18 Sec. 5-4.5-20. FIRST DEGREE MURDER; SENTENCE. For first  
19 degree murder:

20 (a) TERM. The defendant shall be sentenced to imprisonment  
21 or, if appropriate, death under Section 9-1 of the Criminal  
22 Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/9-1).  
23 Imprisonment shall be for a determinate term, subject to  
24 Section 5-4.5-110 of this Code, of (1) not less than 20 years  
25 and not more than 60 years; (2) not less than 60 years and not

1 more than 100 years when an extended term is imposed under  
2 Section 5-8-2 (730 ILCS 5/5-8-2); or (3) natural life as  
3 provided in Section 5-8-1 (730 ILCS 5/5-8-1).

4 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment  
5 shall not be imposed.

6 (c) IMPACT INCARCERATION. The impact incarceration program  
7 or the county impact incarceration program is not an authorized  
8 disposition.

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

11 (e) FINE. Fines may be imposed as provided in Section  
12 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

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

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

18 (h) DRUG COURT. Drug court is not an authorized  
19 disposition.

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

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

25 (k) ELECTRONIC HOME DETENTION. Electronic home detention  
26 is not an authorized disposition, except in limited



1 circumstances as provided in Section 5-8A-3 (730 ILCS  
2 5/5-8A-3).

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

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

8 (730 ILCS 5/5-4.5-25)

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

11 (a) TERM. The sentence of imprisonment shall be a  
12 determinate sentence, subject to Section 5-4.5-110 of this  
13 Code, of not less than 6 years and not more than 30 years. The  
14 sentence of imprisonment for an extended term Class X felony,  
15 as provided in Section 5-8-2 (730 ILCS 5/5-8-2), subject to  
16 Section 5-4.5-110 of this Code, shall be not less than 30 years  
17 and not more than 60 years.

18 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment  
19 shall not be imposed.

20 (c) IMPACT INCARCERATION. The impact incarceration program  
21 or the county impact incarceration program is not an authorized  
22 disposition.

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

25 (e) FINE. Fines may be imposed as provided in Section

1 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

2 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)  
3 concerning restitution.

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

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

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

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

15 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS  
16 5/5-8A-3) concerning eligibility for electronic home  
17 detention.

18 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as  
19 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or  
20 5/5-8-1), the parole or mandatory supervised release term shall  
21 be 3 years upon release from imprisonment.

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

23 (730 ILCS 5/5-4.5-30)

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

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

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

16 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2  
17 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for  
18 the impact incarceration program or the county impact  
19 incarceration program.

20 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided  
21 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the  
22 period of probation or conditional discharge shall not exceed 4  
23 years. The court shall specify the conditions of probation or  
24 conditional discharge as set forth in Section 5-6-3 (730 ILCS  
25 5/5-6-3). In no case shall an offender be eligible for a  
26 disposition of probation or conditional discharge for a Class 1

1 felony committed while he or she was serving a term of  
2 probation or conditional discharge for a felony.

3 (e) FINE. Fines may be imposed as provided in Section  
4 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

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

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

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

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

16 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730  
17 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act  
18 (730 ILCS 130/) for rules and regulations for sentence credit.

19 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS  
20 5/5-8A-3) concerning eligibility for electronic home  
21 detention.

22 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as  
23 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or  
24 5/5-8-1), the parole or mandatory supervised release term shall  
25 be 2 years upon release from imprisonment.

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

1 (730 ILCS 5/5-4.5-110 new)

2 Sec. 5-4.5-110. Parole review of persons under the age of  
3 21 at the time of the commission of an offense.

4 (a) A person under 21 years of age at the time of the  
5 commission of an offense or offenses, other than first degree  
6 murder, and who is not serving a sentence for first degree  
7 murder, shall be eligible for parole review by the Prisoner  
8 Review Board after serving 10 years or more of his or her  
9 sentence, except for those serving a sentence or sentences for:

10 (1) aggravated criminal sexual assault who shall be eligible  
11 for parole review by the Prisoner Review Board after serving 20  
12 years or more of his or her sentence or (2) predatory criminal  
13 sexual assault of a child who shall be eligible for parole  
14 review by the Prisoner Review Board after serving 40 years or  
15 more of his or her sentence. A person under 21 years of age at  
16 the time of the commission of first degree murder shall be  
17 eligible for parole review by the Prisoner Review Board after  
18 serving 20 years or more of his or her sentence, except for  
19 those subject to sentencing under item (iii), (iv), or (vii) of  
20 subparagraph (c) of paragraph (1) of subsection (a) of Section  
21 5-8-1 of this Code based on the category of persons identified  
22 therein shall be eligible for parole review by the Prisoner  
23 Review Board after serving 40 years or more of his or her  
24 sentence.

25 (b) Three years prior to becoming eligible for parole

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

15 (c) Within 6 months of the Prisoner Review Board's  
16 determination that the petition was appropriately filed, a  
17 representative from the Department of Corrections shall meet  
18 with the eligible person and provide the inmate information  
19 about the parole hearing process, legal factors relevant to his  
20 or her suitability or unsuitability for parole, and  
21 personalized recommendations for the inmate regarding his or  
22 her work assignments, rehabilitative programs, and  
23 institutional behavior. Following this meeting, the eligible  
24 person has 7 calendar days to file a written request to the  
25 representative from the Department of Corrections who met with  
26 the eligible person of any additional programs and services

1 which the eligible person believes should be made available to  
2 prepare the eligible person for return to the community.

3 (d) One year prior to the person being eligible for parole,  
4 counsel shall be appointed by the Prisoner Review Board upon a  
5 finding of indigency. The eligible person may waive appointed  
6 counsel or retain his or her own counsel at his or her own  
7 expense.

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

24 (f) Not less than 6 months prior to the hearing, the  
25 Prisoner Review Board shall provide notification to the State's  
26 Attorney of the county from which the person was committed and

1 to the victim or family of the victim of the scheduled hearing  
2 place, date, and approximate time. If the Board does not have  
3 knowledge of the current address of the victim or family of the  
4 victim, it shall notify the State's Attorney of the county of  
5 commitment and request assistance in locating the victim or  
6 family of the victim. Those victims or family of the victims  
7 who advise the Board in writing that they no longer wish to be  
8 notified shall not receive future notices. Any victim impact  
9 statements shall be governed by Section 35 of the Open Parole  
10 Hearings Act.

11 (g) The hearing conducted by the Prisoner Review Board  
12 shall be governed by the Open Parole Hearings Act and Part 1610  
13 of Title 20 of the Illinois Administrative Code. The eligible  
14 person has a right to be present at the Prisoner Review Board  
15 hearing. If a psychological evaluation is submitted for the  
16 Prisoner Review Board's consideration, it shall be prepared by  
17 a person who has expertise in adolescent brain development and  
18 behavior, and shall take into consideration the diminished  
19 culpability of youthful offenders, the hallmark features of  
20 youth, and any subsequent growth and increased maturity of the  
21 person. At the hearing, the eligible person shall have the  
22 right to make a statement on his or her own behalf.

23 (h) Only upon motion for good cause shall the date for the  
24 Prisoner Review Board hearing, as set by subsection (b) of this  
25 Section, be changed. All hearings shall be open to the public.

26 (i) Unless the Prisoner Review Board after the hearing,



1 finds by a preponderance of the evidence that:

2 (1) there is a substantial risk that the eligible  
3 person will not conform to reasonable conditions of parole  
4 or aftercare release; or

5 (2) the eligible person's release a that time would  
6 deprecate the seriousness of his or her offense or promote  
7 disrespect for the law; or

8 (3) the eligible person's release would have a  
9 substantially adverse effect on institutional discipline;  
10 the eligible person shall be release on parole. In considering  
11 the factors affecting the release determination under 20 Ill.  
12 Adm. Code 1610.50(b), the Prisoner Review Board panel shall  
13 consider the diminished culpability of youthful offenders, the  
14 hallmark features of youth, and any subsequent growth and  
15 maturity of the youthful offender during incarceration.

16 (j) Unless denied parole under subsection (i) of this  
17 Section: (1) the eligible person serving a sentence for any  
18 non-first degree murder offense or offenses, shall be released  
19 on parole which shall operate to discharge any remaining term  
20 of years or natural life sentence imposed upon him or her,  
21 notwithstanding any required mandatory supervised release  
22 period the eligible person is required to serve; and (2) the  
23 eligible person serving a sentence for any first degree murder  
24 offense, shall be released on mandatory supervised release for  
25 a period of 10 years subject to Section 3-3-8, which shall  
26 operate to discharge any remaining term of years or natural

1 life sentence imposed upon him or her, however in no event  
2 shall the eligible person serve a period of mandatory  
3 supervised release greater than the aggregate of the discharged  
4 underlying sentence and the mandatory supervised release  
5 period as sent forth in Section 5-4.5-20.

6 (k) A person denied parole under subsection (i) of this  
7 Section shall be eligible for a second parole review by the  
8 Prisoner Review Board 5 years after the written decision under  
9 subsection (i) of this Section. The procedures for a second  
10 parole review shall be governed by subsections (b) through (j)  
11 of this Section.

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

18 (m) Notwithstanding anything else to the contrary in this  
19 Section, nothing in this Section shall be construed to delay  
20 parole or mandatory supervised release consideration for  
21 petitioners who, prior to the effective date of this amendatory  
22 Act of the 100th General Assembly, are or will be eligible for  
23 release earlier than this Section provides. Nothing in this  
24 Section shall be construed as a limit, substitution, or bar on  
25 a person's right to sentencing relief including any relief  
26 provided under Section 5-4.5-115 of this Act, or any other

1 manner of relief, obtained by order of a court in proceedings  
2 other than as provided in this Section.

3 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

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

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

11 (1) for first degree murder,

12 (a) (blank),

13 (b) if a trier of fact finds beyond a reasonable  
14 doubt that the murder was accompanied by exceptionally  
15 brutal or heinous behavior indicative of wanton  
16 cruelty or, except as set forth in subsection (a) (1) (c)  
17 of this Section, that any of the aggravating factors  
18 listed in subsection (b) or (b-5) of Section 9-1 of the  
19 Criminal Code of 1961 or the Criminal Code of 2012 are  
20 present, the court may sentence the defendant, subject  
21 to Section 5-4.5-105, to a term of natural life  
22 imprisonment, or

23 (c) the court shall sentence the defendant to a  
24 term of natural life imprisonment if the defendant, at  
25 the time of the commission of the murder, had attained

1 the age of 18, and

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

4 (ii) is found guilty of murdering more than one  
5 victim, or

6 (iii) is found guilty of murdering a peace  
7 officer, fireman, or emergency management worker  
8 when the peace officer, fireman, or emergency  
9 management worker was killed in the course of  
10 performing his official duties, or to prevent the  
11 peace officer or fireman from performing his  
12 official duties, or in retaliation for the peace  
13 officer, fireman, or emergency management worker  
14 from performing his official duties, and the  
15 defendant knew or should have known that the  
16 murdered individual was a peace officer, fireman,  
17 or emergency management worker, or

18 (iv) is found guilty of murdering an employee  
19 of an institution or facility of the Department of  
20 Corrections, or any similar local correctional  
21 agency, when the employee was killed in the course  
22 of performing his official duties, or to prevent  
23 the employee from performing his official duties,  
24 or in retaliation for the employee performing his  
25 official duties, or

26 (v) is found guilty of murdering an emergency

1 medical technician - ambulance, emergency medical  
2 technician - intermediate, emergency medical  
3 technician - paramedic, ambulance driver or other  
4 medical assistance or first aid person while  
5 employed by a municipality or other governmental  
6 unit when the person was killed in the course of  
7 performing official duties or to prevent the  
8 person from performing official duties or in  
9 retaliation for performing official duties and the  
10 defendant knew or should have known that the  
11 murdered individual was an emergency medical  
12 technician - ambulance, emergency medical  
13 technician - intermediate, emergency medical  
14 technician - paramedic, ambulance driver, or other  
15 medical assistant or first aid personnel, or

16 (vi) (blank), or

17 (vii) is found guilty of first degree murder  
18 and the murder was committed by reason of any  
19 person's activity as a community policing  
20 volunteer or to prevent any person from engaging in  
21 activity as a community policing volunteer. For  
22 the purpose of this Section, "community policing  
23 volunteer" has the meaning ascribed to it in  
24 Section 2-3.5 of the Criminal Code of 2012.

25 For purposes of clause (v), "emergency medical  
26 technician - ambulance", "emergency medical technician

1 - intermediate", "emergency medical technician -  
2 paramedic", have the meanings ascribed to them in the  
3 Emergency Medical Services (EMS) Systems Act.

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

7 (ii) if, during the commission of the offense,  
8 the person personally discharged a firearm, 20  
9 years shall be added to the term of imprisonment  
10 imposed by the court;

11 (iii) if, during the commission of the  
12 offense, the person personally discharged a  
13 firearm that proximately caused great bodily harm,  
14 permanent disability, permanent disfigurement, or  
15 death to another person, 25 years or up to a term  
16 of natural life shall be added to the term of  
17 imprisonment imposed by the court.

18 (2) (blank);

19 (2.5) for a person who has attained the age of 18 years  
20 at the time of the commission of the offense and who is  
21 convicted under the circumstances described in subdivision  
22 (b) (1) (B) of Section 11-1.20 or paragraph (3) of subsection  
23 (b) of Section 12-13, subdivision (d) (2) of Section 11-1.30  
24 or paragraph (2) of subsection (d) of Section 12-14,  
25 subdivision (b) (1.2) of Section 11-1.40 or paragraph (1.2)  
26 of subsection (b) of Section 12-14.1, subdivision (b) (2) of

1 Section 11-1.40 or paragraph (2) of subsection (b) of  
2 Section 12-14.1 of the Criminal Code of 1961 or the  
3 Criminal Code of 2012, the sentence shall be a term of  
4 natural life imprisonment.

5 (b) (Blank).

6 (c) (Blank).

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

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

20 (2) for a Class 1 felony or a Class 2 felony except for  
21 the offense of criminal sexual assault if committed on or  
22 after the effective date of this amendatory Act of the 94th  
23 General Assembly and except for the offenses of manufacture  
24 and dissemination of child pornography under clauses  
25 (a) (1) and (a) (2) of Section 11-20.1 of the Criminal Code  
26 of 1961 or the Criminal Code of 2012, if committed on or

1 after January 1, 2009, 2 years;

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

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

15 (5) if the victim is under 18 years of age, for a  
16 second or subsequent offense of aggravated criminal sexual  
17 abuse or felony criminal sexual abuse, 4 years, at least  
18 the first 2 years of which the defendant shall serve in an  
19 electronic home detention program under Article 8A of  
20 Chapter V of this Code;

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

24 (e) (Blank).

25 (f) (Blank).

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