



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 Freedom of Information Act is amended by
6 changing Section 7.5 as follows:

7 (5 ILCS 140/7.5)

8 Sec. 7.5. Statutory exemptions. To the extent provided for
9 by the statutes referenced below, the following shall be exempt
10 from inspection and copying:

11 (a) All information determined to be confidential
12 under Section 4002 of the Technology Advancement and
13 Development Act.

14 (b) Library circulation and order records identifying
15 library users with specific materials under the Library
16 Records Confidentiality Act.

1 (c) Applications, related documents, and medical
2 records received by the Experimental Organ Transplantation
3 Procedures Board and any and all documents or other records
4 prepared by the Experimental Organ Transplantation
5 Procedures Board or its staff relating to applications it
6 has received.

7 (d) Information and records held by the Department of
8 Public Health and its authorized representatives relating
9 to known or suspected cases of sexually transmissible
10 disease or any information the disclosure of which is
11 restricted under the Illinois Sexually Transmissible
12 Disease Control Act.

13 (e) Information the disclosure of which is exempted
14 under Section 30 of the Radon Industry Licensing Act.

15 (f) Firm performance evaluations under Section 55 of
16 the Architectural, Engineering, and Land Surveying
17 Qualifications Based Selection Act.

18 (g) Information the disclosure of which is restricted
19 and exempted under Section 50 of the Illinois Prepaid
20 Tuition Act.

21 (h) Information the disclosure of which is exempted
22 under the State Officials and Employees Ethics Act, and
23 records of any lawfully created State or local inspector
24 general's office that would be exempt if created or
25 obtained by an Executive Inspector General's office under
26 that Act.

1 (i) Information contained in a local emergency energy
2 plan submitted to a municipality in accordance with a local
3 emergency energy plan ordinance that is adopted under
4 Section 11-21.5-5 of the Illinois Municipal Code.

5 (j) Information and data concerning the distribution
6 of surcharge moneys collected and remitted by wireless
7 carriers under the Wireless Emergency Telephone Safety
8 Act.

9 (k) Law enforcement officer identification information
10 or driver identification information compiled by a law
11 enforcement agency or the Department of Transportation
12 under Section 11-212 of the Illinois Vehicle Code.

13 (l) Records and information provided to a residential
14 health care facility resident sexual assault and death
15 review team or the Executive Council under the Abuse
16 Prevention Review Team Act.

17 (m) Information provided to the predatory lending
18 database created pursuant to Article 3 of the Residential
19 Real Property Disclosure Act, except to the extent
20 authorized under that Article.

21 (n) Defense budgets and petitions for certification of
22 compensation and expenses for court appointed trial
23 counsel as provided under Sections 10 and 15 of the Capital
24 Crimes Litigation Act. This subsection (n) shall apply
25 until the conclusion of the trial of the case, even if the
26 prosecution chooses not to pursue the death penalty prior

1 to trial or sentencing.

2 (o) Information that is prohibited from being
3 disclosed under Section 4 of the Illinois Health and
4 Hazardous Substances Registry Act.

5 (p) Security portions of system safety program plans,
6 investigation reports, surveys, schedules, lists, data, or
7 information compiled, collected, or prepared by or for the
8 Regional Transportation Authority under Section 2.11 of
9 the Regional Transportation Authority Act or the St. Clair
10 County Transit District under the Bi-State Transit Safety
11 Act.

12 (q) Information prohibited from being disclosed by the
13 Personnel Records Review Act.

14 (r) Information prohibited from being disclosed by the
15 Illinois School Student Records Act.

16 (s) Information the disclosure of which is restricted
17 under Section 5-108 of the Public Utilities Act.

18 (t) All identified or deidentified health information
19 in the form of health data or medical records contained in,
20 stored in, submitted to, transferred by, or released from
21 the Illinois Health Information Exchange, and identified
22 or deidentified health information in the form of health
23 data and medical records of the Illinois Health Information
24 Exchange in the possession of the Illinois Health
25 Information Exchange Authority due to its administration
26 of the Illinois Health Information Exchange. The terms

1 "identified" and "deidentified" shall be given the same
2 meaning as in the Health Insurance Portability and
3 Accountability Act of 1996, Public Law 104-191, or any
4 subsequent amendments thereto, and any regulations
5 promulgated thereunder.

6 (u) Records and information provided to an independent
7 team of experts under Brian's Law.

8 (v) Names and information of people who have applied
9 for or received Firearm Owner's Identification Cards under
10 the Firearm Owners Identification Card Act or applied for
11 or received a concealed carry license under the Firearm
12 Concealed Carry Act, unless otherwise authorized by the
13 Firearm Concealed Carry Act; and databases under the
14 Firearm Concealed Carry Act, records of the Concealed Carry
15 Licensing Review Board under the Firearm Concealed Carry
16 Act, and law enforcement agency objections under the
17 Firearm Concealed Carry Act.

18 (w) Personally identifiable information which is
19 exempted from disclosure under subsection (g) of Section
20 19.1 of the Toll Highway Act.

21 (x) Information which is exempted from disclosure
22 under Section 5-1014.3 of the Counties Code or Section
23 8-11-21 of the Illinois Municipal Code.

24 (y) Confidential information under the Adult
25 Protective Services Act and its predecessor enabling
26 statute, the Elder Abuse and Neglect Act, including

1 information about the identity and administrative finding
2 against any caregiver of a verified and substantiated
3 decision of abuse, neglect, or financial exploitation of an
4 eligible adult maintained in the Registry established
5 under Section 7.5 of the Adult Protective Services Act.

6 (z) Records and information provided to a fatality
7 review team or the Illinois Fatality Review Team Advisory
8 Council under Section 15 of the Adult Protective Services
9 Act.

10 (aa) Information which is exempted from disclosure
11 under Section 2.37 of the Wildlife Code.

12 (bb) Information which is or was prohibited from
13 disclosure by the Juvenile Court Act of 1987.

14 (cc) Recordings made under the Law Enforcement
15 Officer-Worn Body Camera Act, except to the extent
16 authorized under that Act.

17 (dd) Information that is prohibited from being
18 disclosed under Section 45 of the Condominium and Common
19 Interest Community Ombudsperson Act.

20 (ee) ~~(dd)~~ Information that is exempted from disclosure
21 under Section 30.1 of the Pharmacy Practice Act.

22 (ff) Victim impact statements exempted from disclosure
23 under subsection (f) of Section 5-4.5-110 of the Unified
24 Code of Corrections.

25 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
26 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;

1 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;
2 99-642, eff. 7-28-16; 99-776, eff. 8-12-16; 99-863, eff.
3 8-19-16; revised 9-1-16.)

4 Section 10. The Unified Code of Corrections is amended by
5 changing Sections 3-3-1, 3-3-2, 3-3-9, 5-4.5-20, 5-4.5-25,
6 5-4.5-30, and 5-8-1 and by adding Section 5-4.5-110 as follows:

7 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

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

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

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

15 (1.2) the paroling authority for persons eligible for
16 parole review under Section 5-4.5-110;

17 (1.5) (blank);

18 (2) the board of review for cases involving the
19 revocation of sentence credits or a suspension or reduction
20 in the rate of accumulating the credit;

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

23 (4) the authority for establishing release dates for
24 certain prisoners sentenced under the law in existence

1 prior to the effective date of this amendatory Act of 1977,
2 in accordance with Section 3-3-2.1 of this Code;

3 (5) the authority for setting conditions for parole and
4 mandatory supervised release under Section 5-8-1(a) of
5 this Code, and determining whether a violation of those
6 conditions warrant revocation of parole or mandatory
7 supervised release or the imposition of other sanctions;
8 and

9 (6) the authority for determining whether a violation
10 of aftercare release conditions warrant revocation of
11 aftercare release.

12 (b) The Board shall consist of 15 persons appointed by the
13 Governor by and with the advice and consent of the Senate. One
14 member of the Board shall be designated by the Governor to be
15 Chairman and shall serve as Chairman at the pleasure of the
16 Governor. The members of the Board shall have had at least 5
17 years of actual experience in the fields of penology,
18 corrections work, law enforcement, sociology, law, education,
19 social work, medicine, psychology, other behavioral sciences,
20 or a combination thereof. At least 6 members so appointed must
21 have ~~had~~ at least 3 years experience in the field of juvenile
22 matters. No more than 8 Board members may be members of the
23 same political party.

24 Each member of the Board shall serve on a full-time basis
25 and shall not hold any other salaried public office, whether
26 elective or appointive, nor any other office or position of

1 profit, nor engage in any other business, employment, or
2 vocation. The Chairman of the Board shall receive \$35,000 a
3 year, or an amount set by the Compensation Review Board,
4 whichever is greater, and each other member \$30,000, or an
5 amount set by the Compensation Review Board, whichever is
6 greater.

7 (c) Notwithstanding any other provision of this Section,
8 the term of each member of the Board who was appointed by the
9 Governor and is in office on June 30, 2003 shall terminate at
10 the close of business on that date or when all of the successor
11 members to be appointed pursuant to this amendatory Act of the
12 93rd General Assembly have been appointed by the Governor,
13 whichever occurs later. As soon as possible, the Governor shall
14 appoint persons to fill the vacancies created by this
15 amendatory Act.

16 Of the initial members appointed under this amendatory Act
17 of the 93rd General Assembly, the Governor shall appoint 5
18 members whose terms shall expire on the third Monday in January
19 2005, 5 members whose terms shall expire on the third Monday in
20 January 2007, and 5 members whose terms shall expire on the
21 third Monday in January 2009. Their respective successors shall
22 be appointed for terms of 6 years from the third Monday in
23 January of the year of appointment. Each member shall serve
24 until his or her successor is appointed and qualified.

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

1 (d) The Chairman of the Board shall be its chief executive
2 and administrative officer. The Board may have an Executive
3 Director; if so, the Executive Director shall be appointed by
4 the Governor with the advice and consent of the Senate. The
5 salary and duties of the Executive Director shall be fixed by
6 the Board.

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

8 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

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

10 (a) The Parole and Pardon Board is abolished and the term
11 "Parole and Pardon Board" as used in any law of Illinois, shall
12 read "Prisoner Review Board." After the effective date of this
13 amendatory Act of 1977, the Prisoner Review Board shall provide
14 by rule for the orderly transition of all files, records, and
15 documents of the Parole and Pardon Board and for such other
16 steps as may be necessary to effect an orderly transition and
17 shall:

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

23 (2) hear by at least one member and through a panel of
24 at least 3 members decide, the conditions of parole and the
25 time of discharge from parole, impose sanctions for

1 violations of parole, and revoke parole for those sentenced
2 under the law in effect prior to this amendatory Act of
3 1977; provided that the decision to parole and the
4 conditions of parole for all prisoners who were sentenced
5 for first degree murder or who received a minimum sentence
6 of 20 years or more under the law in effect prior to
7 February 1, 1978 shall be determined by a majority vote of
8 the Prisoner Review Board. One representative supporting
9 parole and one representative opposing parole will be
10 allowed to speak. Their comments shall be limited to making
11 corrections and filling in omissions to the Board's
12 presentation and discussion;

13 (3) hear by at least one member and through a panel of
14 at least 3 members decide, the conditions of mandatory
15 supervised release and the time of discharge from mandatory
16 supervised release, impose sanctions for violations of
17 mandatory supervised release, and revoke mandatory
18 supervised release for those sentenced under the law in
19 effect after the effective date of this amendatory Act of
20 1977;

21 (3.5) hear by at least one member and through a panel
22 of at least 3 members decide, the conditions of mandatory
23 supervised release and the time of discharge from mandatory
24 supervised release, to impose sanctions for violations of
25 mandatory supervised release and revoke mandatory
26 supervised release for those serving extended supervised

1 release terms pursuant to paragraph (4) of subsection (d)
2 of Section 5-8-1;

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

7 (4) hear by at least one member and through a panel of
8 at least 3 members, decide cases brought by the Department
9 of Corrections against a prisoner in the custody of the
10 Department for alleged violation of Department rules with
11 respect to sentence credits under Section 3-6-3 of this
12 Code in which the Department seeks to revoke sentence
13 credits, if the amount of time at issue exceeds 30 days or
14 when, during any 12 month period, the cumulative amount of
15 credit revoked exceeds 30 days except where the infraction
16 is committed or discovered within 60 days of scheduled
17 release. In such cases, the Department of Corrections may
18 revoke up to 30 days of sentence credit. The Board may
19 subsequently approve the revocation of additional sentence
20 credit, if the Department seeks to revoke sentence credit
21 in excess of thirty days. However, the Board shall not be
22 empowered to review the Department's decision with respect
23 to the loss of 30 days of sentence credit for any prisoner
24 or to increase any penalty beyond the length requested by
25 the Department;

26 (5) hear by at least one member and through a panel of

1 at least 3 members decide, the release dates for certain
2 prisoners sentenced under the law in existence prior to the
3 effective date of this amendatory Act of 1977, in
4 accordance with Section 3-3-2.1 of this Code;

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

9 (6.5) hear, by at least one member who is qualified in
10 the field of juvenile matters and through a panel of at
11 least 3 members, 2 of whom are qualified in the field of
12 juvenile matters, decide parole review cases in accordance
13 with Section 5-4.5-110 of this Code and make release
14 determinations of persons under the age of 21 at the time
15 of the commission of an offense or offenses, other than
16 those persons serving sentences for first degree murder or
17 aggravated criminal sexual assault;

18 (6.6) hear by at least a quorum of the Prisoner Review
19 Board and decide by a majority of members present at the
20 hearing, in accordance with Section 5-4.5-110 of this Code,
21 release determinations of persons under the age of 21 at
22 the time of the commission of an offense or offenses of
23 those persons serving sentences for first degree murder or
24 aggravated criminal sexual assault;

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

18 Sec. 3-3-9. Violations; changes of conditions; preliminary
19 hearing; revocation of parole or mandatory supervised release;
20 revocation hearing.

21 (a) If prior to expiration or termination of the term of
22 parole or mandatory supervised release, a person violates a
23 condition set by the Prisoner Review Board or a condition of
24 parole or mandatory supervised release under Section 3-3-7 of
25 this Code to govern that term, the Board may:

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

3 (1.5) for those released as a result of youthful
4 offender parole as set forth in Section 5-4.5-110 of this
5 Code, order that the inmate be subsequently rereleased to
6 serve a specified mandatory supervised release term not to
7 exceed the full term permitted under the provisions of
8 5-4.5-110 and subsection (d) of Section 5-8-1 of this Code
9 and may modify or enlarge the conditions of the release as
10 the Board deems proper; or

11 (2) parole or release the person to a half-way house;
12 or

13 (3) revoke the parole or mandatory supervised release
14 and reconfine the person for a term computed in the
15 following manner:

16 (i) (A) For those sentenced under the law in effect
17 prior to this amendatory Act of 1977, the recommitment
18 shall be for any portion of the imposed maximum term of
19 imprisonment or confinement which had not been served
20 at the time of parole and the parole term, less the
21 time elapsed between the parole of the person and the
22 commission of the violation for which parole was
23 revoked;

24 (B) Except as set forth in ~~paragraphs~~ paragraph (C)
25 and (D), for those subject to mandatory supervised
26 release under paragraph (d) of Section 5-8-1 of this

1 Code, the recommitment shall be for the total mandatory
2 supervised release term, less the time elapsed between
3 the release of the person and the commission of the
4 violation for which mandatory supervised release is
5 revoked. The Board may also order that a prisoner serve
6 up to one year of the sentence imposed by the court
7 which was not served due to the accumulation of
8 sentence credit;

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

14 (D) For those released as a result of youthful
15 offender parole as set forth in Section 5-4.5-110 of
16 this Code, the reconfinement period shall be for the
17 total mandatory supervised release term, less the time
18 elapsed between the release of the person and the
19 commission of the violation for which mandatory
20 supervised release is revoked. The Board may also order
21 that a prisoner serve up to one year of the mandatory
22 supervised release term previously earned. The Board
23 may also order that the inmate be subsequently
24 rereleased to serve a specified mandatory supervised
25 release term not to exceed the full term permitted
26 under the provisions of 5-4.5-110 and subsection (d) of

1 Section 5-8-1 of this Code and may modify or enlarge
2 the conditions of the release as the Board deems
3 proper;

4 (ii) the person shall be given credit against the
5 term of reimprisonment or reconfinement for time spent
6 in custody since he or she was paroled or released
7 which has not been credited against another sentence or
8 period of confinement;

9 (iii) (blank);

10 (iv) this Section is subject to the release under
11 supervision and the reparole and rerelease provisions
12 of Section 3-3-10.

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

1 community-based sanction shall serve the entire term of parole
2 or mandatory supervised release, if otherwise appropriate.

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

6 (c) A person charged with violating a condition of parole
7 or mandatory supervised release shall have a preliminary
8 hearing before a hearing officer designated by the Board to
9 determine if there is cause to hold the person for a revocation
10 hearing. However, no preliminary hearing need be held when
11 revocation is based upon new criminal charges and a court finds
12 probable cause on the new criminal charges or when the
13 revocation is based upon a new criminal conviction and a
14 certified copy of that conviction is available.

15 (d) Parole or mandatory supervised release shall not be
16 revoked without written notice to the offender setting forth
17 the violation of parole or mandatory supervised release charged
18 against him or her.

19 (e) A hearing on revocation shall be conducted before at
20 least one member of the Prisoner Review Board. The Board may
21 meet and order its actions in panels of 3 or more members. The
22 action of a majority of the panel shall be the action of the
23 Board. A record of the hearing shall be made. At the hearing
24 the offender shall be permitted to:

25 (1) appear and answer the charge; and

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

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

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

8 (Source: P.A. 98-463, eff. 8-16-13; 98-558, eff. 1-1-14;
9 99-628, eff. 1-1-17.)

10 (730 ILCS 5/5-4.5-20)

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

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

22 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
23 shall not be imposed.

24 (c) IMPACT INCARCERATION. The impact incarceration program
25 or the county impact incarceration program is not an authorized

1 disposition.

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

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

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

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

11 (h) DRUG COURT. Drug court is not an authorized
12 disposition.

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

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

18 (k) ELECTRONIC HOME DETENTION. Electronic home detention
19 is not an authorized disposition, except in limited
20 circumstances as provided in Section 5-8A-3 (730 ILCS
21 5/5-8A-3).

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

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

1 (730 ILCS 5/5-4.5-25)

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

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

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. See Section 20 of the Drug Court Treatment

1 Act (730 ILCS 166/20) concerning eligibility for a drug court
2 program.

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

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

8 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
9 5/5-8A-3) concerning eligibility for electronic home
10 detention.

11 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
12 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
13 5/5-8-1), the parole or mandatory supervised release term shall
14 be 3 years upon release from imprisonment.

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

16 (730 ILCS 5/5-4.5-30)

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

19 (a) TERM. The sentence of imprisonment, other than for
20 second degree murder, shall be a determinate sentence of not
21 less than 4 years and not more than 15 years, subject to
22 Section 5-4.5-110 of this Code. The sentence of imprisonment
23 for second degree murder shall be a determinate sentence of not
24 less than 4 years and not more than 20 years, subject to
25 Section 5-4.5-110 of this Code. The sentence of imprisonment

1 for an extended term Class 1 felony, as provided in Section
2 5-8-2 (730 ILCS 5/5-8-2), subject to Section 5-4.5-110 of this
3 Code, shall be a term not less than 15 years and not more than
4 30 years.

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

9 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
10 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
11 the impact incarceration program or the county impact
12 incarceration program.

13 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
14 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
15 period of probation or conditional discharge shall not exceed 4
16 years. The court shall specify the conditions of probation or
17 conditional discharge as set forth in Section 5-6-3 (730 ILCS
18 5/5-6-3). In no case shall an offender be eligible for a
19 disposition of probation or conditional discharge for a Class 1
20 felony committed while he or she was serving a term of
21 probation or conditional discharge for a felony.

22 (e) FINE. Fines may be imposed as provided in Section
23 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

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

26 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall

1 be concurrent or consecutive as provided in Section 5-8-4 (730
2 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

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

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

9 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
10 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
11 (730 ILCS 130/) for rules and regulations for sentence credit.

12 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
13 5/5-8A-3) concerning eligibility for electronic home
14 detention.

15 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
16 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
17 5/5-8-1), the parole or mandatory supervised release term shall
18 be 2 years upon release from imprisonment.

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

20 (730 ILCS 5/5-4.5-110 new)

21 Sec. 5-4.5-110. Parole review of persons under the age of
22 21 at the time of the commission of an offense.

23 (a) For purposes of this Section, "victim" means a victim
24 of a violent crime as defined in subsection (a) of Section 3 of
25 the Rights of Crime Victims and Witnesses Act including a

1 witness as defined in subsection (b) of Section 3 of the Rights
2 of Crime Victims and Witnesses Act; any person legally related
3 to the victim by blood, marriage, adoption, or guardianship;
4 any friend of the victim; or any concerned citizen.

5 (b) A person under 21 years of age at the time of the
6 commission of an offense or offenses, other than first degree
7 murder, and who is not serving a sentence for first degree
8 murder and who is sentenced on or after the effective date of
9 this amendatory Act of the 100th General Assembly shall be
10 eligible for parole review by the Prisoner Review Board after
11 serving 10 years or more of his or her sentence or sentences,
12 except for those serving a sentence or sentences for: (1)
13 aggravated criminal sexual assault who shall be eligible for
14 parole review by the Prisoner Review Board after serving 20
15 years or more of his or her sentence or sentences or (2)
16 predatory criminal sexual assault of a child who shall not be
17 eligible for parole review by the Prisoner Review Board under
18 this Section. A person under 21 years of age at the time of the
19 commission of first degree murder who is sentenced on or after
20 the effective date of this amendatory Act of the 100th General
21 Assembly shall be eligible for parole review by the Prisoner
22 Review Board after serving 20 years or more of his or her
23 sentence or sentences, except for those subject to a term of
24 natural life imprisonment under Section 5-8-1 of this Code or
25 any person subject to sentencing under subsection (c) of
26 Section 5-4.5-105 of this Code.

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

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

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

6 (f) Nine months prior to the hearing, the Prisoner Review
7 Board shall provide the eligible person, and his or her
8 counsel, any written documents or materials it will be
9 considering in making its decision unless the written documents
10 or materials are specifically found to: (1) include information
11 which, if disclosed, would damage the therapeutic relationship
12 between the inmate and a mental health professional; (2)
13 subject any person to the actual risk of physical harm; (3)
14 threaten the safety or security of the Department or an
15 institution. Victim impact statements either oral, written,
16 video-taped, tape recorded or made by other electronic means
17 shall not be subject to disclosure under the Freedom of
18 Information Act. The inmate or his or her attorney shall not be
19 given a copy of the statement, but shall be informed of the
20 existence of a victim impact statement and the position taken
21 by the victim on the inmate's request for parole. This shall
22 not be construed to permit disclosure to an inmate of any
23 information which might result in the risk of threats or
24 physical harm to a victim. The Prisoner Review Board shall have
25 an ongoing duty to provide the eligible person, and his or her
26 counsel, with any further documents or materials that come into

1 its possession prior to the hearing subject to the limitations
2 contained in this subsection.

3 (g) Not less than 12 months prior to the hearing, the
4 Prisoner Review Board shall provide notification to the State's
5 Attorney of the county from which the person was committed and
6 written notification to the victim or family of the victim of
7 the scheduled hearing place, date, and approximate time. The
8 written notification shall contain: (1) information about
9 their right to be present, appear in person at the parole
10 hearing, and their right to make an oral statement and submit
11 information in writing, by videotape, tape recording, or other
12 electronic means; (2) a toll-free number to call for further
13 information about the parole review process; and (3)
14 information regarding available resources, including
15 trauma-informed therapy, they may access. If the Board does not
16 have knowledge of the current address of the victim or family
17 of the victim, it shall notify the State's Attorney of the
18 county of commitment and request assistance in locating the
19 victim or family of the victim. Those victims or family of the
20 victims who advise the Board in writing that they no longer
21 wish to be notified shall not receive future notices. A victim
22 shall have the right to submit information by videotape, tape
23 recording, or other electronic means. The victim may submit
24 this material prior to or at the parole hearing. The victim
25 also has the right to be heard at the parole hearing.

26 (h) The hearing conducted by the Prisoner Review Board

1 shall be governed by Sections 15 and 20, subsection (f) of
2 Section 5, subsection (a) of Section 10, subsection (d) of
3 Section 25, and subsections (a), (b), and (e) of Section 35 of
4 the Open Parole Hearings Act and Part 1610 of Title 20 of the
5 Illinois Administrative Code. The eligible person has a right
6 to be present at the Prisoner Review Board hearing, unless the
7 Prisoner Review Board determines the eligible person's
8 presence is unduly burdensome when conducting a hearing under
9 paragraph (6.6) of subsection (a) of Section 3-3-2 of this
10 Code. If a psychological evaluation is submitted for the
11 Prisoner Review Board's consideration, it shall be prepared by
12 a person who has expertise in adolescent brain development and
13 behavior, and shall take into consideration the diminished
14 culpability of youthful offenders, the hallmark features of
15 youth, and any subsequent growth and increased maturity of the
16 person. At the hearing, the eligible person shall have the
17 right to make a statement on his or her own behalf.

18 (i) Only upon motion for good cause shall the date for the
19 Prisoner Review Board hearing, as set by subsection (b) of this
20 Section, be changed. No less than 15 days prior to the hearing,
21 the Prisoner Review Board shall notify the victim or victim
22 representative, the attorney, and the eligible person of the
23 exact date and time of the hearing. All hearings shall be open
24 to the public.

25 (j) The Prisoner Review Board shall not parole the eligible
26 person if it determines that:

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

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

7 (3) the eligible person's release would have a
8 substantially adverse effect on institutional discipline.

9 In considering the factors affecting the release
10 determination under 20 Ill. Adm. Code 1610.50(b), the Prisoner
11 Review Board panel shall consider the diminished culpability of
12 youthful offenders, the hallmark features of youth, and any
13 subsequent growth and maturity of the youthful offender during
14 incarceration.

15 (k) Unless denied parole under subsection (j) of this
16 Section: (1) the eligible person serving a sentence for any
17 non-first degree murder offense or offenses, shall be released
18 on parole which shall operate to discharge any remaining term
19 of years sentence imposed upon him or her, notwithstanding any
20 required mandatory supervised release period the eligible
21 person is required to serve; and (2) the eligible person
22 serving a sentence for any first degree murder offense, shall
23 be released on mandatory supervised release for a period of 10
24 years subject to Section 3-3-8, which shall operate to
25 discharge any remaining term of years sentence imposed upon him
26 or her, however in no event shall the eligible person serve a

1 period of mandatory supervised release greater than the
2 aggregate of the discharged underlying sentence and the
3 mandatory supervised release period as sent forth in Section
4 5-4.5-20.

5 (l) If the Prisoner Review Board denies parole after
6 conducting the hearing under subsection (j) of this Section, it
7 shall issue a written decision which states the rationale for
8 denial, including the primary factors considered. This
9 decision shall be provided to the eligible person and his or
10 her counsel within 30 days.

11 (m) A person denied parole under subsection (j) of this
12 Section, who is not serving a sentence for either first degree
13 murder or aggravated criminal sexual assault, shall be eligible
14 for a second parole review by the Prisoner Review Board 5 years
15 after the written decision under subsection (l) of this
16 Section; a person denied parole under subsection (j) of this
17 Section, who is serving a sentence or sentences for first
18 degree murder or aggravated criminal sexual assault shall be
19 eligible for a second and final parole review by the Prisoner
20 Review Board 10 years after the written decision under
21 subsection (k) of this Section. The procedures for a second
22 parole review shall be governed by subsections (c) through (k)
23 of this Section.

24 (n) A person denied parole under subsection (m) of this
25 Section, who is not serving a sentence for either first degree
26 murder or aggravated criminal sexual assault, shall be eligible

1 for a third and final parole review by the Prisoner Review
2 Board 5 years after the written decision under subsection (l)
3 of this Section. The procedures for the third and final parole
4 review shall be governed by subsections (c) through (k) of this
5 Section.

6 (o) Notwithstanding anything else to the contrary in this
7 Section, nothing in this Section shall be construed to delay
8 parole or mandatory supervised release consideration for
9 petitioners who are or will be eligible for release earlier
10 than this Section provides. Nothing in this Section shall be
11 construed as a limit, substitution, or bar on a person's right
12 to sentencing relief, or any other manner of relief, obtained
13 by order of a court in proceedings other than as provided in
14 this Section.

15 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

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

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

23 (1) for first degree murder,

24 (a) (blank),

25 (b) if a trier of fact finds beyond a reasonable

1 doubt that the murder was accompanied by exceptionally
2 brutal or heinous behavior indicative of wanton
3 cruelty or, except as set forth in subsection (a) (1) (c)
4 of this Section, that any of the aggravating factors
5 listed in subsection (b) or (b-5) of Section 9-1 of the
6 Criminal Code of 1961 or the Criminal Code of 2012 are
7 present, the court may sentence the defendant, subject
8 to Section 5-4.5-105, to a term of natural life
9 imprisonment, or

10 (c) the court shall sentence the defendant to a
11 term of natural life imprisonment if the defendant, at
12 the time of the commission of the murder, had attained
13 the age of 18, and

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

16 (ii) is found guilty of murdering more than one
17 victim, or

18 (iii) is found guilty of murdering a peace
19 officer, fireman, or emergency management worker
20 when the peace officer, fireman, or emergency
21 management worker was killed in the course of
22 performing his official duties, or to prevent the
23 peace officer or fireman from performing his
24 official duties, or in retaliation for the peace
25 officer, fireman, or emergency management worker
26 from performing his official duties, and the

1 defendant knew or should have known that the
2 murdered individual was a peace officer, fireman,
3 or emergency management worker, or

4 (iv) is found guilty of murdering an employee
5 of an institution or facility of the Department of
6 Corrections, or any similar local correctional
7 agency, when the employee was killed in the course
8 of performing his official duties, or to prevent
9 the employee from performing his official duties,
10 or in retaliation for the employee performing his
11 official duties, or

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

1 medical assistant or first aid personnel, or

2 (vi) (blank), or

3 (vii) is found guilty of first degree murder
4 and the murder was committed by reason of any
5 person's activity as a community policing
6 volunteer or to prevent any person from engaging in
7 activity as a community policing volunteer. For
8 the purpose of this Section, "community policing
9 volunteer" has the meaning ascribed to it in
10 Section 2-3.5 of the Criminal Code of 2012.

11 For purposes of clause (v), "emergency medical
12 technician - ambulance", "emergency medical technician
13 - intermediate", "emergency medical technician -
14 paramedic", have the meanings ascribed to them in the
15 Emergency Medical Services (EMS) Systems Act.

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

19 (ii) if, during the commission of the offense,
20 the person personally discharged a firearm, 20
21 years shall be added to the term of imprisonment
22 imposed by the court;

23 (iii) if, during the commission of the
24 offense, the person personally discharged a
25 firearm that proximately caused great bodily harm,
26 permanent disability, permanent disfigurement, or

1 death to another person, 25 years or up to a term
2 of natural life shall be added to the term of
3 imprisonment imposed by the court.

4 (2) (blank);

5 (2.5) for a person who has attained the age of 18 years
6 at the time of the commission of the offense and who is
7 convicted under the circumstances described in subdivision
8 (b) (1) (B) of Section 11-1.20 or paragraph (3) of subsection
9 (b) of Section 12-13, subdivision (d) (2) of Section 11-1.30
10 or paragraph (2) of subsection (d) of Section 12-14,
11 subdivision (b) (1.2) of Section 11-1.40 or paragraph (1.2)
12 of subsection (b) of Section 12-14.1, subdivision (b) (2) of
13 Section 11-1.40 or paragraph (2) of subsection (b) of
14 Section 12-14.1 of the Criminal Code of 1961 or the
15 Criminal Code of 2012, the sentence shall be a term of
16 natural life imprisonment.

17 (b) (Blank).

18 (c) (Blank).

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

22 (1) for first degree murder or a Class X felony except
23 for the offenses of predatory criminal sexual assault of a
24 child, aggravated criminal sexual assault, and criminal
25 sexual assault if committed on or after the effective date
26 of this amendatory Act of the 94th General Assembly and

1 except for the offense of aggravated child pornography
2 under Section 11-20.1B, 11-20.3, or 11-20.1 with
3 sentencing under subsection (c-5) of Section 11-20.1 of the
4 Criminal Code of 1961 or the Criminal Code of 2012, if
5 committed on or after January 1, 2009, 3 years;

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

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

15 (4) for defendants who commit the offense of predatory
16 criminal sexual assault of a child, aggravated criminal
17 sexual assault, or criminal sexual assault, on or after the
18 effective date of this amendatory Act of the 94th General
19 Assembly, or who commit the offense of aggravated child
20 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
21 with sentencing under subsection (c-5) of Section 11-20.1
22 of the Criminal Code of 1961 or the Criminal Code of 2012,
23 manufacture of child pornography, or dissemination of
24 child pornography after January 1, 2009, the term of
25 mandatory supervised release shall range from a minimum of
26 3 years to a maximum of the natural life of the defendant;

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

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

10 (e) (Blank).

11 (f) (Blank).

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