



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2073

Introduced 2/10/2017, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

See Index

Amends the Unified Code of Corrections. Provides that at least 9 (rather than 6) members appointed to the Prisoner Review Board must have had at least 5 (rather than 3) years experience in the field of juvenile matters including a post-graduate degree and a demonstrated competency in the field of adolescent development. Provides that no more than 3 members qualified in the field of juvenile matters may use their experience in law enforcement, the prosecution of juveniles, corrections, or their prior experience as a member of the Board prior to the effective date of the amendatory Act, towards their 5 years of actual experience in the field of juvenile matters. Provides that a person under 21 years of age at the time of the commission of a non-homicide offense or offenses, and who is not serving a sentence for a homicide offense, shall be eligible for parole review by the Prisoner Review Board after serving 10 years or more of his or her sentence. Provides that a person under 21 years of age at the time of the commission of a homicide offense or offenses, shall be eligible for parole review by the Prisoner Review Board after serving 20 years or more of his or her sentence. Provides that 3 years prior to becoming eligible for parole review, the eligible person may file his or her petition for parole review with the Prisoner Review Board. Provides that the eligible person has a right to be physically present at the Prisoner Review Board hearing. Provides that the eligible person and his or her counsel have a right to present written documents and oral testimony at the Prisoner Review Board hearing. Provides that unless denied parole, the eligible person shall be released on parole which shall operate to discharge the remaining term of years or natural life sentence imposed upon him or her, notwithstanding any required mandatory supervised release period the eligible person is required to serve.

LRB100 06854 RLC 16903 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-3-1, 3-3-2, 5-4.5-20, 5-4.5-25, 5-4.5-30,
6 and 5-8-1 by adding Sections 5-4.5-110 and 5-4.5-115 as
7 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 (1.5) (blank);

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

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

22 (4) the authority for establishing release dates for
23 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 9 ~~6~~ members so appointed
21 must have had at least 5 ~~3~~ years experience in the field of
22 juvenile matters including a post-graduate degree and a
23 demonstrated competency in the field of adolescent
24 development. No more than 8 Board members may be members of the
25 same political party. No more than 3 members so qualified in
26 the field of juvenile matters may use their experience in law

1 enforcement, the prosecution of juveniles, corrections, or
2 their prior experience as a member of the Board prior to the
3 effective date of this amendatory Act of the 100th General
4 Assembly, towards their 5 years of actual experience in the
5 field of juvenile matters.

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

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

24 Of the initial members appointed under this amendatory Act
25 of the 93rd General Assembly, the Governor shall appoint 5
26 members whose terms shall expire on the third Monday in January

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

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

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

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

16 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

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

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

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

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

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

1 effect after the effective date of this amendatory Act of
2 1977;

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

11 (3.6) hear by at least one member and through a panel
12 of at least 3 members decide whether to revoke aftercare
13 release for those committed to the Department of Juvenile
14 Justice under the Juvenile Court Act of 1987;

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

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

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

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

17 (6.5) hear, in accordance with Section 5-4.5-110 of
18 this Code, parole review and make release determinations of
19 persons under the age of 21 at the time of the commission
20 of an offense;

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

23 (8) hear by at least one member and, through a panel of
24 at least 3 members, decide cases brought by the Department
25 of Corrections against a prisoner in the custody of the
26 Department for court dismissal of a frivolous lawsuit

1 pursuant to Section 3-6-3(d) of this Code in which the
2 Department seeks to revoke up to 180 days of sentence
3 credit, and if the prisoner has not accumulated 180 days of
4 sentence credit at the time of the dismissal, then all
5 sentence credit accumulated by the prisoner shall be
6 revoked;

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

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

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

24 (B) until 5 years have elapsed since any arrests or
25 detentions by a law enforcement officer for an alleged
26 violation of law, other than a petty offense, traffic

1 offense, conservation offense, or local ordinance
2 offense;

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

11 (D) if convicted of:

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

16 (ii) aggravated assault;

17 (iii) aggravated battery;

18 (iv) domestic battery;

19 (v) aggravated domestic battery;

20 (vi) violation of an order of protection;

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

24 (viii) driving while under the influence of
25 alcohol, other drug or drugs, intoxicating
26 compound or compounds or any combination thereof;

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

5 (x) any crime defined as a crime of violence
6 under Section 2 of the Crime Victims Compensation
7 Act.

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

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

17 The Board may only authorize the sealing of Class 3 and
18 4 felony convictions of the petitioner from one information
19 or indictment under this paragraph (10). A petitioner may
20 only receive one certificate of eligibility for sealing
21 under this provision for life; and

22 (11) upon a petition by a person who after having been
23 convicted of a Class 3 or Class 4 felony thereafter served
24 in the United States Armed Forces or National Guard of this
25 or any other state and had received an honorable discharge
26 from the United States Armed Forces or National Guard or

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

13 (A) if convicted of:

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

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

19 (iii) a crime of violence as defined in Section
20 2 of the Crime Victims Compensation Act; or

21 (B) if the person has not served in the United
22 States Armed Forces or National Guard of this or any
23 other state or has not received an honorable discharge
24 from the United States Armed Forces or National Guard
25 of this or any other state or who at the time of the
26 filing of the petition is serving in the United States

1 Armed Forces or National Guard of this or any other
2 state and has not completed one tour of duty.

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

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

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

26 (c) The Board shall cooperate with the Department in

1 promoting an effective system of parole and mandatory
2 supervised release.

3 (d) The Board shall promulgate rules for the conduct of its
4 work, and the Chairman shall file a copy of such rules and any
5 amendments thereto with the Director and with the Secretary of
6 State.

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

10 (f) The Board or one who has allegedly violated the
11 conditions of his or her parole, aftercare release, or
12 mandatory supervised release may require by subpoena the
13 attendance and testimony of witnesses and the production of
14 documentary evidence relating to any matter under
15 investigation or hearing. The Chairman of the Board may sign
16 subpoenas which shall be served by any agent or public official
17 authorized by the Chairman of the Board, or by any person
18 lawfully authorized to serve a subpoena under the laws of the
19 State of Illinois. The attendance of witnesses, and the
20 production of documentary evidence, may be required from any
21 place in the State to a hearing location in the State before
22 the Chairman of the Board or his or her designated agent or
23 agents or any duly constituted Committee or Subcommittee of the
24 Board. Witnesses so summoned shall be paid the same fees and
25 mileage that are paid witnesses in the circuit courts of the
26 State, and witnesses whose depositions are taken and the

1 persons taking those depositions are each entitled to the same
2 fees as are paid for like services in actions in the circuit
3 courts of the State. Fees and mileage shall be vouchered for
4 payment when the witness is discharged from further attendance.

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

26 Each member of the Board and any hearing officer designated

1 by the Board shall have the power to administer oaths and to
2 take the testimony of persons under oath.

3 (g) Except under subsection (a) of this Section, a majority
4 of the members then appointed to the Prisoner Review Board
5 shall constitute a quorum for the transaction of all business
6 of the Board.

7 (h) The Prisoner Review Board shall annually transmit to
8 the Director a detailed report of its work for the preceding
9 calendar year. The annual report shall also be transmitted to
10 the Governor for submission to the Legislature.

11 (Source: P.A. 98-399, eff. 8-16-13; 98-558, eff. 1-1-14;
12 98-756, eff. 7-16-14; 99-628, eff. 1-1-17.)

13 (730 ILCS 5/5-4.5-20)

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

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

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

1 shall not be imposed.

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

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

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

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

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

14 (h) DRUG COURT. Drug court is not an authorized
15 disposition.

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

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

21 (k) ELECTRONIC HOME DETENTION. Electronic home detention
22 is not an authorized disposition, except in limited
23 circumstances as provided in Section 5-8A-3 (730 ILCS
24 5/5-8A-3).

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

1 mandatory supervised release term shall be 3 years upon release
2 from imprisonment.

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

4 (730 ILCS 5/5-4.5-25)

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

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

14 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
15 shall not be imposed.

16 (c) IMPACT INCARCERATION. The impact incarceration program
17 or the county impact incarceration program is not an authorized
18 disposition.

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

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

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

25 (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 no credit for time spent in home
8 detention prior to judgment.

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

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

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

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

19 (730 ILCS 5/5-4.5-30)

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

22 (a) TERM. The sentence of imprisonment, other than for
23 second degree murder, shall be a determinate sentence of not
24 less than 4 years and not more than 15 years. The sentence of
25 imprisonment for second degree murder shall be a determinate

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

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

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

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

23 (e) FINE. Fines may be imposed as provided in Section
24 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

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

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

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

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

10 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
11 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
12 (730 ILCS 130/) for rules and regulations for sentence credit.

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

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

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

21 (730 ILCS 5/5-4.5-110 new)

22 Sec. 5-4.5-110. Parole review of persons under the age of
23 21 at the time of the commission of an offense.

24 (a) A person under 21 years of age at the time of the
25 commission of a non-homicide offense or offenses, and who is

1 not serving a sentence for a homicide offense, shall be
2 eligible for parole review by the Prisoner Review Board after
3 serving 10 years or more of his or her sentence. A person under
4 21 years of age at the time of the commission of a homicide
5 offense or offenses, shall be eligible for parole review by the
6 Prisoner Review Board after serving 20 years or more of his or
7 her sentence.

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

22 (c) Within 6 months of the Prisoner Review Board's
23 determination that the petition was appropriately filed, the
24 Department of Corrections shall prepare a written assessment of
25 the needs of the eligible person and identify programming and
26 services that would be appropriate to prepare the offender for

1 return to the community, and provide a copy of that assessment
2 to the Prisoner Review Board and the eligible person. The
3 Department of Corrections shall make the programming and
4 services available to the eligible person. Within 30 days of
5 the completion of the written assessment, the Prisoner Review
6 Board and a representative from the Department of Corrections
7 shall meet with the eligible person and provide the inmate
8 information about the parole hearing process, legal factors
9 relevant to his or her suitability or unsuitability for parole,
10 and personalized recommendations for the inmate regarding his
11 or her work assignments, rehabilitative programs, and
12 institutional behavior. Following this meeting, the eligible
13 person has 7 calendar days to file a written request to the
14 representative from the Department of Corrections who met with
15 the eligible person of any additional programs and services
16 which the eligible person believes should be included in the
17 assessment to prepare the eligible person for return to the
18 community. Within 30 days following the meeting, the Board
19 shall issue its recommendations to the inmate in writing
20 regarding the programs and services within the Department of
21 Corrections in which the eligible person should participate in
22 order to prepare for his or her return to the community.

23 (d) One year prior to the person being eligible for parole,
24 counsel shall be appointed from the county in which he or she
25 was originally sentenced. If appointed counsel has a good faith
26 belief that the person is not indigent, counsel may file a

1 motion before the Prisoner Review Board seeking withdrawal. If
2 withdrawal is granted, the person retains the right to counsel
3 in future proceedings under this Section.

4 (e) Nine months prior to the hearing, the Prisoner Review
5 Board shall provide the eligible person, and his or her
6 counsel, any written documents or materials it will be
7 considering in making its decision. The Prisoner Review Board
8 shall have an ongoing duty to provide the eligible person, and
9 his or her counsel, with any further documents or materials
10 that comes into its possession prior to the hearing.

11 (f) Nine months before the hearing, the Prisoner Review
12 Board shall provide notification to the victim or family of the
13 victim, of the scheduled hearing date. The Prisoner Review
14 Board also shall advise the victim or family of the victim of
15 the offense, of their rights under Section 8.1 of Article I of
16 the Illinois Constitution and the laws of this State. The
17 Prisoner Review Board shall afford the victim or families of
18 victims of the crime, or both, for which the petitioner was
19 originally sentenced an opportunity to provide a victim impact
20 statement at the parole hearing. The Prisoner Review Board
21 shall permit those statements and may consider the live
22 testimony of a victim or a victim representative at its
23 discretion.

24 (g) The eligible person has a right to be physically
25 present at the Prisoner Review Board hearing. Any form of
26 electronic or video transmission may not constitute physical

1 presence. At the hearing, the eligible person shall have the
2 right to make a statement on his or her own behalf. The
3 eligible person shall have his or her constitutional right to
4 remain silent.

5 (h) The eligible person and his or her counsel have a right
6 to present written documents and oral testimony at the Prisoner
7 Review Board hearing. If a psychological evaluation is
8 submitted for the Prisoner Review Board's consideration, it
9 shall be prepared by a person who has expertise in adolescent
10 brain development and behavior, and shall take into
11 consideration the diminished culpability of youthful
12 offenders, the hallmark features of youth, and any subsequent
13 growth and increased maturity of the person. The eligible
14 person and his or her counsel shall also have the right to
15 cross-examine any witnesses appearing in opposition to the
16 eligible person's release.

17 (i) The Prisoner Review Board hearing shall be conducted by
18 3 members of the Prisoner Review Board qualified in the field
19 of juvenile matters.

20 (j) Only upon motion for good cause shown of the eligible
21 person, or his or her attorney, shall the date for the Prisoner
22 Review Board hearing, as set by subsection (b) of this Section,
23 be changed. All hearings shall be open to the public, and shall
24 be transcribed as provided for under the Court Reporters Act
25 and the Court Reporter Transcript Act.

26 (k) It is presumed that the eligible person shall be

1 released on parole after the Prisoner Review Board hearing is
2 conducted unless the 3-person panel unanimously finds by clear
3 and convincing evidence that continued incarceration is
4 required to protect the public from significant danger of harm
5 posed by the eligible person. In making its determination of
6 whether the presumption is overcome, the 3-person panel must
7 consider the diminished culpability of youthful offenders, the
8 hallmark features of youth, and any subsequent growth and
9 maturity of the youthful offender during incarceration.

10 (l) Unless denied parole under subsection (k) of this
11 Section, the eligible person shall be released on parole which
12 shall operate to discharge the remaining term of years or
13 natural life sentence imposed upon him or her, notwithstanding
14 any required mandatory supervised release period the eligible
15 person is required to serve.

16 (m) If the Prisoner Review Board denies parole after
17 conducting the hearing under subsection (k) of this Section, it
18 shall issue a written decision denying the parole and provide
19 that decision to the eligible person and his or her counsel
20 within 7 calendar days.

21 (n) If the eligible person wishes to challenge the denial
22 of parole, the eligible person shall submit a written request
23 for a review of the Prisoner Review Board's decision under
24 subsection (m) of this Section. The review shall be conducted
25 by a panel of 6 members of the Prisoner Review Board qualified
26 in the field of juvenile matters, except that any board member

1 who participated in the decision from which the challenge is
2 being taken may not participate in the review. Only in the
3 event of a conflict of interest, illness, or medical emergency,
4 may a member of the review panel excuse himself or herself.
5 Only in the event of a conflict of interest, illness, medical
6 emergency, or vacancy of a juvenile matters qualified member of
7 the Prisoner Review Board, may the review panel consist of less
8 than 6 members. The review must take place within 60 days of
9 the receipt of the written request. If the review panel
10 unanimously agrees with the determination denying parole under
11 subsection (m) of this Section, the Prisoner Review Board must
12 provide written notification of its decision to the eligible
13 person and his or her attorney. This written notification from
14 the review panel constitutes a final determination.

15 (o) An appeal may be taken from a final determination of
16 the Prisoner Review Board.

17 Proceedings on the appeal shall be governed by Illinois
18 Supreme Court Rule 335 and Section 3-113 of the Code of Civil
19 Procedure. If the eligible person is indigent, the State
20 Appellate Defender shall represent the indigent person on
21 appeal. If appointed counsel has a good faith belief that the
22 person is not indigent, counsel can file a motion in the
23 appellate court seeking withdrawal. If withdrawal is granted,
24 the person retains the right to counsel in future proceedings
25 under this Section.

26 (p) A person denied parole under subsection (m) of this

1 Section shall be eligible for a second parole review by the
2 Prisoner Review Board 10 years after the written decision under
3 subsection (m) of this Section. The procedures for a second
4 parole review shall be governed by subsections (b) through (o)
5 of this Section.

6 (q) A person denied parole under subsection (p) of this
7 Section shall be eligible for a third and final parole review
8 by the Prisoner Review Board 10 years after the written
9 decision under subsection (p) of this Section. The procedures
10 for the third and final parole review shall be governed by
11 subsections (b) through (o) of this Section.

12 (r) Except for those individuals sentenced prior to
13 February 1, 1978, and who are eligible for parole release by
14 the Prisoner Review Board at the time of the effective date of
15 this amendatory Act of the 100th General Assembly, this Section
16 shall operate retroactively to a person incarcerated for a
17 offense or offenses committed before the effective date of this
18 amendatory Act of the 100th General Assembly when he or she was
19 under the age of 21.

20 (s) Notwithstanding anything else to the contrary in this
21 Section, nothing in this Section shall be construed to delay
22 parole or mandatory supervised release consideration for
23 petitioners who, prior to the effective date of this amendatory
24 Act of the 100th General Assembly, are or will be eligible for
25 release earlier than this Section provides. Nothing in this
26 Section shall be construed as a limit, substitution, or bar on

1 a person's right to sentencing relief including any relief
2 provided under Section 5-4.5-115 of this Act, or any other
3 manner of relief, obtained by order of a court in proceedings
4 other than as provided in this Section.

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

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

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

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

18 (1) consider in mitigation the factors listed in
19 paragraphs (1) through (9) of subsection (a) of Section
20 5-4.5-105 of this Code;

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

23 (3) consider any presentence reports;

24 (4) consider the financial impact of incarceration
25 based on the financial impact statement filed with the

1 clerk of the court by the Department of Corrections;

2 (5) consider any additional evidence and information
3 offered by the parties in aggravation and mitigation,
4 including, but not limited to, scientific evidence of
5 recidivism;

6 (6) consider the individual's overall record of
7 behavior while incarcerated, including disciplinary
8 history, and participation in educational, vocational, and
9 life skills programs, including, but not limited to,
10 restorative justice programs, and extent of cooperation
11 with staff;

12 (7) consider the individual's acceptance of
13 responsibility for the crime or expressions of remorse, or
14 both; however, nothing in this paragraph (7) shall be
15 construed against a petitioner who avers a good faith claim
16 of innocence;

17 (8) hear arguments as to sentencing alternatives;

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

20 (10) afford the victim or families of victims of the
21 crime, or both, for which the individual was originally
22 sentenced an opportunity to provide a victim impact
23 statement to the court. The court shall permit those
24 statements and may consider the live testimony of a victim
25 or a victim representative at its discretion.

26 (c) Nothing in this Section shall be construed to prevent

1 or limit a person's constitutional or statutory claims, which
2 have been brought or may be brought, before any court in this
3 State.

4 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

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

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

12 (1) for first degree murder,

13 (a) (blank),

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

24 (c) the court shall sentence the defendant to a
25 term of natural life imprisonment if the defendant, at

1 the time of the commission of the murder, had attained
2 the age of 18, and

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

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

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

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

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

17 (vi) (blank), or

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

26 For purposes of clause (v), "emergency medical

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

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

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

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

19 (2) (blank);

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

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

6 (b) (Blank).

7 (c) (Blank).

8 (d) Subject to earlier termination under Section 3-3-8 of
9 5-4.5-110, the parole or mandatory supervised release term
10 shall be written as part of the sentencing order and shall be
11 as follows:

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

22 (2) for a Class 1 felony or a Class 2 felony except for
23 the offense of criminal sexual assault if committed on or
24 after the effective date of this amendatory Act of the 94th
25 General Assembly and except for the offenses of manufacture
26 and dissemination of child pornography under clauses

1 (a) (1) and (a) (2) of Section 11-20.1 of the Criminal Code
2 of 1961 or the Criminal Code of 2012, if committed on or
3 after January 1, 2009, 2 years;

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

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

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

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

26 (e) (Blank).

1 (f) (Blank).

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

3 Section 10. The Code of Civil Procedure is amended by
4 changing Section 3-104 as follows:

5 (735 ILCS 5/3-104) (from Ch. 110, par. 3-104)

6 Sec. 3-104. Jurisdiction and venue. Jurisdiction to review
7 final administrative decisions is vested in the Circuit Courts,
8 except as to a final order of the Illinois Educational Labor
9 Relations Board in which case jurisdiction to review a final
10 order is vested in the Appellate Court of a judicial district
11 in which the Board maintains an office. Jurisdiction to review
12 an en banc determination by the Prisoner Review Board is vested
13 in the Appellate Court of the judicial district which
14 encompasses the county in which the appellant was originally
15 sentenced. If the venue of the action to review a final
16 administrative decision is expressly prescribed in the
17 particular statute under authority of which the decision was
18 made, such venue shall control, but if the venue is not so
19 prescribed, an action to review a final administrative decision
20 may be commenced in the Circuit Court of any county in which
21 (1) any part of the hearing or proceeding culminating in the
22 decision of the administrative agency was held, or (2) any part
23 of the subject matter involved is situated, or (3) any part of
24 the transaction which gave rise to the proceedings before the

1 agency occurred. The court first acquiring jurisdiction of any
2 action to review a final administrative decision shall have and
3 retain jurisdiction of the action until final disposition of
4 the action.

5 (Source: P.A. 88-1.)

1 INDEX

2 Statutes amended in order of appearance

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

4 730 ILCS 5/3-3-2 from Ch. 38, par. 1003-3-2

5 730 ILCS 5/5-4.5-20

6 730 ILCS 5/5-4.5-25

7 730 ILCS 5/5-4.5-30

8 730 ILCS 5/5-4.5-110 new

9 730 ILCS 5/5-4.5-115 new

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

11 735 ILCS 5/3-104 from Ch. 110, par. 3-104