



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 2073

2 AMENDMENT NO. _____. Amend Senate Bill 2073 by replacing
3 everything after the enacting clause with the following:

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);

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

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

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

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

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

19 (b) The Board shall consist of 15 persons appointed by the
20 Governor by and with the advice and consent of the Senate. One
21 member of the Board shall be designated by the Governor to be
22 Chairman and shall serve as Chairman at the pleasure of the
23 Governor. The members of the Board shall have had at least 5
24 years of actual experience in the fields of penology,
25 corrections work, law enforcement, sociology, law, education,
26 social work, medicine, psychology, other behavioral sciences,

1 or a combination thereof. At least 9 ~~6~~ members so appointed
2 must have a post-graduate degree and had at least 5 ~~3~~ years
3 experience in the field of juvenile matters. No more than 8
4 Board members may be members of the same political party. No
5 more than 3 members so qualified in the field of juvenile
6 matters may use their experience in law enforcement, the
7 prosecution of juveniles, corrections, or their prior
8 experience as a member of the Board prior to the effective date
9 of this amendatory Act of the 100th General Assembly, towards
10 their 5 years of actual experience in the field of juvenile
11 matters.

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

21 (c) Notwithstanding any other provision of this Section,
22 the term of each member of the Board who was appointed by the
23 Governor and is in office on June 30, 2003 shall terminate at
24 the close of business on that date or when all of the successor
25 members to be appointed pursuant to this amendatory Act of the
26 93rd General Assembly have been appointed by the Governor,

1 whichever occurs later. As soon as possible, the Governor shall
2 appoint persons to fill the vacancies created by this
3 amendatory Act.

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

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

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

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

22 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

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

24 (a) The Parole and Pardon Board is abolished and the term
25 "Parole and Pardon Board" as used in any law of Illinois, shall

1 read "Prisoner Review Board." After the effective date of this
2 amendatory Act of 1977, the Prisoner Review Board shall provide
3 by rule for the orderly transition of all files, records, and
4 documents of the Parole and Pardon Board and for such other
5 steps as may be necessary to effect an orderly transition and
6 shall:

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

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

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

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

17 (3.6) hear by at least one member and through a panel
18 of at least 3 members decide whether to revoke aftercare
19 release for those committed to the Department of Juvenile
20 Justice under the Juvenile Court Act of 1987;

21 (4) hear by at least one member and through a panel of
22 at least 3 members, decide cases brought by the Department
23 of Corrections against a prisoner in the custody of the
24 Department for alleged violation of Department rules with
25 respect to sentence credits under Section 3-6-3 of this
26 Code in which the Department seeks to revoke sentence

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

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

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

23 (6.5) hear, in accordance with Section 5-4.5-110 of
24 this Code, parole review and make release determinations of
25 persons under the age of 21 at the time of the commission
26 of an offense;

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

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

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

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

1 sealing:

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

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

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

17 (D) 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 the Criminal Code of
21 2012;

22 (ii) aggravated assault;

23 (iii) aggravated battery;

24 (iv) domestic battery;

25 (v) aggravated domestic battery;

26 (vi) violation of an order of protection;

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

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

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

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

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

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

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

1 under this provision for life; and

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

19 (A) if convicted of:

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

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

25 (iii) a crime of violence as defined in Section
26 2 of the Crime Victims Compensation Act; or

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

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

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

1 General Assembly regarding the use, costs, effectiveness, and
2 future viability of interactive video conferences for Prisoner
3 Review Board hearings.

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

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

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

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

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

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

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

1 investigation or hearing, or to there produce documentary
2 evidence, if so ordered, or to give evidence relative to the
3 subject matter of that investigation or hearing. Any failure to
4 obey such order of the circuit court may be punished by that
5 court as a contempt of court.

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

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

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

17 (Source: P.A. 98-399, eff. 8-16-13; 98-558, eff. 1-1-14;
18 98-756, eff. 7-16-14; 99-628, eff. 1-1-17.)

19 (730 ILCS 5/5-4.5-20)

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

22 (a) TERM. The defendant shall be sentenced to imprisonment
23 or, if appropriate, death under Section 9-1 of the Criminal
24 Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/9-1).
25 Imprisonment shall be for a determinate term, subject to

1 Section 5-4.5-110 of this Code, of (1) not less than 20 years
2 and not more than 60 years; (2) not less than 60 years and not
3 more than 100 years when an extended term is imposed under
4 Section 5-8-2 (730 ILCS 5/5-8-2); or (3) natural life as
5 provided in Section 5-8-1 (730 ILCS 5/5-8-1).

6 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
7 shall not be imposed.

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

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

13 (e) FINE. Fines may be imposed as provided in Section
14 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

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

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

20 (h) DRUG COURT. Drug court is not an authorized
21 disposition.

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

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

1 (k) ELECTRONIC HOME DETENTION. Electronic home detention
2 is not an authorized disposition, except in limited
3 circumstances as provided in Section 5-8A-3 (730 ILCS
4 5/5-8A-3).

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

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

10 (730 ILCS 5/5-4.5-25)

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

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

20 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
21 shall not be imposed.

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

25 (d) PROBATION; CONDITIONAL DISCHARGE. A period of

1 probation or conditional discharge shall not be imposed.

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

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

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

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

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

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

17 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
18 5/5-8A-3) concerning eligibility for electronic home
19 detention.

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

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

25 (730 ILCS 5/5-4.5-30)

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

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

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

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

22 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
23 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
24 period of probation or conditional discharge shall not exceed 4
25 years. The court shall specify the conditions of probation or
26 conditional discharge as set forth in Section 5-6-3 (730 ILCS

1 5/5-6-3). In no case shall an offender be eligible for a
2 disposition of probation or conditional discharge for a Class 1
3 felony committed while he or she was serving a term of
4 probation or conditional discharge for a felony.

5 (e) FINE. Fines may be imposed as provided in Section
6 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

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

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

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

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

18 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
19 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
20 (730 ILCS 130/) for rules and regulations for sentence credit.

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

24 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
25 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
26 5/5-8-1), the parole or mandatory supervised release term shall

1 be 2 years upon release from imprisonment.

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

3 (730 ILCS 5/5-4.5-110 new)

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

6 (a) A person under 21 years of age at the time of the
7 commission of an offense or offenses, other than first degree
8 murder, and who is not serving a sentence for first degree
9 murder, shall be eligible for parole review by the Prisoner
10 Review Board after serving 10 years or more of his or her
11 sentence. A person under 21 years of age at the time of the
12 commission of first degree murder shall be eligible for parole
13 review by the Prisoner Review Board after serving 20 years or
14 more of his or her sentence.

15 (b) Three years prior to becoming eligible for parole
16 review, the eligible person may file his or her petition for
17 parole review with the Prisoner Review Board. The petition
18 shall include a copy of the order of commitment and sentence to
19 the Department of Corrections for the offense or offenses for
20 which review is sought. Within 30 days of receipt of this
21 petition, the Prisoner Review Board shall determine whether the
22 petition is appropriately filed, and if so, shall set a date
23 for parole review three years from receipt of the petition and
24 notify the Department of Corrections within 3 business days. If
25 the Prisoner Review Board determines that the petition is not

1 appropriately filed, it shall notify the petitioner in writing,
2 including a basis for its determination, and such determination
3 is considered final and eligible for review under subsection
4 (o) of this Section.

5 (c) Within 6 months of the Prisoner Review Board's
6 determination that the petition was appropriately filed, the
7 Prisoner Review Board and a representative from the Department
8 of Corrections shall meet with the eligible person and provide
9 the inmate information about the parole hearing process, legal
10 factors relevant to his or her suitability or unsuitability for
11 parole, and personalized recommendations for the inmate
12 regarding his or her work assignments, rehabilitative
13 programs, and institutional behavior. Following this meeting,
14 the eligible person has 7 calendar days to file a written
15 request to the representative from the Department of
16 Corrections and the Prisoner Review Board who met with the
17 eligible person of any additional programs and services which
18 the eligible person believes should be made available to
19 prepare the eligible person for return to the community. Within
20 30 days following the meeting, the Board shall issue its
21 recommendations to the inmate in writing regarding the
22 available programs and services within the Department of
23 Corrections in which the eligible person should participate in
24 order to prepare for his or her return to the community.

25 (d) One year prior to the person being eligible for parole,
26 counsel shall be appointed from the county in which he or she

1 was originally sentenced. If appointed counsel has a good faith
2 belief that the person is not indigent, counsel may file a
3 motion before the Prisoner Review Board seeking withdrawal. If
4 withdrawal is granted, the person retains the right to counsel
5 in future proceedings under this Section.

6 (e) 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. The Prisoner Review Board
10 shall have an ongoing duty to provide the eligible person, and
11 his or her counsel, with any further documents or materials
12 that comes into its possession prior to the hearing.

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

26 (g) The eligible person has a right to be physically

1 present at the Prisoner Review Board hearing. Any form of
2 electronic or video transmission may not constitute physical
3 presence. At the hearing, the eligible person shall have the
4 right to make a statement on his or her own behalf. The
5 eligible person shall have his or her constitutional right to
6 remain silent.

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

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

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

1 and the Court Reporter Transcript Act.

2 (k) It is presumed that the eligible person shall be
3 released on parole after the Prisoner Review Board hearing is
4 conducted unless a majority of those present find by clear and
5 convincing evidence that continued incarceration is required
6 to protect the public from significant danger of harm posed by
7 the eligible person. In making the determination of whether the
8 presumption is overcome, the members of the panel must consider
9 the diminished culpability of youthful offenders, the hallmark
10 features of youth, and any subsequent growth and maturity of
11 the youthful offender during incarceration.

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

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

24 (n) An appeal may be taken to determine whether the
25 Prisoner Review Board abused its discretion denying parole
26 under subsection (m) of this Section.

1 Proceedings on the appeal shall be governed by Illinois
2 Supreme Court Rule 335 and Section 3-113 of the Code of Civil
3 Procedure. If the eligible person is indigent, the State
4 Appellate Defender shall represent the indigent person on
5 appeal. If appointed counsel has a good faith belief that the
6 person is not indigent, counsel can file a motion in the
7 appellate court seeking withdrawal. If withdrawal is granted,
8 the person retains the right to counsel in future proceedings
9 under this Section.

10 (o) A person denied parole under subsection (m) of this
11 Section shall be eligible for a second parole review by the
12 Prisoner Review Board 5 years after the written decision under
13 subsection (m) of this Section. The procedures for a second
14 parole review shall be governed by subsections (b) through (n)
15 of this Section.

16 (p) A person denied parole under subsection (o) of this
17 Section shall be eligible for a third and final parole review
18 by the Prisoner Review Board 5 years after the written decision
19 under subsection (o) of this Section. The procedures for the
20 third and final parole review shall be governed by subsections
21 (b) through (n) of this Section.

22 (q) Except for those individuals sentenced prior to
23 February 1, 1978, and who are eligible for parole release by
24 the Prisoner Review Board at the time of the effective date of
25 this amendatory Act of the 100th General Assembly, this Section
26 shall operate retroactively to a person incarcerated for an

1 offense or offenses committed before the effective date of this
2 amendatory Act of the 100th General Assembly when he or she was
3 under the age of 21 at the time of the commission of the
4 offense or offenses.

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

16 (730 ILCS 5/5-4.5-115 new)

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

20 (a) If at the time of the effective date of this amendatory
21 Act of the 100th General Assembly an individual is serving a
22 sentence of natural life, or was previously serving a sentence
23 of natural life that was vacated after January 1, 2012, for an
24 offense that occurred when he or she was under the age of 18,
25 he or she may seek resentencing under this Section, provided

1 the individual has not already been resentenced after January
2 1, 2012.

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

4 (1) consider in mitigation the factors listed in
5 paragraphs (1) through (9) of subsection (a) of Section
6 5-4.5-105 of this Code;

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

9 (3) consider any presentence reports;

10 (4) consider the financial impact of incarceration
11 based on the financial impact statement filed with the
12 clerk of the court by the Department of Corrections;

13 (5) consider any additional evidence and information
14 offered by the parties in aggravation and mitigation,
15 including, but not limited to, scientific evidence of
16 recidivism;

17 (6) consider the individual's overall record of
18 behavior while incarcerated, including disciplinary
19 history, and participation in educational, vocational, and
20 life skills programs, including, but not limited to,
21 restorative justice programs, and extent of cooperation
22 with staff;

23 (7) consider the individual's acceptance of
24 responsibility for the crime or expressions of remorse, or
25 both; however, nothing in this paragraph (7) shall be
26 construed against a petitioner who avers a good faith claim

1 of innocence;

2 (8) hear arguments as to sentencing alternatives;

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

5 (10) afford the victim or families of victims of the
6 crime, or both, for which the individual was originally
7 sentenced an opportunity to provide a victim impact
8 statement to the court. The court shall permit those
9 statements and may consider the live testimony of a victim
10 or a victim representative at its discretion.

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

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.)

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

15 (735 ILCS 5/3-104) (from Ch. 110, par. 3-104)

16 Sec. 3-104. Jurisdiction and venue. Jurisdiction to review
17 final administrative decisions is vested in the Circuit Courts,
18 except as to a final order of the Illinois Educational Labor
19 Relations Board in which case jurisdiction to review a final
20 order is vested in the Appellate Court of a judicial district
21 in which the Board maintains an office. Jurisdiction to review
22 a final determination by the Prisoner Review Board under
23 Section 5-4.5-110 of the Unified Code of Corrections is vested
24 in the Appellate Court of the judicial district which

1 encompasses the county in which the appellant was originally
2 sentenced. If the venue of the action to review a final
3 administrative decision is expressly prescribed in the
4 particular statute under authority of which the decision was
5 made, such venue shall control, but if the venue is not so
6 prescribed, an action to review a final administrative decision
7 may be commenced in the Circuit Court of any county in which
8 (1) any part of the hearing or proceeding culminating in the
9 decision of the administrative agency was held, or (2) any part
10 of the subject matter involved is situated, or (3) any part of
11 the transaction which gave rise to the proceedings before the
12 agency occurred. The court first acquiring jurisdiction of any
13 action to review a final administrative decision shall have and
14 retain jurisdiction of the action until final disposition of
15 the action.

16 (Source: P.A. 88-1.)".