

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 Rights of Crime Victims and Witnesses Act is
5 amended by changing Sections 4.5 and 6 as follows:

6 (725 ILCS 120/4.5)

7 Sec. 4.5. Procedures to implement the rights of crime
8 victims. To afford crime victims their rights, law enforcement,
9 prosecutors, judges, and corrections will provide information,
10 as appropriate, of the following procedures:

11 (a) At the request of the crime victim, law enforcement
12 authorities investigating the case shall provide notice of the
13 status of the investigation, except where the State's Attorney
14 determines that disclosure of such information would
15 unreasonably interfere with the investigation, until such time
16 as the alleged assailant is apprehended or the investigation is
17 closed.

18 (a-5) When law enforcement authorities reopen ~~re-open~~ a
19 closed case to resume investigating, they shall provide notice
20 of the reopening ~~re-opening~~ of the case, except where the
21 State's Attorney determines that disclosure of such
22 information would unreasonably interfere with the
23 investigation.

1 (b) The office of the State's Attorney:

2 (1) shall provide notice of the filing of an
3 information, the return of an indictment, or the filing of
4 a petition to adjudicate a minor as a delinquent for a
5 violent crime;

6 (2) shall provide timely notice of the date, time, and
7 place of court proceedings; of any change in the date,
8 time, and place of court proceedings; and of any
9 cancellation of court proceedings. Notice shall be
10 provided in sufficient time, wherever possible, for the
11 victim to make arrangements to attend or to prevent an
12 unnecessary appearance at court proceedings;

13 (3) or victim advocate personnel shall provide
14 information of social services and financial assistance
15 available for victims of crime, including information of
16 how to apply for these services and assistance;

17 (3.5) or victim advocate personnel shall provide
18 information about available victim services, including
19 referrals to programs, counselors, and agencies that
20 assist a victim to deal with trauma, loss, and grief;

21 (4) shall assist in having any stolen or other personal
22 property held by law enforcement authorities for
23 evidentiary or other purposes returned as expeditiously as
24 possible, pursuant to the procedures set out in Section
25 115-9 of the Code of Criminal Procedure of 1963;

26 (5) or victim advocate personnel shall provide

1 appropriate employer intercession services to ensure that
2 employers of victims will cooperate with the criminal
3 justice system in order to minimize an employee's loss of
4 pay and other benefits resulting from court appearances;

5 (6) shall provide, whenever possible, a secure waiting
6 area during court proceedings that does not require victims
7 to be in close proximity to defendants or juveniles accused
8 of a violent crime, and their families and friends;

9 (7) shall provide notice to the crime victim of the
10 right to have a translator present at all court proceedings
11 and, in compliance with the federal Americans with
12 Disabilities Act of 1990, the right to communications
13 access through a sign language interpreter or by other
14 means;

15 (8) (blank);

16 (8.5) shall inform the victim of the right to be
17 present at all court proceedings, unless the victim is to
18 testify and the court determines that the victim's
19 testimony would be materially affected if the victim hears
20 other testimony at trial;

21 (9) shall inform the victim of the right to have
22 present at all court proceedings, subject to the rules of
23 evidence and confidentiality, an advocate and other
24 support person of the victim's choice;

25 (9.3) shall inform the victim of the right to retain an
26 attorney, at the victim's own expense, who, upon written

1 notice filed with the clerk of the court and State's
2 Attorney, is to receive copies of all notices, motions, and
3 court orders filed thereafter in the case, in the same
4 manner as if the victim were a named party in the case;

5 (9.5) shall inform the victim of (A) the victim's right
6 under Section 6 of this Act to make a statement at the
7 sentencing hearing; (B) the right of the victim's spouse,
8 guardian, parent, grandparent, and other immediate family
9 and household members under Section 6 of this Act to
10 present a statement at sentencing; and (C) if a presentence
11 report is to be prepared, the right of the victim's spouse,
12 guardian, parent, grandparent, and other immediate family
13 and household members to submit information to the preparer
14 of the presentence report about the effect the offense has
15 had on the victim and the person;

16 (10) at the sentencing shall make a good faith attempt
17 to explain the minimum amount of time during which the
18 defendant may actually be physically imprisoned. The
19 Office of the State's Attorney shall further notify the
20 crime victim of the right to request from the Prisoner
21 Review Board or Department of Juvenile Justice information
22 concerning the release of the defendant;

23 (11) shall request restitution at sentencing and as
24 part of a plea agreement if the victim requests
25 restitution;

26 (12) shall, upon the court entering a verdict of not

1 guilty by reason of insanity, inform the victim of the
2 notification services available from the Department of
3 Human Services, including the statewide telephone number,
4 under subparagraph (d) (2) of this Section;

5 (13) shall provide notice within a reasonable time
6 after receipt of notice from the custodian, of the release
7 of the defendant on bail or personal recognizance or the
8 release from detention of a minor who has been detained;

9 (14) shall explain in nontechnical language the
10 details of any plea or verdict of a defendant, or any
11 adjudication of a juvenile as a delinquent;

12 (15) shall make all reasonable efforts to consult with
13 the crime victim before the Office of the State's Attorney
14 makes an offer of a plea bargain to the defendant or enters
15 into negotiations with the defendant concerning a possible
16 plea agreement, and shall consider the written statement,
17 if prepared prior to entering into a plea agreement. The
18 right to consult with the prosecutor does not include the
19 right to veto a plea agreement or to insist the case go to
20 trial. If the State's Attorney has not consulted with the
21 victim prior to making an offer or entering into plea
22 negotiations with the defendant, the Office of the State's
23 Attorney shall notify the victim of the offer or the
24 negotiations within 2 business days and confer with the
25 victim;

26 (16) shall provide notice of the ultimate disposition

1 of the cases arising from an indictment or an information,
2 or a petition to have a juvenile adjudicated as a
3 delinquent for a violent crime;

4 (17) shall provide notice of any appeal taken by the
5 defendant and information on how to contact the appropriate
6 agency handling the appeal, and how to request notice of
7 any hearing, oral argument, or decision of an appellate
8 court;

9 (18) shall provide timely notice of any request for
10 post-conviction review filed by the defendant under
11 Article 122 of the Code of Criminal Procedure of 1963, and
12 of the date, time and place of any hearing concerning the
13 petition. Whenever possible, notice of the hearing shall be
14 given within 48 hours of the court's scheduling of the
15 hearing; and

16 (19) shall forward a copy of any statement presented
17 under Section 6 to the Prisoner Review Board or Department
18 of Juvenile Justice to be considered in making a
19 determination under Section 3-2.5-85 or subsection (b) of
20 Section 3-3-8 of the Unified Code of Corrections.

21 (c) The court shall ensure that the rights of the victim
22 are afforded.

23 (c-5) The following procedures shall be followed to afford
24 victims the rights guaranteed by Article I, Section 8.1 of the
25 Illinois Constitution:

26 (1) Written notice. A victim may complete a written

1 notice of intent to assert rights on a form prepared by the
2 Office of the Attorney General and provided to the victim
3 by the State's Attorney. The victim may at any time provide
4 a revised written notice to the State's Attorney. The
5 State's Attorney shall file the written notice with the
6 court. At the beginning of any court proceeding in which
7 the right of a victim may be at issue, the court and
8 prosecutor shall review the written notice to determine
9 whether the victim has asserted the right that may be at
10 issue.

11 (2) Victim's retained attorney. A victim's attorney
12 shall file an entry of appearance limited to assertion of
13 the victim's rights. Upon the filing of the entry of
14 appearance and service on the State's Attorney and the
15 defendant, the attorney is to receive copies of all
16 notices, motions and court orders filed thereafter in the
17 case.

18 (3) Standing. The victim has standing to assert the
19 rights enumerated in subsection (a) of Article I, Section
20 8.1 of the Illinois Constitution and the statutory rights
21 under Section 4 of this Act in any court exercising
22 jurisdiction over the criminal case. The prosecuting
23 attorney, a victim, or the victim's retained attorney may
24 assert the victim's rights. The defendant in the criminal
25 case has no standing to assert a right of the victim in any
26 court proceeding, including on appeal.

1 (4) Assertion of and enforcement of rights.

2 (A) The prosecuting attorney shall assert a
3 victim's right or request enforcement of a right by
4 filing a motion or by orally asserting the right or
5 requesting enforcement in open court in the criminal
6 case outside the presence of the jury. The prosecuting
7 attorney shall consult with the victim and the victim's
8 attorney regarding the assertion or enforcement of a
9 right. If the prosecuting attorney decides not to
10 assert or enforce a victim's right, the prosecuting
11 attorney shall notify the victim or the victim's
12 attorney in sufficient time to allow the victim or the
13 victim's attorney to assert the right or to seek
14 enforcement of a right.

15 (B) If the prosecuting attorney elects not to
16 assert a victim's right or to seek enforcement of a
17 right, the victim or the victim's attorney may assert
18 the victim's right or request enforcement of a right by
19 filing a motion or by orally asserting the right or
20 requesting enforcement in open court in the criminal
21 case outside the presence of the jury.

22 (C) If the prosecuting attorney asserts a victim's
23 right or seeks enforcement of a right, and the court
24 denies the assertion of the right or denies the request
25 for enforcement of a right, the victim or victim's
26 attorney may file a motion to assert the victim's right

1 or to request enforcement of the right within 10 days
2 of the court's ruling. The motion need not demonstrate
3 the grounds for a motion for reconsideration. The court
4 shall rule on the merits of the motion.

5 (D) The court shall take up and decide any motion
6 or request asserting or seeking enforcement of a
7 victim's right without delay, unless a specific time
8 period is specified by law or court rule. The reasons
9 for any decision denying the motion or request shall be
10 clearly stated on the record.

11 (5) Violation of rights and remedies.

12 (A) If the court determines that a victim's right
13 has been violated, the court shall determine the
14 appropriate remedy for the violation of the victim's
15 right by hearing from the victim and the parties,
16 considering all factors relevant to the issue, and then
17 awarding appropriate relief to the victim.

18 (A-5) Consideration of an issue of a substantive
19 nature or an issue that implicates the constitutional
20 or statutory right of a victim at a court proceeding
21 labeled as a status hearing shall constitute a per se
22 violation of a victim's right.

23 (B) The appropriate remedy shall include only
24 actions necessary to provide the victim the right to
25 which the victim was entitled and may include reopening
26 previously held proceedings; however, in no event

1 shall the court vacate a conviction. Any remedy shall
2 be tailored to provide the victim an appropriate remedy
3 without violating any constitutional right of the
4 defendant. In no event shall the appropriate remedy be
5 a new trial, damages, or costs.

6 (6) Right to be heard. Whenever a victim has the right
7 to be heard, the court shall allow the victim to exercise
8 the right in any reasonable manner the victim chooses.

9 (7) Right to attend trial. A party must file a written
10 motion to exclude a victim from trial at least 60 days
11 prior to the date set for trial. The motion must state with
12 specificity the reason exclusion is necessary to protect a
13 constitutional right of the party, and must contain an
14 offer of proof. The court shall rule on the motion within
15 30 days. If the motion is granted, the court shall set
16 forth on the record the facts that support its finding that
17 the victim's testimony will be materially affected if the
18 victim hears other testimony at trial.

19 (8) Right to have advocate and support person present
20 at court proceedings.

21 (A) A party who intends to call an advocate as a
22 witness at trial must seek permission of the court
23 before the subpoena is issued. The party must file a
24 written motion at least 90 days before trial that sets
25 forth specifically the issues on which the advocate's
26 testimony is sought and an offer of proof regarding (i)

1 the content of the anticipated testimony of the
2 advocate; and (ii) the relevance, admissibility, and
3 materiality of the anticipated testimony. The court
4 shall consider the motion and make findings within 30
5 days of the filing of the motion. If the court finds by
6 a preponderance of the evidence that: (i) the
7 anticipated testimony is not protected by an absolute
8 privilege; and (ii) the anticipated testimony contains
9 relevant, admissible, and material evidence that is
10 not available through other witnesses or evidence, the
11 court shall issue a subpoena requiring the advocate to
12 appear to testify at an in camera hearing. The
13 prosecuting attorney and the victim shall have 15 days
14 to seek appellate review before the advocate is
15 required to testify at an ex parte in camera
16 proceeding.

17 The prosecuting attorney, the victim, and the
18 advocate's attorney shall be allowed to be present at
19 the ex parte in camera proceeding. If, after conducting
20 the ex parte in camera hearing, the court determines
21 that due process requires any testimony regarding
22 confidential or privileged information or
23 communications, the court shall provide to the
24 prosecuting attorney, the victim, and the advocate's
25 attorney a written memorandum on the substance of the
26 advocate's testimony. The prosecuting attorney, the

1 victim, and the advocate's attorney shall have 15 days
2 to seek appellate review before a subpoena may be
3 issued for the advocate to testify at trial. The
4 presence of the prosecuting attorney at the ex parte in
5 camera proceeding does not make the substance of the
6 advocate's testimony that the court has ruled
7 inadmissible subject to discovery.

8 (B) If a victim has asserted the right to have a
9 support person present at the court proceedings, the
10 victim shall provide the name of the person the victim
11 has chosen to be the victim's support person to the
12 prosecuting attorney, within 60 days of trial. The
13 prosecuting attorney shall provide the name to the
14 defendant. If the defendant intends to call the support
15 person as a witness at trial, the defendant must seek
16 permission of the court before a subpoena is issued.
17 The defendant must file a written motion at least 45
18 days prior to trial that sets forth specifically the
19 issues on which the support person will testify and an
20 offer of proof regarding: (i) the content of the
21 anticipated testimony of the support person; and (ii)
22 the relevance, admissibility, and materiality of the
23 anticipated testimony.

24 If the prosecuting attorney intends to call the
25 support person as a witness during the State's
26 case-in-chief, the prosecuting attorney shall inform

1 the court of this intent in the response to the
2 defendant's written motion. The victim may choose a
3 different person to be the victim's support person. The
4 court may allow the defendant to inquire about matters
5 outside the scope of the direct examination during
6 cross-examination ~~cross-examination~~. If the court
7 allows the defendant to do so, the support person shall
8 be allowed to remain in the courtroom after the support
9 person has testified. A defendant who fails to question
10 the support person about matters outside the scope of
11 direct examination during the State's case-in-chief
12 waives the right to challenge the presence of the
13 support person on appeal. The court shall allow the
14 support person to testify if called as a witness in the
15 defendant's case-in-chief or the State's rebuttal.

16 If the court does not allow the defendant to
17 inquire about matters outside the scope of the direct
18 examination, the support person shall be allowed to
19 remain in the courtroom after the support person has
20 been called by the defendant or the defendant has
21 rested. The court shall allow the support person to
22 testify in the State's rebuttal.

23 If the prosecuting attorney does not intend to call
24 the support person in the State's case-in-chief, the
25 court shall verify with the support person whether the
26 support person, if called as a witness, would testify

1 as set forth in the offer of proof. If the court finds
2 that the support person would testify as set forth in
3 the offer of proof, the court shall rule on the
4 relevance, materiality, and admissibility of the
5 anticipated testimony. If the court rules the
6 anticipated testimony is admissible, the court shall
7 issue the subpoena. The support person may remain in
8 the courtroom after the support person testifies and
9 shall be allowed to testify in rebuttal.

10 If the court excludes the victim's support person
11 during the State's case-in-chief, the victim shall be
12 allowed to choose another support person to be present
13 in court.

14 If the victim fails to designate a support person
15 within 60 days of trial and the defendant has
16 subpoenaed the support person to testify at trial, the
17 court may exclude the support person from the trial
18 until the support person testifies. If the court
19 excludes the support person the victim may choose
20 another person as a support person.

21 (9) Right to notice and hearing before disclosure of
22 confidential or privileged information or records. A
23 defendant who seeks to subpoena records of or concerning
24 the victim that are confidential or privileged by law must
25 seek permission of the court before the subpoena is issued.
26 The defendant must file a written motion and an offer of

1 proof regarding the relevance, admissibility and
2 materiality of the records. If the court finds by a
3 preponderance of the evidence that: (A) the records are not
4 protected by an absolute privilege and (B) the records
5 contain relevant, admissible, and material evidence that
6 is not available through other witnesses or evidence, the
7 court shall issue a subpoena requiring a sealed copy of the
8 records be delivered to the court to be reviewed in camera.
9 If, after conducting an in camera review of the records,
10 the court determines that due process requires disclosure
11 of any portion of the records, the court shall provide
12 copies of what it intends to disclose to the prosecuting
13 attorney and the victim. The prosecuting attorney and the
14 victim shall have 30 days to seek appellate review before
15 the records are disclosed to the defendant. The disclosure
16 of copies of any portion of the records to the prosecuting
17 attorney does not make the records subject to discovery.

18 (10) Right to notice of court proceedings. If the
19 victim is not present at a court proceeding in which a
20 right of the victim is at issue, the court shall ask the
21 prosecuting attorney whether the victim was notified of the
22 time, place, and purpose of the court proceeding and that
23 the victim had a right to be heard at the court proceeding.
24 If the court determines that timely notice was not given or
25 that the victim was not adequately informed of the nature
26 of the court proceeding, the court shall not rule on any

1 substantive issues, accept a plea, or impose a sentence and
2 shall continue the hearing for the time necessary to notify
3 the victim of the time, place and nature of the court
4 proceeding. The time between court proceedings shall not be
5 attributable to the State under Section 103-5 of the Code
6 of Criminal Procedure of 1963.

7 (11) Right to timely disposition of the case. A victim
8 has the right to timely disposition of the case so as to
9 minimize the stress, cost, and inconvenience resulting
10 from the victim's involvement in the case. Before ruling on
11 a motion to continue trial or other court proceeding, the
12 court shall inquire into the circumstances for the request
13 for the delay and, if the victim has provided written
14 notice of the assertion of the right to a timely
15 disposition, and whether the victim objects to the delay.
16 If the victim objects, the prosecutor shall inform the
17 court of the victim's objections. If the prosecutor has not
18 conferred with the victim about the continuance, the
19 prosecutor shall inform the court of the attempts to
20 confer. If the court finds the attempts of the prosecutor
21 to confer with the victim were inadequate to protect the
22 victim's right to be heard, the court shall give the
23 prosecutor at least 3 but not more than 5 business days to
24 confer with the victim. In ruling on a motion to continue,
25 the court shall consider the reasons for the requested
26 continuance, the number and length of continuances that

1 have been granted, the victim's objections and procedures
2 to avoid further delays. If a continuance is granted over
3 the victim's objection, the court shall specify on the
4 record the reasons for the continuance and the procedures
5 that have been or will be taken to avoid further delays.

6 (12) Right to Restitution.

7 (A) If the victim has asserted the right to
8 restitution and the amount of restitution is known at
9 the time of sentencing, the court shall enter the
10 judgment of restitution at the time of sentencing.

11 (B) If the victim has asserted the right to
12 restitution and the amount of restitution is not known
13 at the time of sentencing, the prosecutor shall, within
14 5 days after sentencing, notify the victim what
15 information and documentation related to restitution
16 is needed and that the information and documentation
17 must be provided to the prosecutor within 45 days after
18 sentencing. Failure to timely provide information and
19 documentation related to restitution shall be deemed a
20 waiver of the right to restitution. The prosecutor
21 shall file and serve within 60 days after sentencing a
22 proposed judgment for restitution and a notice that
23 includes information concerning the identity of any
24 victims or other persons seeking restitution, whether
25 any victim or other person expressly declines
26 restitution, the nature and amount of any damages

1 together with any supporting documentation, a
2 restitution amount recommendation, and the names of
3 any co-defendants and their case numbers. Within 30
4 days after receipt of the proposed judgment for
5 restitution, the defendant shall file any objection to
6 the proposed judgment, a statement of grounds for the
7 objection, and a financial statement. If the defendant
8 does not file an objection, the court may enter the
9 judgment for restitution without further proceedings.
10 If the defendant files an objection and either party
11 requests a hearing, the court shall schedule a hearing.

12 (13) Access to presentence reports.

13 (A) The victim may request a copy of the
14 presentence report prepared under the Unified Code of
15 Corrections from the State's Attorney. The State's
16 Attorney shall redact the following information before
17 providing a copy of the report:

18 (i) the defendant's mental history and
19 condition;

20 (ii) any evaluation prepared under subsection
21 (b) or (b-5) of Section 5-3-2; and

22 (iii) the name, address, phone number, and
23 other personal information about any other victim.

24 (B) The State's Attorney or the defendant may
25 request the court redact other information in the
26 report that may endanger the safety of any person.

1 (C) The State's Attorney may orally disclose to the
2 victim any of the information that has been redacted if
3 there is a reasonable likelihood that the information
4 will be stated in court at the sentencing.

5 (D) The State's Attorney must advise the victim
6 that the victim must maintain the confidentiality of
7 the report and other information. Any dissemination of
8 the report or information that was not stated at a
9 court proceeding constitutes indirect criminal
10 contempt of court.

11 (14) Appellate relief. If the trial court denies the
12 relief requested, the victim, the victim's attorney, or the
13 prosecuting attorney may file an appeal within 30 days of
14 the trial court's ruling. The trial or appellate court may
15 stay the court proceedings if the court finds that a stay
16 would not violate a constitutional right of the defendant.
17 If the appellate court denies the relief sought, the
18 reasons for the denial shall be clearly stated in a written
19 opinion. In any appeal in a criminal case, the State may
20 assert as error the court's denial of any crime victim's
21 right in the proceeding to which the appeal relates.

22 (15) Limitation on appellate relief. In no case shall
23 an appellate court provide a new trial to remedy the
24 violation of a victim's right.

25 (16) The right to be reasonably protected from the
26 accused throughout the criminal justice process and the

1 right to have the safety of the victim and the victim's
2 family considered in denying or fixing the amount of bail,
3 determining whether to release the defendant, and setting
4 conditions of release after arrest and conviction. A victim
5 of domestic violence, a sexual offense, or stalking may
6 request the entry of a protective order under Article 112A
7 of the Code of Criminal Procedure of 1963.

8 (d) Procedures after the imposition of sentence.

9 (1) The Prisoner Review Board shall inform a victim or
10 any other concerned citizen, upon written request, of the
11 prisoner's release on parole, mandatory supervised
12 release, electronic detention, work release, international
13 transfer or exchange, or by the custodian, other than the
14 Department of Juvenile Justice, of the discharge of any
15 individual who was adjudicated a delinquent for a crime
16 from State custody and by the sheriff of the appropriate
17 county of any such person's final discharge from county
18 custody. The Prisoner Review Board, upon written request,
19 shall provide to a victim or any other concerned citizen a
20 recent photograph of any person convicted of a felony, upon
21 his or her release from custody. The Prisoner Review Board,
22 upon written request, shall inform a victim or any other
23 concerned citizen when feasible at least 7 days prior to
24 the prisoner's release on furlough of the times and dates
25 of such furlough. Upon written request by the victim or any
26 other concerned citizen, the State's Attorney shall notify

1 the person once of the times and dates of release of a
2 prisoner sentenced to periodic imprisonment. Notification
3 shall be based on the most recent information as to
4 victim's or other concerned citizen's residence or other
5 location available to the notifying authority.

6 (2) When the defendant has been committed to the Department
7 of Human Services pursuant to Section 5-2-4 or any other
8 provision of the Unified Code of Corrections, the victim may
9 request to be notified by the releasing authority of the
10 approval by the court of an on-grounds pass, a supervised
11 off-grounds pass, an unsupervised off-grounds pass, or
12 conditional release; the release on an off-grounds pass; the
13 return from an off-grounds pass; transfer to another facility;
14 conditional release; escape; death; or final discharge from
15 State custody. The Department of Human Services shall establish
16 and maintain a statewide telephone number to be used by victims
17 to make notification requests under these provisions and shall
18 publicize this telephone number on its website and to the
19 State's Attorney of each county.

20 (3) In the event of an escape from State custody, the
21 Department of Corrections or the Department of Juvenile Justice
22 immediately shall notify the Prisoner Review Board of the
23 escape and the Prisoner Review Board shall notify the victim.
24 The notification shall be based upon the most recent
25 information as to the victim's residence or other location
26 available to the Board. When no such information is available,

1 the Board shall make all reasonable efforts to obtain the
2 information and make the notification. When the escapee is
3 apprehended, the Department of Corrections or the Department of
4 Juvenile Justice immediately shall notify the Prisoner Review
5 Board and the Board shall notify the victim.

6 (4) The victim of the crime for which the prisoner has been
7 sentenced has the right to register with the Prisoner Review
8 Board's victim registry. Victims registered with the Board
9 shall receive reasonable written notice not less than 30 days
10 prior to the parole hearing or target aftercare release date.
11 The victim has the right to submit a victim statement for
12 consideration by the Prisoner Review Board or the Department of
13 Juvenile Justice in writing, on film, videotape, or other
14 electronic means, or in the form of a recording prior to the
15 parole hearing or target aftercare release date, or in person
16 at the parole hearing or aftercare release protest hearing, or
17 by calling the toll-free number established in subsection (f)
18 of this Section. and may submit, in writing, on film, videotape
19 or other electronic means or in the form of a recording prior
20 to the parole hearing or target aftercare release date or in
21 person at the parole hearing or aftercare release protest
22 hearing or if a victim of a violent crime, by calling the
23 toll-free number established in subsection (f) of this Section,
24 information for consideration by the Prisoner Review Board or
25 Department of Juvenile Justice. The victim shall be notified
26 within 7 days after the prisoner has been granted parole or

1 aftercare release and shall be informed of the right to inspect
2 the registry of parole decisions, established under subsection
3 (g) of Section 3-3-5 of the Unified Code of Corrections. The
4 provisions of this paragraph (4) are subject to the Open Parole
5 Hearings Act. Victim statements provided to the Board shall be
6 confidential and privileged, including any statements received
7 prior to the effective date of this amendatory Act of the 101st
8 General Assembly, except if the statement was an oral statement
9 made by the victim at a hearing open to the public.

10 (4-1) The crime victim has the right to submit a victim
11 statement for consideration by the Prisoner Review Board or the
12 Department of Juvenile Justice prior to or at a hearing to
13 determine the conditions of mandatory supervised release of a
14 person sentenced to a determinate sentence or at a hearing on
15 revocation of mandatory supervised release of a person
16 sentenced to a determinate sentence. A victim statement may be
17 submitted in writing, on film, videotape, or other electronic
18 means, or in the form of a recording, or orally at a hearing,
19 or by calling the toll-free number established in subsection
20 (f) of this Section. Victim statements provided to the Board
21 shall be confidential and privileged, including any statements
22 received prior to the effective date of this amendatory Act of
23 the 101st General Assembly, except if the statement was an oral
24 statement made by the victim at a hearing open to the public.

25 (4-2) The crime victim has the right to submit a victim
26 statement to the Prisoner Review Board for consideration at an

1 executive clemency hearing as provided in Section 3-3-13 of the
2 Unified Code of Corrections. A victim statement may be
3 submitted in writing, on film, videotape, or other electronic
4 means, or in the form of a recording prior to a hearing, or
5 orally at a hearing, or by calling the toll-free number
6 established in subsection (f) of this Section. Victim
7 statements provided to the Board shall be confidential and
8 privileged, including any statements received prior to the
9 effective date of this amendatory Act of the 101st General
10 Assembly, except if the statement was an oral statement made by
11 the victim at a hearing open to the public.

12 (5) If a statement is presented under Section 6, the
13 Prisoner Review Board or Department of Juvenile Justice shall
14 inform the victim of any order of discharge pursuant to Section
15 3-2.5-85 or 3-3-8 of the Unified Code of Corrections.

16 (6) At the written or oral request of the victim of the
17 crime for which the prisoner was sentenced or the State's
18 Attorney of the county where the person seeking parole or
19 aftercare release was prosecuted, the Prisoner Review Board or
20 Department of Juvenile Justice shall notify the victim and the
21 State's Attorney of the county where the person seeking parole
22 or aftercare release was prosecuted of the death of the
23 prisoner if the prisoner died while on parole or aftercare
24 release or mandatory supervised release.

25 (7) When a defendant who has been committed to the
26 Department of Corrections, the Department of Juvenile Justice,

1 or the Department of Human Services is released or discharged
2 and subsequently committed to the Department of Human Services
3 as a sexually violent person and the victim had requested to be
4 notified by the releasing authority of the defendant's
5 discharge, conditional release, death, or escape from State
6 custody, the releasing authority shall provide to the
7 Department of Human Services such information that would allow
8 the Department of Human Services to contact the victim.

9 (8) When a defendant has been convicted of a sex offense as
10 defined in Section 2 of the Sex Offender Registration Act and
11 has been sentenced to the Department of Corrections or the
12 Department of Juvenile Justice, the Prisoner Review Board or
13 the Department of Juvenile Justice shall notify the victim of
14 the sex offense of the prisoner's eligibility for release on
15 parole, aftercare release, mandatory supervised release,
16 electronic detention, work release, international transfer or
17 exchange, or by the custodian of the discharge of any
18 individual who was adjudicated a delinquent for a sex offense
19 from State custody and by the sheriff of the appropriate county
20 of any such person's final discharge from county custody. The
21 notification shall be made to the victim at least 30 days,
22 whenever possible, before release of the sex offender.

23 (e) The officials named in this Section may satisfy some or
24 all of their obligations to provide notices and other
25 information through participation in a statewide victim and
26 witness notification system established by the Attorney

1 General under Section 8.5 of this Act.

2 (f) The Prisoner Review ~~To permit a crime victim of a~~
3 ~~violent crime to provide information to the Prisoner Review~~
4 ~~Board or the Department of Juvenile Justice for consideration~~
5 ~~by the Board or Department at a parole hearing or before an~~
6 ~~aftercare release decision of a person who committed the crime~~
7 ~~against the victim in accordance with clause (d)(4) of this~~
8 ~~Section or at a proceeding to determine the conditions of~~
9 ~~mandatory supervised release of a person sentenced to a~~
10 ~~determinate sentence or at a hearing on revocation of mandatory~~
11 ~~supervised release of a person sentenced to a determinate~~
12 ~~sentence, the Board shall establish a toll-free number that may~~
13 ~~be accessed by the crime victim ~~of a violent crime~~ to present a~~
14 ~~victim statement ~~that information~~ to the Board in accordance~~
15 ~~with paragraphs (4), (4-1), and (4-2) of subsection (d).~~

16 (Source: P.A. 99-413, eff. 8-20-15; 99-628, eff. 1-1-17;
17 100-199, eff. 1-1-18; 100-961, eff. 1-1-19; revised 10-3-18.)

18 (725 ILCS 120/6) (from Ch. 38, par. 1406)

19 Sec. 6. Right to be heard at sentencing.

20 (a) A crime victim shall be allowed to present an oral or
21 written statement in any case in which a defendant has been
22 convicted of a violent crime or a juvenile has been adjudicated
23 delinquent for a violent crime after a bench or jury trial, or
24 a defendant who was charged with a violent crime and has been
25 convicted under a plea agreement of a crime that is not a

1 violent crime as defined in subsection (c) of Section 3 of this
2 Act. The court shall allow a victim to make an oral statement
3 if the victim is present in the courtroom and requests to make
4 an oral statement. An oral statement includes the victim or a
5 representative of the victim reading the written statement. The
6 court may allow persons impacted by the crime who are not
7 victims under subsection (a) of Section 3 of this Act to
8 present an oral or written statement. A victim and any person
9 making an oral statement shall not be put under oath or subject
10 to cross-examination. The court shall consider any statement
11 presented along with all other appropriate factors in
12 determining the sentence of the defendant or disposition of
13 such juvenile.

14 (a-1) In any case where a defendant has been convicted of a
15 violation of any statute, ordinance, or regulation relating to
16 the operation or use of motor vehicles, the use of streets and
17 highways by pedestrians or the operation of any other wheeled
18 or tracked vehicle, except parking violations, if the violation
19 resulted in great bodily harm or death, the person who suffered
20 great bodily harm, the injured person's representative, or the
21 representative of a deceased person shall be entitled to notice
22 of the sentencing hearing. "Representative" includes the
23 spouse, guardian, grandparent, or other immediate family or
24 household member of an injured or deceased person. The injured
25 person or his or her representative and a representative of the
26 deceased person shall have the right to address the court

1 regarding the impact that the defendant's criminal conduct has
2 had upon them. If more than one representative of an injured or
3 deceased person is present in the courtroom at the time of
4 sentencing, the court has discretion to permit one or more of
5 the representatives to present an oral impact statement. A
6 victim and any person making an oral statement shall not be put
7 under oath or subject to cross-examination. The court shall
8 consider any impact statement presented along with all other
9 appropriate factors in determining the sentence of the
10 defendant.

11 (a-5) A crime victim shall be allowed to present an oral
12 and written victim impact statement at a hearing ordered by the
13 court under the Mental Health and Developmental Disabilities
14 Code to determine if the defendant is: (1) in need of mental
15 health services on an inpatient basis; (2) in need of mental
16 health services on an outpatient basis; or (3) not in need of
17 mental health services, unless the defendant was under 18 years
18 of age at the time the offense was committed. The court shall
19 allow a victim to make an oral impact statement if the victim
20 is present in the courtroom and requests to make an oral
21 statement. An oral statement includes the victim or a
22 representative of the victim reading the written impact
23 statement. The court may allow persons impacted by the crime
24 who are not victims under subsection (a) of Section 3 of this
25 Act, to present an oral or written statement. A victim and any
26 person making an oral statement shall not be put under oath or

1 subject to cross-examination. The court may only consider the
2 impact statement along with all other appropriate factors in
3 determining the: (1) threat of serious physical harm posed
4 ~~poised~~ by the respondent to himself or herself, or to another
5 person; (2) location of inpatient or outpatient mental health
6 services ordered by the court, but only after complying with
7 all other applicable administrative, rule, and statutory
8 requirements; (3) maximum period of commitment for inpatient
9 mental health services; and (4) conditions of release for
10 outpatient mental health services ordered by the court.

11 (b) The crime victim has the right to prepare a victim
12 impact statement and present it to the Office of the State's
13 Attorney at any time during the proceedings. Any written victim
14 impact statement submitted to the Office of the State's
15 Attorney shall be considered by the court during its
16 consideration of aggravation and mitigation in plea
17 proceedings under Supreme Court Rule 402.

18 (b-5) The crime victim has the right to register with the
19 Prisoner Review Board's victim registry. The crime victim has
20 the right to submit a victim statement to the Board for
21 consideration at hearings as provided in Section 4.5. Victim
22 statements provided to the Board shall be confidential and
23 privileged, including any statements received prior to the
24 effective date of this amendatory Act of the 101st General
25 Assembly, except if the statement was an oral statement made by
26 the victim at a hearing open to the public.

1 (c) This Section shall apply to any victims during any
2 dispositional hearing under Section 5-705 of the Juvenile Court
3 Act of 1987 which takes place pursuant to an adjudication or
4 trial or plea of delinquency for any such offense.

5 (d) If any provision of this Section or its application to
6 any person or circumstance is held invalid, the invalidity of
7 that provision does not affect any other provision or
8 application of this Section that can be given effect without
9 the invalid provision or application.

10 (Source: P.A. 99-413, eff. 8-20-15; 100-961, eff. 1-1-19;
11 revised 10-3-18.)

12 Section 10. The Unified Code of Corrections is amended by
13 changing Sections 3-3-1, 3-3-2, 3-3-4, 3-3-9, 3-3-13,
14 5-4.5-20, 5-4.5-25, 5-4.5-30, and 5-8-1 and by renumbering and
15 changing Section 5-4.5-110 as added by Public Act 100-1182 as
16 follows:

17 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

18 (Text of Section before amendment by P.A. 100-1182)

19 Sec. 3-3-1. Establishment and appointment of Prisoner
20 Review Board.

21 (a) There shall be a Prisoner Review Board independent of
22 the Department which shall be:

23 (1) the paroling authority for persons sentenced under
24 the law in effect prior to the effective date of this

1 amendatory Act of 1977;

2 (1.5) (blank);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (Text of Section after amendment by P.A. 100-1182)

18 Sec. 3-3-1. Establishment and appointment of Prisoner
19 Review Board.

20 (a) There shall be a Prisoner Review Board independent of
21 the Department which shall be:

22 (1) the paroling authority for persons sentenced under
23 the law in effect prior to the effective date of this
24 amendatory Act of 1977;

25 (1.2) the paroling authority for persons eligible for

1 parole review under Section 5-4.5-115 ~~5-4.5-110~~;

2 (1.5) (blank);

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (Source: P.A. 99-628, eff. 1-1-17; 100-1182, eff. 6-1-19;
17 revised 4-3-19.)

18 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

19 (Text of Section before amendment by P.A. 100-1182)

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

21 (a) The Parole and Pardon Board is abolished and the term
22 "Parole and Pardon Board" as used in any law of Illinois, shall
23 read "Prisoner Review Board." After the effective date of this
24 amendatory Act of 1977, the Prisoner Review Board shall provide
25 by rule for the orderly transition of all files, records, and

1 documents of the Parole and Pardon Board and for such other
2 steps as may be necessary to effect an orderly transition and
3 shall:

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

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

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

1 supervised release, impose sanctions for violations of
2 mandatory supervised release, and revoke mandatory
3 supervised release for those sentenced under the law in
4 effect after the effective date of this amendatory Act of
5 1977;

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

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

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

1 is committed or discovered within 60 days of scheduled
2 release. In such cases, the Department of Corrections may
3 revoke up to 30 days of sentence credit. The Board may
4 subsequently approve the revocation of additional sentence
5 credit, if the Department seeks to revoke sentence credit
6 in excess of thirty days. However, the Board shall not be
7 empowered to review the Department's decision with respect
8 to the loss of 30 days of sentence credit for any prisoner
9 or to increase any penalty beyond the length requested by
10 the Department;

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

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

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

22 (8) hear by at least one member and, through a panel of
23 at least 3 members, decide cases brought by the Department
24 of Corrections against a prisoner in the custody of the
25 Department for court dismissal of a frivolous lawsuit
26 pursuant to Section 3-6-3(d) of this Code in which the

1 Department seeks to revoke up to 180 days of sentence
2 credit, and if the prisoner has not accumulated 180 days of
3 sentence credit at the time of the dismissal, then all
4 sentence credit accumulated by the prisoner shall be
5 revoked;

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

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

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

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

1 offense;

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

10 (D) if convicted of:

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

15 (ii) aggravated assault;

16 (iii) aggravated battery;

17 (iv) domestic battery;

18 (v) aggravated domestic battery;

19 (vi) violation of an order of protection;

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

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

26 (ix) aggravated driving while under the

1 influence of alcohol, other drug or drugs,
2 intoxicating compound or compounds or any
3 combination thereof; or

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

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

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

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

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

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

12 (A) if convicted of:

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

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

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

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

1 state and has not completed one tour of duty.

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

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

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

25 (c) The Board shall cooperate with the Department in
26 promoting an effective system of parole and mandatory

1 supervised release.

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

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

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

1 fees as are paid for like services in actions in the circuit
2 courts of the State. Fees and mileage shall be vouchered for
3 payment when the witness is discharged from further attendance.

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

25 Each member of the Board and any hearing officer designated
26 by the Board shall have the power to administer oaths and to

1 take the testimony of persons under oath.

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

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

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

12 (Text of Section after amendment by P.A. 100-1182)

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

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

22 (1) hear by at least one member and through a panel of
23 at least 3 members decide, cases of prisoners who were
24 sentenced under the law in effect prior to the effective
25 date of this amendatory Act of 1977, and who are eligible

1 for parole;

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

17 (3) hear by at least one member and through a panel of
18 at least 3 members decide, the conditions of mandatory
19 supervised release and the time of discharge from mandatory
20 supervised release, impose sanctions for violations of
21 mandatory supervised release, and revoke mandatory
22 supervised release for those sentenced under the law in
23 effect after the effective date of this amendatory Act of
24 1977;

25 (3.5) hear by at least one member and through a panel
26 of at least 3 members decide, the conditions of mandatory

1 supervised release and the time of discharge from mandatory
2 supervised release, to impose sanctions for violations of
3 mandatory supervised release and revoke mandatory
4 supervised release for those serving extended supervised
5 release terms pursuant to paragraph (4) of subsection (d)
6 of Section 5-8-1;

7 (3.6) hear by at least one member and through a panel
8 of at least 3 members decide whether to revoke aftercare
9 release for those committed to the Department of Juvenile
10 Justice under the Juvenile Court Act of 1987;

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

1 to the loss of 30 days of sentence credit for any prisoner
2 or to increase any penalty beyond the length requested by
3 the Department;

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

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

13 (6.5) hear by at least one member who is qualified in
14 the field of juvenile matters and through a panel of at
15 least 3 members, 2 of whom are qualified in the field of
16 juvenile matters, decide parole review cases in accordance
17 with Section 5-4.5-115 ~~5-4.5-110~~ of this Code and make
18 release determinations of persons under the age of 21 at
19 the time of the commission of an offense or offenses, other
20 than those persons serving sentences for first degree
21 murder or aggravated criminal sexual assault;

22 (6.6) hear by at least a quorum of the Prisoner Review
23 Board and decide by a majority of members present at the
24 hearing, in accordance with Section 5-4.5-115 ~~5-4.5-110~~ of
25 this Code, release determinations of persons under the age
26 of 21 at the time of the commission of an offense or

1 offenses of those persons serving sentences for first
2 degree murder or aggravated criminal sexual assault;

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

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

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

19 (10) upon a petition by a person who has been convicted
20 of a Class 3 or Class 4 felony and who meets the
21 requirements of this paragraph, hear by at least 3 members
22 and, with the unanimous vote of a panel of 3 members, issue
23 a certificate of eligibility for sealing recommending that
24 the court order the sealing of all official records of the
25 arresting authority, the circuit court clerk, and the
26 Department of State Police concerning the arrest and

1 conviction for the Class 3 or 4 felony. A person may not
2 apply to the Board for a certificate of eligibility for
3 sealing:

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

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

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

19 (D) 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 the Criminal Code of
23 2012;

24 (ii) aggravated assault;

25 (iii) aggravated battery;

26 (iv) domestic battery;

- 1 (v) aggravated domestic battery;
- 2 (vi) violation of an order of protection;
- 3 (vii) an offense under the Criminal Code of
4 1961 or the Criminal Code of 2012 involving a
5 firearm;
- 6 (viii) driving while under the influence of
7 alcohol, other drug or drugs, intoxicating
8 compound or compounds or any combination thereof;
- 9 (ix) aggravated driving while under the
10 influence of alcohol, other drug or drugs,
11 intoxicating compound or compounds or any
12 combination thereof; or
- 13 (x) any crime defined as a crime of violence
14 under Section 2 of the Crime Victims Compensation
15 Act.

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

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

25 The Board may only authorize the sealing of Class 3 and
26 4 felony convictions of the petitioner from one information

1 or indictment under this paragraph (10). A petitioner may
2 only receive one certificate of eligibility for sealing
3 under this provision for life; and

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

21 (A) if convicted of:

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

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

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

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

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

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

1 the Department of Corrections and the Department of Central
2 Management Services, shall report to the Governor and the
3 General Assembly regarding the use, costs, effectiveness, and
4 future viability of interactive video conferences for Prisoner
5 Review Board hearings.

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

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

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

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

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

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

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

1 person. The court upon the filing of such a petition, may order
2 the person refusing to obey the subpoena to appear at an
3 investigation or hearing, or to there produce documentary
4 evidence, if so ordered, or to give evidence relative to the
5 subject matter of that investigation or hearing. Any failure to
6 obey such order of the circuit court may be punished by that
7 court as a contempt of court.

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

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

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

19 (Source: P.A. 99-628, eff. 1-1-17; 100-1182, eff. 6-1-19;
20 revised 4-3-19.)

21 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)

22 Sec. 3-3-4. Preparation for parole hearing.

23 (a) The Prisoner Review Board shall consider the parole of
24 each eligible person committed to the Department of Corrections
25 at least 30 days prior to the date he or she shall first become

1 eligible for parole.

2 (b) A person eligible for parole shall, no less than 15
3 days in advance of his or her parole interview, prepare a
4 parole plan in accordance with the rules of the Prisoner Review
5 Board. The person shall be assisted in preparing his or her
6 parole plan by personnel of the Department of Corrections, and
7 may, for this purpose, be released on furlough under Article
8 11. The Department shall also provide assistance in obtaining
9 information and records helpful to the individual for his or
10 her parole hearing. If the person eligible for parole has a
11 petition or any written submissions prepared on his or her
12 behalf by an attorney or other representative, the attorney or
13 representative for the person eligible for parole must serve by
14 certified mail the State's Attorney of the county where he or
15 she was prosecuted with the petition or any written submissions
16 15 days after his or her parole interview. The State's Attorney
17 shall provide the attorney for the person eligible for parole
18 with a copy of his or her letter in opposition to parole via
19 certified mail within 5 business days of the en banc hearing.

20 (c) Any member of the Board shall have access at all
21 reasonable times to any committed person and to his or her
22 master record file within the Department, and the Department
23 shall furnish such a report to the Board concerning the conduct
24 and character of any such person prior to his or her parole
25 interview.

26 (d) In making its determination of parole, the Board shall

1 consider:

2 (1) (blank);

3 (2) the report under Section 3-8-2 or 3-10-2;

4 (3) a report by the Department and any report by the
5 chief administrative officer of the institution or
6 facility;

7 (4) a parole progress report;

8 (5) a medical and psychological report, if requested by
9 the Board;

10 (6) material in writing, or on film, video tape or
11 other electronic means in the form of a recording submitted
12 by the person whose parole is being considered;

13 (7) material in writing, or on film, video tape or
14 other electronic means in the form of a recording or
15 testimony submitted by the State's Attorney and the victim
16 or a concerned citizen pursuant to the Rights of Crime
17 Victims and Witnesses Act; and

18 (8) the person's eligibility for commitment under the
19 Sexually Violent Persons Commitment Act.

20 (e) The prosecuting State's Attorney's office shall
21 receive from the Board reasonable written notice not less than
22 30 days prior to the parole interview and may submit relevant
23 information by oral argument or testimony of victims and
24 concerned citizens, or both, in writing, or on film, video tape
25 or other electronic means or in the form of a recording to the
26 Board for its consideration. Upon written request of the

1 State's Attorney's office, the Prisoner Review Board shall hear
2 protests to parole, except in counties of 1,500,000 or more
3 inhabitants where there shall be standing objections to all
4 such petitions. If a State's Attorney who represents a county
5 of less than 1,500,000 inhabitants requests a protest hearing,
6 the inmate's counsel or other representative shall also receive
7 notice of such request. This hearing shall take place the month
8 following the inmate's parole interview. If the inmate's parole
9 interview is rescheduled then the Prisoner Review Board shall
10 promptly notify the State's Attorney of the new date. The
11 person eligible for parole shall be heard at the next scheduled
12 en banc hearing date. If the case is to be continued, the
13 State's Attorney's office and the attorney or representative
14 for the person eligible for parole will be notified of any
15 continuance within 5 business days. The State's Attorney may
16 waive the written notice.

17 (f) The victim of the violent crime for which the prisoner
18 has been sentenced shall receive notice of a parole hearing as
19 provided in paragraph (4) of subsection (d) of Section 4.5 of
20 the Rights of Crime Victims and Witnesses Act.

21 (g) Any recording considered under the provisions of
22 subsection (d)(6), (d)(7) or (e) of this Section shall be in
23 the form designated by the Board. Such recording shall be both
24 visual and aural. Every voice on the recording and person
25 present shall be identified and the recording shall contain
26 either a visual or aural statement of the person submitting

1 such recording, the date of the recording and the name of the
2 person whose parole eligibility is being considered. Such
3 recordings shall be retained by the Board and shall be deemed
4 to be submitted at any subsequent parole hearing if the victim
5 or State's Attorney submits in writing a declaration clearly
6 identifying such recording as representing the present
7 position of the victim or State's Attorney regarding the issues
8 to be considered at the parole hearing.

9 (h) The Board shall not release any material to the inmate,
10 the inmate's attorney, any third party, or any other person
11 containing any information from a ~~the victim or from a person~~
12 ~~related to the victim by blood, adoption, or marriage~~ who has
13 written objections, testified at any hearing, or submitted
14 audio or visual objections to the inmate's parole, unless
15 provided with a waiver from that ~~victim objecting party~~. Victim
16 statements provided to the Board shall be confidential and
17 privileged, including any statements received prior to the
18 effective date of this amendatory Act of the 101st General
19 Assembly, except if the statement was an oral statement made by
20 the victim at a hearing open to the public. The Board shall not
21 release the names or addresses of any person on its victim
22 registry to any other person except the victim, a law
23 enforcement agency, or other victim notification system.

24 (Source: P.A. 98-463, eff. 8-16-13; 98-558, eff. 1-1-14;
25 98-717, eff. 1-1-15; 99-628, eff. 1-1-17.)

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

2 (Text of Section before amendment by P.A. 100-1182)

3 Sec. 3-3-9. Violations; changes of conditions; preliminary
4 hearing; revocation of parole or mandatory supervised release;
5 revocation hearing.

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

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

13 (2) parole or release the person to a half-way house;
14 or

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

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

26 (B) Except as set forth in paragraph (C), for those

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

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

16 (ii) the person shall be given credit against
17 the term of reimprisonment or reconfinement for
18 time spent in custody since he or she was paroled
19 or released which has not been credited against
20 another sentence or period of confinement;

21 (iii) (blank);

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

25 (b) The Board may revoke parole or mandatory supervised
26 release for violation of a condition for the duration of the

1 term and for any further period which is reasonably necessary
2 for the adjudication of matters arising before its expiration.
3 The issuance of a warrant of arrest for an alleged violation of
4 the conditions of parole or mandatory supervised release shall
5 toll the running of the term until the final determination of
6 the charge. When parole or mandatory supervised release is not
7 revoked that period shall be credited to the term, unless a
8 community-based sanction is imposed as an alternative to
9 revocation and reincarceration, including a diversion
10 established by the Illinois Department of Corrections Parole
11 Services Unit prior to the holding of a preliminary parole
12 revocation hearing. Parolees who are diverted to a
13 community-based sanction shall serve the entire term of parole
14 or mandatory supervised release, if otherwise appropriate.

15 (b-5) The Board shall revoke parole or mandatory supervised
16 release for violation of the conditions prescribed in paragraph
17 (7.6) of subsection (a) of Section 3-3-7.

18 (c) A person charged with violating a condition of parole
19 or mandatory supervised release shall have a preliminary
20 hearing before a hearing officer designated by the Board to
21 determine if there is cause to hold the person for a revocation
22 hearing. However, no preliminary hearing need be held when
23 revocation is based upon new criminal charges and a court finds
24 probable cause on the new criminal charges or when the
25 revocation is based upon a new criminal conviction and a
26 certified copy of that conviction is available.

1 (d) Parole or mandatory supervised release shall not be
2 revoked without written notice to the offender setting forth
3 the violation of parole or mandatory supervised release charged
4 against him or her.

5 (e) A hearing on revocation shall be conducted before at
6 least one member of the Prisoner Review Board. The Board may
7 meet and order its actions in panels of 3 or more members. The
8 action of a majority of the panel shall be the action of the
9 Board. A record of the hearing shall be made. At the hearing
10 the offender shall be permitted to:

11 (1) appear and answer the charge; and

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

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

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

20 (Source: P.A. 98-463, eff. 8-16-13; 98-558, eff. 1-1-14;
21 99-628, eff. 1-1-17.)

22 (Text of Section after amendment by P.A. 100-1182)

23 Sec. 3-3-9. Violations; changes of conditions; preliminary
24 hearing; revocation of parole or mandatory supervised release;
25 revocation hearing.

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

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

8 (1.5) for those released as a result of youthful
9 offender parole as set forth in Section 5-4.5-115 ~~5-4.5-110~~
10 of this Code, order that the inmate be subsequently
11 rereleased to serve a specified mandatory supervised
12 release term not to exceed the full term permitted under
13 the provisions of Section 5-4.5-115 ~~5-4.5-110~~ and
14 subsection (d) of Section 5-8-1 of this Code and may modify
15 or enlarge the conditions of the release as the Board deems
16 proper; or

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

18 or

19 (3) revoke the parole or mandatory supervised release
20 and reconfine the person for a term computed in the
21 following manner:

22 (i) (A) For those sentenced under the law in effect
23 prior to this amendatory Act of 1977, the recommitment
24 shall be for any portion of the imposed maximum term of
25 imprisonment or confinement which had not been served
26 at the time of parole and the parole term, less the

1 time elapsed between the parole of the person and the
2 commission of the violation for which parole was
3 revoked;

4 (B) Except as set forth in paragraphs (C) and (D),
5 for those subject to mandatory supervised release
6 under paragraph (d) of Section 5-8-1 of this Code, the
7 recommitment shall be for the total mandatory
8 supervised release term, less the time elapsed between
9 the release of the person and the commission of the
10 violation for which mandatory supervised release is
11 revoked. The Board may also order that a prisoner serve
12 up to one year of the sentence imposed by the court
13 which was not served due to the accumulation of
14 sentence credit;

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

20 (D) For those released as a result of youthful
21 offender parole as set forth in Section 5-4.5-115
22 ~~5-4.5-110~~ of this Code, the reconfinement period shall
23 be for the total mandatory supervised release term,
24 less the time elapsed between the release of the person
25 and the commission of the violation for which mandatory
26 supervised release is revoked. The Board may also order

1 that a prisoner serve up to one year of the mandatory
2 supervised release term previously earned. The Board
3 may also order that the inmate be subsequently
4 rereleased to serve a specified mandatory supervised
5 release term not to exceed the full term permitted
6 under the provisions of Section 5-4.5-115 ~~5-4.5-110~~
7 and subsection (d) of Section 5-8-1 of this Code and
8 may modify or enlarge the conditions of the release as
9 the Board deems proper;

10 (ii) the person shall be given credit against the
11 term of reimprisonment or reconfinement for time spent
12 in custody since he or she was paroled or released
13 which has not been credited against another sentence or
14 period of confinement;

15 (iii) (blank);

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

19 (b) The Board may revoke parole or mandatory supervised
20 release for violation of a condition for the duration of the
21 term and for any further period which is reasonably necessary
22 for the adjudication of matters arising before its expiration.
23 The issuance of a warrant of arrest for an alleged violation of
24 the conditions of parole or mandatory supervised release shall
25 toll the running of the term until the final determination of
26 the charge. When parole or mandatory supervised release is not

1 revoked that period shall be credited to the term, unless a
2 community-based sanction is imposed as an alternative to
3 revocation and reincarceration, including a diversion
4 established by the Illinois Department of Corrections Parole
5 Services Unit prior to the holding of a preliminary parole
6 revocation hearing. Parolees who are diverted to a
7 community-based sanction shall serve the entire term of parole
8 or mandatory supervised release, if otherwise appropriate.

9 (b-5) The Board shall revoke parole or mandatory supervised
10 release for violation of the conditions prescribed in paragraph
11 (7.6) of subsection (a) of Section 3-3-7.

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

21 (d) Parole or mandatory supervised release shall not be
22 revoked without written notice to the offender setting forth
23 the violation of parole or mandatory supervised release charged
24 against him or her.

25 (e) A hearing on revocation shall be conducted before at
26 least one member of the Prisoner Review Board. The Board may

1 meet and order its actions in panels of 3 or more members. The
2 action of a majority of the panel shall be the action of the
3 Board. A record of the hearing shall be made. At the hearing
4 the offender shall be permitted to:

5 (1) appear and answer the charge; and

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

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

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

14 (Source: P.A. 99-628, eff. 1-1-17; 100-1182, eff. 6-1-19;
15 revised 4-3-19.)

16 (730 ILCS 5/3-3-13) (from Ch. 38, par. 1003-3-13)

17 Sec. 3-3-13. Procedure for Executive Clemency.

18 (a) Petitions seeking pardon, commutation, or reprieve
19 shall be addressed to the Governor and filed with the Prisoner
20 Review Board. The petition shall be in writing and signed by
21 the person under conviction or by a person on his behalf. It
22 shall contain a brief history of the case, the reasons for
23 seeking executive clemency, and other relevant information the
24 Board may require.

25 (a-5) After a petition has been denied by the Governor, the

1 Board may not accept a repeat petition for executive clemency
2 for the same person until one full year has elapsed from the
3 date of the denial. The Chairman of the Board may waive the
4 one-year requirement if the petitioner offers in writing new
5 information that was unavailable to the petitioner at the time
6 of the filing of the prior petition and which the Chairman
7 determines to be significant. The Chairman also may waive the
8 one-year waiting period if the petitioner can show that a
9 change in circumstances of a compelling humanitarian nature has
10 arisen since the denial of the prior petition.

11 (b) Notice of the proposed application shall be given by
12 the Board to the committing court and the state's attorney of
13 the county where the conviction was had.

14 (b-5) Victims registered with the Board shall receive
15 reasonable written notice not less than 30 days prior to the
16 executive clemency hearing date. The victim has the right to
17 submit a victim statement to the Prisoner Review Board for
18 consideration at an executive clemency hearing as provided in
19 subsection (c) of this Section. Victim statements provided to
20 the Board shall be confidential and privileged, including any
21 statements received prior to the effective date of this
22 amendatory Act of the 101st General Assembly, except if the
23 statement was an oral statement made by the victim at a hearing
24 open to the public.

25 (c) The Board shall, ~~if requested and~~ upon due notice, give
26 a hearing to each application, allowing representation by

1 counsel, if desired, after which it shall confidentially advise
2 the Governor by a written report of its recommendations which
3 shall be determined by majority vote. The written report to the
4 Governor shall be confidential and privileged, including any
5 reports made prior to the effective date of this amendatory Act
6 of the 101st General Assembly. The Board shall meet to consider
7 such petitions no less than 4 times each year.

8 Application for executive clemency under this Section may
9 not be commenced on behalf of a person who has been sentenced
10 to death without the written consent of the defendant, unless
11 the defendant, because of a mental or physical condition, is
12 incapable of asserting his or her own claim.

13 (d) The Governor shall decide each application and
14 communicate his decision to the Board which shall notify the
15 petitioner.

16 In the event a petitioner who has been convicted of a Class
17 X felony is granted a release, after the Governor has
18 communicated such decision to the Board, the Board shall give
19 written notice to the Sheriff of the county from which the
20 offender was sentenced if such sheriff has requested that such
21 notice be given on a continuing basis. In cases where arrest of
22 the offender or the commission of the offense took place in any
23 municipality with a population of more than 10,000 persons, the
24 Board shall also give written notice to the proper law
25 enforcement agency for said municipality which has requested
26 notice on a continuing basis.

1 (e) Nothing in this Section shall be construed to limit the
2 power of the Governor under the constitution to grant a
3 reprieve, commutation of sentence, or pardon.

4 (Source: P.A. 89-112, eff. 7-7-95; 89-684, eff. 6-1-97.)

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

6 (This Section may contain text from a Public Act with a
7 delayed effective date)

8 Sec. 5-4.5-115 ~~5-4.5-110~~. Parole review of persons under
9 the age of 21 at the time of the commission of an offense.

10 (a) For purposes of this Section, "victim" means a victim
11 of a violent crime as defined in subsection (a) of Section 3 of
12 the Rights of Crime Victims and Witnesses Act including a
13 witness as defined in subsection (b) of Section 3 of the Rights
14 of Crime Victims and Witnesses Act; any person legally related
15 to the victim by blood, marriage, adoption, or guardianship;
16 any friend of the victim; or any concerned citizen.

17 (b) A person under 21 years of age at the time of the
18 commission of an offense or offenses, other than first degree
19 murder, and who is not serving a sentence for first degree
20 murder and who is sentenced on or after June 1, 2019 (the
21 effective date of Public Act 100-1182) ~~this amendatory Act of~~
22 ~~the 100th General Assembly~~ shall be eligible for parole review
23 by the Prisoner Review Board after serving 10 years or more of
24 his or her sentence or sentences, except for those serving a
25 sentence or sentences for: (1) aggravated criminal sexual

1 assault who shall be eligible for parole review by the Prisoner
2 Review Board after serving 20 years or more of his or her
3 sentence or sentences or (2) predatory criminal sexual assault
4 of a child who shall not be eligible for parole review by the
5 Prisoner Review Board under this Section. A person under 21
6 years of age at the time of the commission of first degree
7 murder who is sentenced on or after June 1, 2019 (the effective
8 date of Public Act 100-1182) ~~this amendatory Act of the 100th~~
9 ~~General Assembly~~ shall be eligible for parole review by the
10 Prisoner Review Board after serving 20 years or more of his or
11 her sentence or sentences, except for those subject to a term
12 of natural life imprisonment under Section 5-8-1 of this Code
13 or any person subject to sentencing under subsection (c) of
14 Section 5-4.5-105 of this Code.

15 (c) 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 3 years from receipt of the petition and
24 notify the Department of Corrections within 10 business days.
25 If the Prisoner Review Board determines that the petition is
26 not appropriately filed, it shall notify the petitioner in

1 writing, including a basis for its determination.

2 (d) Within 6 months of the Prisoner Review Board's
3 determination that the petition was appropriately filed, a
4 representative from the Department of Corrections shall meet
5 with the eligible person and provide the inmate information
6 about the parole hearing process and personalized
7 recommendations for the inmate regarding his or her work
8 assignments, rehabilitative programs, and institutional
9 behavior. Following this meeting, the eligible person has 7
10 calendar days to file a written request to the representative
11 from the Department of Corrections who met with the eligible
12 person of any additional programs and services which the
13 eligible person believes should be made available to prepare
14 the eligible person for return to the community.

15 (e) One year prior to the person being eligible for parole,
16 counsel shall be appointed by the Prisoner Review Board upon a
17 finding of indigency. The eligible person may waive appointed
18 counsel or retain his or her own counsel at his or her own
19 expense.

20 (f) Nine months prior to the hearing, the Prisoner Review
21 Board shall provide the eligible person, and his or her
22 counsel, any written documents or materials it will be
23 considering in making its decision unless the written documents
24 or materials are specifically found to: (1) include information
25 which, if disclosed, would damage the therapeutic relationship
26 between the inmate and a mental health professional; (2)

1 subject any person to the actual risk of physical harm; (3)
2 threaten the safety or security of the Department or an
3 institution. In accordance with Section 4.5(d)(4) of the Rights
4 of Crime Victims and Witnesses Act and Section 10 35 of the
5 Open Parole Hearings Act, victim ~~impact~~ statements provided to
6 the Board shall be confidential and privileged, including any
7 statements received prior to the effective date of this
8 amendatory Act of the 101st General Assembly, except if the
9 statement was an oral statement made by the victim at a hearing
10 open to the public. Victim statements ~~either oral, written,~~
11 ~~video taped, tape recorded or made by other electronic means~~
12 shall not be considered public documents under the provisions
13 of the Freedom of Information Act. The inmate or his or her
14 attorney shall not be given a copy of the statement, but shall
15 be informed of the existence of a victim ~~impact~~ statement and
16 the position taken by the victim on the inmate's request for
17 parole. This shall not be construed to permit disclosure to an
18 inmate of any information which might result in the risk of
19 threats or physical harm to a victim. The Prisoner Review Board
20 shall have an ongoing duty to provide the eligible person, and
21 his or her counsel, with any further documents or materials
22 that come into its possession prior to the hearing subject to
23 the limitations contained in this subsection.

24 (g) Not less than 12 months prior to the hearing, the
25 Prisoner Review Board shall provide notification to the State's
26 Attorney of the county from which the person was committed and

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

21 (h) The hearing conducted by the Prisoner Review Board
22 shall be governed by Sections 15 and 20, subsection (f) of
23 Section 5, subsections ~~subsection~~ (a), (a-5), (b), (b-5), and
24 (c) of Section 10, and subsection (d) of Section 25, ~~and~~
25 ~~subsections (a), (b), and (c) of Section 35~~ of the Open Parole
26 Hearings Act and Part 1610 of Title 20 of the Illinois

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

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

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

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

26 (2) the eligible person's release at that time would

1 deprecate the seriousness of his or her offense or promote
2 disrespect for the law; or

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

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

11 (k) Unless denied parole under subsection (j) of this
12 Section and subject to the provisions of Section 3-3-9 of this
13 Code: (1) the eligible person serving a sentence for any
14 non-first degree murder offense or offenses, shall be released
15 on parole which shall operate to discharge any remaining term
16 of years sentence imposed upon him or her, notwithstanding any
17 required mandatory supervised release period the eligible
18 person is required to serve; and (2) the eligible person
19 serving a sentence for any first degree murder offense, shall
20 be released on mandatory supervised release for a period of 10
21 years subject to Section 3-3-8, which shall operate to
22 discharge any remaining term of years sentence imposed upon him
23 or her, however in no event shall the eligible person serve a
24 period of mandatory supervised release greater than the
25 aggregate of the discharged underlying sentence and the
26 mandatory supervised release period as sent forth in Section

1 5-4.5-20.

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

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

21 (n) A person denied parole under subsection (m) of this
22 Section, who is not serving a sentence for either first degree
23 murder or aggravated criminal sexual assault, shall be eligible
24 for a third and final parole review by the Prisoner Review
25 Board 5 years after the written decision under subsection (l)
26 of this Section. The procedures for the third and final parole

1 review shall be governed by subsections (c) through (k) of this
2 Section.

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

12 (Source: P.A. 100-1182, eff. 6-1-19; revised 4-2-19.)

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

14 (Text of Section before amendment by P.A. 100-1182)

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

17 (a) TERM. The defendant shall be sentenced to imprisonment
18 or, if appropriate, death under Section 9-1 of the Criminal
19 Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/9-1).
20 Imprisonment shall be for a determinate term of (1) not less
21 than 20 years and not more than 60 years; (2) not less than 60
22 years and not more than 100 years when an extended term is
23 imposed under Section 5-8-2 (730 ILCS 5/5-8-2); or (3) natural
24 life as 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 MONITORING AND HOME DETENTION. Electronic
22 monitoring and home detention are not authorized dispositions,
23 except in limited circumstances as provided in Section 5-8A-3
24 (730 ILCS 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. 100-431, eff. 8-25-17.)

4 (Text of Section after amendment by P.A. 100-1182)

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

7 (a) TERM. The defendant shall be sentenced to imprisonment
8 or, if appropriate, death under Section 9-1 of the Criminal
9 Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/9-1).
10 Imprisonment shall be for a determinate term, subject to
11 Section 5-4.5-115 ~~5-4.5-110~~ of this Code, of (1) not less than
12 20 years and not more than 60 years; (2) not less than 60 years
13 and not more than 100 years when an extended term is imposed
14 under Section 5-8-2 (730 ILCS 5/5-8-2); or (3) natural life as
15 provided in Section 5-8-1 (730 ILCS 5/5-8-1).

16 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
17 shall not be imposed.

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

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

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)

1 concerning restitution.

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

5 (h) DRUG COURT. Drug court is not an authorized
6 disposition.

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

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

12 (k) ELECTRONIC MONITORING AND HOME DETENTION. Electronic
13 monitoring and home detention are not authorized dispositions,
14 except in limited circumstances as provided in Section 5-8A-3
15 (730 ILCS 5/5-8A-3).

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

20 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;
21 revised 4-3-19.)

22 (730 ILCS 5/5-4.5-25)

23 (Text of Section before amendment by P.A. 100-1182)

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

1 (a) TERM. The sentence of imprisonment shall be a
2 determinate sentence of not less than 6 years and not more than
3 30 years. The sentence of imprisonment for an extended term
4 Class X felony, as provided in Section 5-8-2 (730 ILCS
5 5/5-8-2), shall be not less than 30 years and not more than 60
6 years.

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

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

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

14 (e) FINE. Fines may be imposed as provided in Section
15 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

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

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

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

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

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

3 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
4 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
5 electronic monitoring and home detention.

6 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
7 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
8 5/5-8-1), the parole or mandatory supervised release term shall
9 be 3 years upon release from imprisonment.
10 (Source: P.A. 100-431, eff. 8-25-17.)

11 (Text of Section after amendment by P.A. 100-1182)
12 Sec. 5-4.5-25. CLASS X FELONIES; SENTENCE. For a Class X
13 felony:

14 (a) TERM. The sentence of imprisonment shall be a
15 determinate sentence, subject to Section 5-4.5-115 ~~5-4.5-110~~
16 of this Code, of not less than 6 years and not more than 30
17 years. The sentence of imprisonment for an extended term Class
18 X felony, as provided in Section 5-8-2 (730 ILCS 5/5-8-2),
19 subject to Section 5-4.5-115 ~~5-4.5-110~~ of this Code, shall be
20 not less than 30 years and not more than 60 years.

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

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

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

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

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

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

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

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

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

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

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

25 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;
26 revised 4-3-19.)

1 (730 ILCS 5/5-4.5-30)

2 (Text of Section before amendment by P.A. 100-1182)

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

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

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

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

21 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
22 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
23 period of probation or conditional discharge shall not exceed 4
24 years. The court shall specify the conditions of probation or
25 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 MONITORING AND HOME DETENTION. See Section
22 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
23 electronic monitoring and home 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. 100-431, eff. 8-25-17.)

3 (Text of Section after amendment by P.A. 100-1182)

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

6 (a) TERM. The sentence of imprisonment, other than for
7 second degree murder, shall be a determinate sentence of not
8 less than 4 years and not more than 15 years, subject to
9 Section 5-4.5-115 ~~5-4.5-110~~ of this Code. The sentence of
10 imprisonment for second degree murder shall be a determinate
11 sentence of not less than 4 years and not more than 20 years,
12 subject to Section 5-4.5-115 ~~5-4.5-110~~ of this Code. The
13 sentence of imprisonment for an extended term Class 1 felony,
14 as provided in Section 5-8-2 (730 ILCS 5/5-8-2), subject to
15 Section 5-4.5-115 ~~5-4.5-110~~ of this Code, shall be a term not
16 less than 15 years and not more than 30 years.

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

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

25 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided

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

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

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

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

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

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

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

25 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
26 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for

1 electronic monitoring and home detention.

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

6 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;
7 revised 4-3-19.)

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

9 (Text of Section before amendment by P.A. 100-1182)

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

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

17 (1) for first degree murder,

18 (a) (blank),

19 (b) if a trier of fact finds beyond a reasonable
20 doubt that the murder was accompanied by exceptionally
21 brutal or heinous behavior indicative of wanton
22 cruelty or, except as set forth in subsection (a) (1) (c)
23 of this Section, that any of the aggravating factors
24 listed in subsection (b) or (b-5) of Section 9-1 of the
25 Criminal Code of 1961 or the Criminal Code of 2012 are

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

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

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

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

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

24 (iv) is found guilty of murdering an employee
25 of an institution or facility of the Department of
26 Corrections, or any similar local correctional

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

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

22 (vi) (blank), or

23 (vii) is found guilty of first degree murder
24 and the murder was committed by reason of any
25 person's activity as a community policing
26 volunteer or to prevent any person from engaging in

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

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

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

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

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

24 (2) (blank);

25 (2.5) for a person who has attained the age of 18 years
26 at the time of the commission of the offense and who is

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

11 (b) (Blank).

12 (c) (Blank).

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

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

26 (2) for a Class 1 felony or a Class 2 felony except for

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

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

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

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

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

4 (e) (Blank).

5 (f) (Blank).

6 (Source: P.A. 99-69, eff. 1-1-16; 99-875, eff. 1-1-17; 100-431,
7 eff. 8-25-17.)

8 (Text of Section after amendment by P.A. 100-1182)

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

11 (a) Except as otherwise provided in the statute defining
12 the offense or in Article 4.5 of Chapter V, a sentence of
13 imprisonment for a felony shall be a determinate sentence set
14 by the court under this Section, subject to Section 5-4.5-115
15 ~~5-4.5-110~~ of this Code, according to the following limitations:

16 (1) for first degree murder,

17 (a) (blank),

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

1 to Section 5-4.5-105, to a term of natural life
2 imprisonment, or

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

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

9 (ii) is found guilty of murdering more than one
10 victim, or

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

23 (iv) is found guilty of murdering an employee
24 of an institution or facility of the Department of
25 Corrections, or any similar local correctional
26 agency, when the employee was killed in the course

1 of performing his official duties, or to prevent
2 the employee from performing his official duties,
3 or in retaliation for the employee performing his
4 official duties, or

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

21 (vi) (blank), or

22 (vii) is found guilty of first degree murder
23 and the murder was committed by reason of any
24 person's activity as a community policing
25 volunteer or to prevent any person from engaging in
26 activity as a community policing volunteer. For

1 the purpose of this Section, "community policing
2 volunteer" has the meaning ascribed to it in
3 Section 2-3.5 of the Criminal Code of 2012.

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

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

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

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

23 (2) (blank);

24 (2.5) for a person who has attained the age of 18 years
25 at the time of the commission of the offense and who is
26 convicted under the circumstances described in subdivision

1 (b) (1) (B) of Section 11-1.20 or paragraph (3) of subsection
2 (b) of Section 12-13, subdivision (d) (2) of Section 11-1.30
3 or paragraph (2) of subsection (d) of Section 12-14,
4 subdivision (b) (1.2) of Section 11-1.40 or paragraph (1.2)
5 of subsection (b) of Section 12-14.1, subdivision (b) (2) of
6 Section 11-1.40 or paragraph (2) of subsection (b) of
7 Section 12-14.1 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, the sentence shall be a term of
9 natural life imprisonment.

10 (b) (Blank).

11 (c) (Blank).

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

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

25 (2) for a Class 1 felony or a Class 2 felony except for
26 the offense of criminal sexual assault if committed on or

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

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

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

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

26 (6) for a felony domestic battery, aggravated domestic

1 battery, stalking, aggravated stalking, and a felony
2 violation of an order of protection, 4 years.

3 (e) (Blank).

4 (f) (Blank).

5 (Source: P.A. 99-69, eff. 1-1-16; 99-875, eff. 1-1-17; 100-431,
6 eff. 8-25-17; 100-1182, eff. 6-1-19; revised 4-3-19.)

7 Section 15. The Open Parole Hearings Act is amended by
8 changing Sections 10 and 25 as follows:

9 (730 ILCS 105/10) (from Ch. 38, par. 1660)

10 Sec. 10. Victim ~~Victim's~~ statements.

11 (a) The Board shall receive and consider victim statements.

12 (a-5) Pursuant to paragraph (19) of subsection (b) of
13 Section 4.5 of the Rights of Crime Victims and Witnesses Act
14 ~~Upon request of the victim,~~ the State's Attorney shall forward
15 a copy of any statement presented at the time of trial to the
16 Prisoner Review Board to be considered at the time of a parole
17 hearing.

18 (b) The victim has the right to submit a victim statement
19 for consideration by the Prisoner Review Board in writing, on
20 film, videotape, or other electronic means, or in the form of a
21 recording prior to the parole hearing, or orally at the parole
22 hearing, or by calling the toll-free number established in
23 subsection (f) of Section 4.5 of the Rights of Crime Victims
24 and Witnesses Act. Victim statements shall not be considered

1 public documents under provisions of the Freedom of Information
2 Act.

3 (b-5) Other than as provided in subsection (c), the Board
4 shall not release any material to the inmate, the inmate's
5 attorney, any third party, or any other person that contains
6 any information from a victim who has provided a victim
7 statement to the Board, unless provided with a waiver from that
8 victim. The Board shall not release the names or addresses of
9 any person on its victim registry to any other person except
10 the victim, a law enforcement agency, or other victim
11 notification system. Victim statements provided to the Board
12 shall be confidential and privileged, including any statements
13 received prior to the effective date of this amendatory Act of
14 the 101st General Assembly, except if the statement was an oral
15 statement made by the victim at a hearing open to the public.

16 (c) The inmate or his or her attorney shall be informed of
17 the existence of a victim statement and its contents under
18 provisions of Board rules. This shall not be construed to
19 permit disclosure to an inmate of any information which might
20 result in the risk of threats or physical harm to a victim or
21 complaining witness.

22 (d) The inmate shall be given the opportunity to answer a
23 victim statement, either orally or in writing.

24 (e) All victim statements, except if the statement was an
25 oral statement made by the victim at a hearing open to the
26 public, shall be part of the applicant's, releasee's, or

1 parolee's parole file. ~~The victim may enter a statement either~~
2 ~~oral, written, on video tape, or other electronic means in the~~
3 ~~form and manner described by the Prisoner Review Board to be~~
4 ~~considered at the time of a parole consideration hearing.~~

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

6 (730 ILCS 105/25) (from Ch. 38, par. 1675)

7 Sec. 25. Notification of future parole hearings.

8 (a) The Board shall notify the State's Attorney of the
9 committing county of the pending hearing and the victim of all
10 forthcoming parole hearings at least 15 days in advance.

11 Written notification shall contain:

12 (1) notification of the place of the hearing;

13 (2) the date and approximate time of the hearing;

14 (3) their right to enter a statement, to appear in
15 person, and to submit other information by video tape, tape
16 recording, or other electronic means in the form and manner
17 described by the Board or ~~if a victim of a violent crime as~~
18 ~~defined in subsection (c) of Section 3 of the Rights of~~
19 ~~Crime Victims and Witnesses Act,~~ by calling the toll-free
20 number established in subsection (f) of Section 4.5 of the
21 Rights of Crime Victims and Witnesses Act ~~subsection (f) of~~
22 ~~that Section.~~

23 Notification to the victims shall be at the last known
24 address of the victim. It shall be the responsibility of the
25 victim to notify the board of any changes in address and name.

1 (b) However, at any time the victim may request by a
2 written certified statement that the Prisoner Review Board stop
3 sending notice under this Section.

4 (c) (Blank).

5 (d) No later than 7 days after a parole hearing the Board
6 shall send notice of its decision to the State's Attorney and
7 victim. If parole is denied, the Board shall within a
8 reasonable period of time notify the victim of the month and
9 year of the next scheduled hearing.

10 (Source: P.A. 93-235, eff. 7-22-03.)

11 (730 ILCS 105/35 rep.)

12 Section 20. The Open Parole Hearings Act is amended by
13 repealing Section 35.

14 Section 95. No acceleration or delay. Where this Act makes
15 changes in a statute that is represented in this Act by text
16 that is not yet or no longer in effect (for example, a Section
17 represented by multiple versions), the use of that text does
18 not accelerate or delay the taking effect of (i) the changes
19 made by this Act or (ii) provisions derived from any other
20 Public Act.