



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB5256

by Rep. Anne Stava-Murray

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-5

from Ch. 38, par. 1003-3-5

730 ILCS 5/3-3-14 new

Amends the Unified Code of Corrections. Provides that a committed person who has attained the age of 60 years and served at least 20 consecutive years of imprisonment or a committed person who has served 30 consecutive years of imprisonment may submit a petition to the Prisoner Review Board seeking parole. Provides for the requirements of the petition. Provides that victims' families shall be notified in a timely manner and provided opportunity to participate at the parole hearing concerning the petitioner's application for parole under this provision in accordance with the Rights of Crime Victims and Witnesses Act, the Open Parole Hearings Act, and this Code. Provides that Prisoner Review Board hearings under this provision shall be conducted by a panel of at least 8 members of the Board and a majority vote of the panel is required to grant the petition and release the petitioner on parole. Provides that if parole is denied, the petitioner shall be eligible to reapply for parole no later than 3 years after denial.

LRB101 18142 RLC 67582 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by  
5 changing Section 3-3-5 and adding Section 3-3-14 as follows:

6 (730 ILCS 5/3-3-5) (from Ch. 38, par. 1003-3-5)

7 Sec. 3-3-5. Hearing and determination.

8 (a) The Prisoner Review Board shall meet as often as need  
9 requires to consider the cases of persons eligible for parole.  
10 Except as otherwise provided in paragraph (2) of subsection (a)  
11 of Section 3-3-2 or Section 3-3-14 of this Act, the Prisoner  
12 Review Board may meet and order its actions in panels of 3 or  
13 more members. The action of a majority of the panel shall be  
14 the action of the Board.

15 (b) If the person under consideration for parole is in the  
16 custody of the Department, at least one member of the Board  
17 shall interview him or her, and a report of that interview  
18 shall be available for the Board's consideration. However, in  
19 the discretion of the Board, the interview need not be  
20 conducted if a psychiatric examination determines that the  
21 person could not meaningfully contribute to the Board's  
22 consideration. The Board may in its discretion parole a person  
23 who is then outside the jurisdiction on his or her record

1 without an interview. The Board need not hold a hearing or  
2 interview a person who is paroled under paragraphs (d) or (e)  
3 of this Section or released on Mandatory release under Section  
4 3-3-10.

5 (c) The Board shall not parole a person eligible for parole  
6 if it determines that:

7 (1) there is a substantial risk that he or she will not  
8 conform to reasonable conditions of parole or aftercare  
9 release; or

10 (2) his or her release at that time would deprecate the  
11 seriousness of his or her offense or promote disrespect for  
12 the law; or

13 (3) his or her release would have a substantially  
14 adverse effect on institutional discipline.

15 (d) (Blank).

16 (e) A person who has served the maximum term of  
17 imprisonment imposed at the time of sentencing less time credit  
18 for good behavior shall be released on parole to serve a period  
19 of parole under Section 5-8-1.

20 (f) The Board shall render its decision within a reasonable  
21 time after hearing and shall state the basis therefor both in  
22 the records of the Board and in written notice to the person on  
23 whose application it has acted. In its decision, the Board  
24 shall set the person's time for parole, or if it denies parole  
25 it shall provide for a rehearing not less frequently than once  
26 every year, except that the Board may, after denying parole,

1 schedule a rehearing no later than 5 years from the date of the  
2 parole denial, if the Board finds that it is not reasonable to  
3 expect that parole would be granted at a hearing prior to the  
4 scheduled rehearing date. If the Board shall parole a person,  
5 and, if he or she is not released within 90 days from the  
6 effective date of the order granting parole, the matter shall  
7 be returned to the Board for review.

8 (f-1) If the Board paroles a person who is eligible for  
9 commitment as a sexually violent person, the effective date of  
10 the Board's order shall be stayed for 90 days for the purpose  
11 of evaluation and proceedings under the Sexually Violent  
12 Persons Commitment Act.

13 (g) The Board shall maintain a registry of decisions in  
14 which parole has been granted, which shall include the name and  
15 case number of the prisoner, the highest charge for which the  
16 prisoner was sentenced, the length of sentence imposed, the  
17 date of the sentence, the date of the parole, and the basis for  
18 the decision of the Board to grant parole and the vote of the  
19 Board on any such decisions. The registry shall be made  
20 available for public inspection and copying during business  
21 hours and shall be a public record pursuant to the provisions  
22 of the Freedom of Information Act.

23 (h) The Board shall promulgate rules regarding the exercise  
24 of its discretion under this Section.

25 (Source: P.A. 98-558, eff. 1-1-14; 99-268, eff. 1-1-16; 99-628,  
26 eff. 1-1-17.)

1 (730 ILCS 5/3-3-14 new)

2 Sec. 3-3-14. Long term imprisonment; petition for parole.

3 (a) A committed person who has attained the age of 60 years  
4 and served at least 20 consecutive years of imprisonment or a  
5 committed person who has served 30 consecutive years of  
6 imprisonment may submit a petition to the Prisoner Review Board  
7 seeking parole.

8 (b) The petition shall contain:

9 (1) a statement by the petitioner as to the reasons why  
10 the petitioner believes he or she should be paroled,  
11 including estimated costs of continuing imprisonment;

12 (2) documentation of the petitioner's rehabilitation  
13 during the period of the petitioner's incarceration,  
14 including remorse for his or her criminal behavior, if  
15 applicable, and his or her commitment not to recidivate;

16 (3) character references and community support for the  
17 petitioner's release;

18 (4) evidence of the petitioner's participation in  
19 educational, vocational, substance abuse, behavior  
20 modification programs, life skills courses, re-entry  
21 planning, or correctional industry programs and  
22 independent efforts at rehabilitation;

23 (5) evidence of the petitioner's employment history in  
24 the correctional institution;

25 (6) the petitioner's criminal history;

1           (7) the petitioner's disciplinary history while  
2           incarcerated in the correctional institution; and

3           (8) the petitioner's plans for housing upon release  
4           from incarceration.

5           If the programs described in paragraph (4) of this  
6           subsection (b) or employment opportunities were not available  
7           in the correctional institution, the Board shall not penalize  
8           the committed person in his or her petition for parole under  
9           this Section.

10          (c) Victims' families shall be notified in a timely manner  
11          and provided opportunity to participate at the parole hearing  
12          concerning the petitioner's application for parole under this  
13          Section in accordance with the Rights of Crime Victims and  
14          Witnesses Act, the Open Parole Hearings Act, and this Article.

15          (d) Prisoner Review Board hearings under this Section shall  
16          be conducted by a panel of at least 8 members of the Board and a  
17          majority vote of the panel is required to grant the petition  
18          and release the petitioner on parole.

19          (e) When parole is denied under this Section a written  
20          statement shall be submitted by the Board that shall include  
21          when the petitioner is eligible to reapply for parole under  
22          this Section; which hearing shall be held no later than 3 years  
23          after denial of parole.