



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3233

Introduced 2/11/2020, by Sen. Celina Villanueva

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-3	from Ch. 38, par. 1003-3-3
730 ILCS 5/3-3-3.1 new	
730 ILCS 5/3-5-1	from Ch. 38, par. 1003-5-1

Amends the Unified Code of Corrections. Provides that notwithstanding to the contrary any provision of the Code, the Post-Conviction Hearing Article of the Code of Criminal Procedure of 1963, the Habeas Corpus Article of the Code of Civil Procedure, or the relief from judgments provisions of the Code of Civil Procedure, a person serving a term of imprisonment in a Department of Corrections institution or facility is eligible for Earned Discretionary Release and a parole hearing if he or she has served the greater of: (1) a term of imprisonment of at least 20 years; (2) 25% of his or her sentence; or (3) the minimum term of imprisonment for the most serious offense for which the person was convicted. Provides that a person serving a term of natural life imprisonment is eligible for Earned Discretionary Release and a parole hearing after serving a term of imprisonment of at least 20 years. Provides that each committed person eligible for Earned Discretionary Release on the effective date of the amendatory Act shall receive a risk assessment within one year after the effective date of the amendatory Act. Deletes provision that no person serving a term of natural life imprisonment may be paroled or released except through executive clemency. Contains a severability provision.

LRB101 19881 RLC 69401 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-3-3 and 3-5-1 and by adding Section 3-3-3.1
6 as follows:

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

8 Sec. 3-3-3. Eligibility for parole or release.

9 (a) Except as otherwise provided in Section 3-3-3.1 and
10 except ~~Except~~ for those offenders who accept the fixed release
11 date established by the Prisoner Review Board under Section
12 3-3-2.1, every person serving a term of imprisonment under the
13 law in effect prior to the effective date of this amendatory
14 Act of 1977 shall be eligible for parole when he or she has
15 served:

16 (1) the minimum term of an indeterminate sentence less
17 time credit for good behavior, or 20 years less time credit
18 for good behavior, whichever is less; or

19 (2) 20 years of a life sentence less time credit for
20 good behavior; or

21 (3) 20 years or one-third of a determinate sentence,
22 whichever is less, less time credit for good behavior.

23 (b) Except as otherwise provided in Section 3-3-3.1, no ~~no~~

1 person sentenced under this amendatory Act of 1977 or who
2 accepts a release date under Section 3-3-2.1 shall be eligible
3 for parole.

4 (c) Except as otherwise provided in Section 3-3-3.1 and
5 except ~~Except~~ for those sentenced to a term of natural life
6 imprisonment, every person sentenced to imprisonment under
7 this amendatory Act of 1977 or given a release date under
8 Section 3-3-2.1 of this Act shall serve the full term of a
9 determinate sentence less time credit for good behavior and
10 shall then be released under the mandatory supervised release
11 provisions of paragraph (d) of Section 5-8-1 of this Code.

12 (d) (Blank). ~~No person serving a term of natural life~~
13 ~~imprisonment may be paroled or released except through~~
14 ~~executive clemency.~~

15 (e) Every person committed to the Department of Juvenile
16 Justice under the Juvenile Court Act of 1987 and confined in
17 the State correctional institutions or facilities if such
18 juvenile has not been tried as an adult shall be eligible for
19 aftercare release under Section 3-2.5-85 of this Code. However,
20 if a juvenile has been tried as an adult he or she shall only be
21 eligible for parole or mandatory supervised release as an adult
22 under this Section.

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

24 (730 ILCS 5/3-3-3.1 new)

25 Sec. 3-3-3.1. Earned Discretionary Release; parole

1 hearings; sentences of 20 years or longer; life imprisonment;
2 early release.

3 (a) Notwithstanding to the contrary any provision of this
4 Code, Article 122 of the Code of Criminal Procedure of 1963,
5 Article X of the Code of Civil Procedure, or Section 2-1401 of
6 the Code of Civil Procedure, a person serving a term of
7 imprisonment in a Department of Corrections institution or
8 facility is eligible for Earned Discretionary Release and a
9 parole hearing under this Article if he or she has served the
10 greater of:

11 (1) a term of imprisonment of at least 20 years;

12 (2) 25% of his or her sentence; or

13 (3) the minimum term of imprisonment for the most
14 serious offense for which the person was convicted.

15 A person serving a term of natural life imprisonment is
16 eligible for Earned Discretionary Release and a parole hearing
17 under this Article after serving a term of imprisonment of at
18 least 20 years. A person seeking early release under this
19 Section may petition the Prisoner Review Board in the same
20 manner as a person eligible for parole under Section 3-3-2.1 of
21 this Code and the parole hearing shall be conducted as
22 otherwise provided in this Article and the Open Parole Hearings
23 Act unless otherwise provided in this Section.

24 (b) Veterans, as defined in Section 10 of the Veterans and
25 Servicemembers Court Treatment Act, who have been honorably
26 discharged are eligible for additional sentence credit as

1 determined by the Prisoner Review Board.

2 (c) A risk assessment instrument shall be used to evaluate
3 every committed person described in this Section at the time of
4 his or her admittance to an institution or facility of the
5 Department for the offense or offenses that resulted in the
6 person's sentence in order to determine the risk factors and
7 identify goals or behavior that the committed person needs to
8 achieve or change in order to be released.

9 (d) Each committed person eligible for Earned
10 Discretionary Release under this Section on the effective date
11 of this amendatory Act of the 101st General Assembly shall
12 receive a risk assessment within one year after the effective
13 date of this amendatory Act of the 101st General Assembly.

14 (e) Victims have the right to be present and involved in
15 the initial outlining of the goals for a committed person
16 described in this Section. Victims may have input into the
17 goals that must be achieved by a committed person before the
18 committed person may be released. The risk assessment
19 instrument shall be the primary factor for determining what
20 goals a committed person must accomplish before being released.
21 Each interested party may have meaningful input before the
22 determination of the petitioner's final goals.

23 (f) On the effective date of this amendatory Act of the
24 101st General Assembly, prior evidence of the petitioner's
25 participation in rehabilitative programs shall be added to the
26 petitioner's master record file under Section 3-5-1 and shall

1 be considered at the petitioner's parole hearing.

2 (g) The source code of any risk assessment instrument under
3 subsection (d) shall be made available to a panel composed of
4 representatives from the Illinois Criminal Justice Information
5 Authority and the Illinois Sentencing Policy Advisory Council
6 for periodic review for racial, religious, ethnic, gender,
7 sexual orientation, and socio-economic biases.

8 (h) The Department has a duty to provide rehabilitative
9 programming for each committed person described in this
10 Section.

11 (i) A committed person described in this Section may not be
12 barred from rehabilitative programming because his or her
13 anticipated release is not in the near future.

14 (j) A committed person described in this Section during any
15 period of his or her imprisonment in a Department institution
16 or facility has the right to engage in rehabilitative
17 programming after meeting with a counselor and developing an
18 individualized plan of rehabilitation which shall be made
19 available to the Prisoner Review Board prior to the parole
20 hearing.

21 (k) On the effective date of this amendatory Act of the
22 101st General Assembly, each correctional facility shall
23 comprehensively evaluate how well it facilitates relationships
24 between committed persons in its custody and their family
25 members. This includes, but is not limited to: visiting hours
26 and procedures, phone call protocol and costs, letter writing,

1 and other factors deemed relevant by the Director of
2 Corrections.

3 (l) Every committed person described in this Section shall
4 have the right to legal representation at his or her parole
5 hearing. If the committed person cannot afford legal counsel,
6 free legal service representatives may be utilized.

7 (m) Every committed person described in this Section may
8 attend and testify at his or her parole hearing.

9 (n) Every committed person described in this Section, shall
10 be provided full and complete access to his or her master
11 record file at least 60 days prior to any parole hearing. The
12 committed person has a right to challenge any false,
13 misleading, or otherwise inaccurate information contained
14 therein. The Department of Corrections shall establish an
15 expedited process for committed persons to challenge such
16 false, misleading, or otherwise inaccurate information so that
17 it can be removed prior to any parole hearing.

18 (o) Nothing in this amendatory Act of the 101st General
19 Assembly guarantees release. It only guarantees the
20 opportunity of the committed person to present evidence at his
21 or her parole hearing to demonstrate his or her rehabilitation
22 before the Prisoner Review Board and to seek Earned
23 Discretionary Release.

24 (730 ILCS 5/3-5-1) (from Ch. 38, par. 1003-5-1)

25 Sec. 3-5-1. Master Record File.

1 (a) The Department of Corrections and the Department of
2 Juvenile Justice shall maintain a master record file on each
3 person committed to it, which shall contain the following
4 information:

5 (1) all information from the committing court;

6 (1.5) ethnic and racial background data collected in
7 accordance with Section 4.5 of the Criminal Identification
8 Act;

9 (2) reception summary;

10 (3) evaluation and assignment reports and
11 recommendations;

12 (4) reports as to program assignment and progress;

13 (5) reports of disciplinary infractions and
14 disposition, including tickets and Administrative Review
15 Board action;

16 (6) any parole or aftercare release plan;

17 (7) any parole or aftercare release reports;

18 (8) the date and circumstances of final discharge;

19 (9) criminal history;

20 (10) current and past gang affiliations and ranks;

21 (11) information regarding associations and family
22 relationships;

23 (12) any grievances filed and responses to those
24 grievances; and

25 (13) other information that the respective Department
26 determines is relevant to the secure confinement and

1 rehabilitation of the committed person.

2 (b) Except as otherwise provided in subsection (n) of
3 Section 3-3-3.1, all ~~All~~ files shall be confidential and access
4 shall be limited to authorized personnel of the respective
5 Department. Personnel of other correctional, welfare or law
6 enforcement agencies may have access to files under rules and
7 regulations of the respective Department. The respective
8 Department shall keep a record of all outside personnel who
9 have access to files, the files reviewed, any file material
10 copied, and the purpose of access. If the respective Department
11 or the Prisoner Review Board makes a determination under this
12 Code which affects the length of the period of confinement or
13 commitment, the committed person and his counsel shall be
14 advised of factual information relied upon by the respective
15 Department or Board to make the determination, provided that
16 the Department or Board shall not be required to advise a
17 person committed to the Department of Juvenile Justice any such
18 information which in the opinion of the Department of Juvenile
19 Justice or Board would be detrimental to his treatment or
20 rehabilitation.

21 (c) The master file shall be maintained at a place
22 convenient to its use by personnel of the respective Department
23 in charge of the person. When custody of a person is
24 transferred from the Department to another department or
25 agency, a summary of the file shall be forwarded to the
26 receiving agency with such other information required by law or

1 requested by the agency under rules and regulations of the
2 respective Department.

3 (d) The master file of a person no longer in the custody of
4 the respective Department shall be placed on inactive status
5 and its use shall be restricted subject to rules and
6 regulations of the Department.

7 (e) All public agencies may make available to the
8 respective Department on request any factual data not otherwise
9 privileged as a matter of law in their possession in respect to
10 individuals committed to the respective Department.

11 (Source: P.A. 97-696, eff. 6-22-12; 98-528, eff. 1-1-15;
12 98-558, eff. 1-1-14; 98-756, eff. 7-16-14.)

13 Section 97. Severability. The provisions of this Act are
14 severable under Section 1.31 of the Statute on Statutes.