

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 5-4.5-115 as follows:

6 (730 ILCS 5/5-4.5-115)

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

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

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

1 criminal sexual assault who shall be eligible for parole
2 review by the Prisoner Review Board after serving 20 years or
3 more of his or her sentence or sentences or (2) predatory
4 criminal sexual assault of a child who shall not be eligible
5 for parole review by the Prisoner Review Board under this
6 Section. A person under 21 years of age at the time of the
7 commission of first degree murder who is sentenced on or after
8 June 1, 2019 (the effective date of Public Act 100-1182) shall
9 be eligible for parole review by the Prisoner Review Board
10 after serving 20 years or more of his or her sentence or
11 sentences, except for those subject to a term of natural life
12 imprisonment under Section 5-8-1 of this Code or any person
13 subject to sentencing under subsection (c) of Section
14 5-4.5-105 of this Code, who shall be eligible for parole
15 review by the Prisoner Review Board after serving 40 years or
16 more of his or her sentence or sentences.

17 (c) Three years prior to becoming eligible for parole
18 review, the eligible person may file his or her petition for
19 parole review with the Prisoner Review Board. The petition
20 shall include a copy of the order of commitment and sentence to
21 the Department of Corrections for the offense or offenses for
22 which review is sought. Within 30 days of receipt of this
23 petition, the Prisoner Review Board shall determine whether
24 the petition is appropriately filed, and if so, shall set a
25 date for parole review 3 years from receipt of the petition and
26 notify the Department of Corrections within 10 business days.

1 If the Prisoner Review Board determines that the petition is
2 not appropriately filed, it shall notify the petitioner in
3 writing, including a basis for its determination.

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

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

22 (f) Nine months prior to the hearing, the Prisoner Review
23 Board shall provide the eligible person, and his or her
24 counsel, any written documents or materials it will be
25 considering in making its decision unless the written
26 documents or materials are specifically found to: (1) include

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

25 (g) Not less than 12 months prior to the hearing, the
26 Prisoner Review Board shall provide notification to the

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

23 (h) The hearing conducted by the Prisoner Review Board
24 shall be governed by Sections 15 and 20, subsection (f) of
25 Section 5, subsections (a), (a-5), (b), (b-5), and (c) of
26 Section 10, and subsection (d) of Section 25 of the Open Parole

1 Hearings Act and Part 1610 of Title 20 of the Illinois
2 Administrative Code. The eligible person has a right to be
3 present at the Prisoner Review Board hearing, unless the
4 Prisoner Review Board determines the eligible person's
5 presence is unduly burdensome when conducting a hearing under
6 paragraph (6.6) of subsection (a) of Section 3-3-2 of this
7 Code. If a psychological evaluation is submitted for the
8 Prisoner Review Board's consideration, it shall be prepared by
9 a person who has expertise in adolescent brain development and
10 behavior, and shall take into consideration the diminished
11 culpability of youthful offenders, the hallmark features of
12 youth, and any subsequent growth and increased maturity of the
13 person. At the hearing, the eligible person shall have the
14 right to make a statement on his or her own behalf.

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

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

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

1 (2) the eligible person's release at that time would
2 deprecate the seriousness of his or her offense or promote
3 disrespect for the law; or

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

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

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

1 mandatory supervised release period as sent forth in Section
2 5-4.5-20.

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

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

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

1 subsection (l) of this Section. The procedures for the third
2 and final parole review shall be governed by subsections (c)
3 through (k) of this Section.

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

13 (Source: P.A. 100-1182, eff. 6-1-19; 101-288, eff. 1-1-20.)