

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 3-3-1, 3-3-2, and 3-3-3 as follows:

6 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

7 Sec. 3-3-1. Establishment and appointment of Prisoner
8 Review Board.

9 (a) There shall be a Prisoner Review Board independent of
10 the Department which shall be:

11 (1) the paroling authority for persons sentenced under
12 the law in effect prior to the effective date of this
13 amendatory Act of 1977;

14 (1.2) the paroling authority for persons eligible for
15 parole review under Section 5-4.5-115;

16 (1.5) (blank);

17 (1.10) the authority for setting conditions for
18 mandatory supervised release under subsection (f) of
19 Section 3-3-3 of this Code and determining whether a
20 violation of those conditions warrant revocation of
21 mandatory supervised release or the imposition of other
22 sanctions;

23 (2) the board of review for cases involving the

1 revocation of sentence credits or a suspension or
2 reduction in the rate of accumulating the credit;

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

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

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

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

18 (b) The Board shall consist of 15 persons appointed by the
19 Governor by and with the advice and consent of the Senate. One
20 member of the Board shall be designated by the Governor to be
21 Chairman and shall serve as Chairman at the pleasure of the
22 Governor. The members of the Board shall have had at least 5
23 years of actual experience in the fields of penology,
24 corrections work, law enforcement, sociology, law, education,
25 social work, medicine, psychology, other behavioral sciences,
26 or a combination thereof. At least 6 members so appointed must

1 have at least 3 years experience in the field of juvenile
2 matters. No more than 8 Board members may be members of the
3 same political party.

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

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

22 Of the initial members appointed under this amendatory Act
23 of the 93rd General Assembly, the Governor shall appoint 5
24 members whose terms shall expire on the third Monday in
25 January 2005, 5 members whose terms shall expire on the third
26 Monday in January 2007, and 5 members whose terms shall expire

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

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

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

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

16 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

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

18 (a) The Parole and Pardon Board is abolished and the term
19 "Parole and Pardon Board" as used in any law of Illinois, shall
20 read "Prisoner Review Board." After February 1, 1978 (the
21 effective date of Public Act 81-1099) ~~this amendatory Act of~~
22 ~~1977~~, the Prisoner Review Board shall provide by rule for the
23 orderly transition of all files, records, and documents of the
24 Parole and Pardon Board and for such other steps as may be
25 necessary to effect an orderly transition and shall:

1 (1) hear by at least one member and through a panel of
2 at least 3 members decide, cases of prisoners who were
3 sentenced under the law in effect prior to February 1,
4 1978 (the effective date of Public Act 81-1099) ~~this~~
5 ~~amendatory Act of 1977~~, and who are eligible for parole;

6 (2) hear by at least one member and through a panel of
7 at least 3 members decide, the conditions of parole and
8 the time of discharge from parole, impose sanctions for
9 violations of parole, and revoke parole for those
10 sentenced under the law in effect prior to February 1,
11 1978 (the effective date of Public Act 81-1099) ~~this~~
12 ~~amendatory Act of 1977~~; provided that the decision to
13 parole and the conditions of parole for all prisoners who
14 were sentenced for first degree murder or who received a
15 minimum sentence of 20 years or more under the law in
16 effect prior to February 1, 1978 shall be determined by a
17 majority vote of the Prisoner Review Board. One
18 representative supporting parole and one representative
19 opposing parole will be allowed to speak. Their comments
20 shall be limited to making corrections and filling in
21 omissions to the Board's presentation and discussion;

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

1 mandatory supervised release for those sentenced under the
2 law in effect after February 1, 1978 (the effective date
3 of Public Act 81-1099) ~~this amendatory Act of 1977;~~

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

12 (3.6) hear by at least one member and through a panel
13 of at least 3 members decide whether to revoke aftercare
14 release for those committed to the Department of Juvenile
15 Justice under the Juvenile Court Act of 1987;

16 (4) hear by at least one member and through a panel of
17 at least 3 members, decide cases brought by the Department
18 of Corrections against a prisoner in the custody of the
19 Department for alleged violation of Department rules with
20 respect to sentence credits under Section 3-6-3 of this
21 Code in which the Department seeks to revoke sentence
22 credits, if the amount of time at issue exceeds 30 days or
23 when, during any 12-month ~~12-month~~ period, the cumulative
24 amount of credit revoked exceeds 30 days except where the
25 infraction is committed or discovered within 60 days of
26 scheduled release. In such cases, the Department of

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

9 (5) hear by at least one member and through a panel of
10 at least 3 members decide, the release dates for certain
11 prisoners sentenced under the law in existence prior to
12 February 1, 1978 (the effective date of Public Act
13 81-1099) ~~this amendatory Act of 1977~~, in accordance with
14 Section 3-3-2.1 of this Code;

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

19 (6.5) hear by at least one member who is qualified in
20 the field of juvenile matters and through a panel of at
21 least 3 members, 2 of whom are qualified in the field of
22 juvenile matters, decide parole review cases in accordance
23 with Section 5-4.5-115 of this Code and make release
24 determinations of persons under the age of 21 at the time
25 of the commission of an offense or offenses, other than
26 those persons serving sentences for first degree murder or

1 aggravated criminal sexual assault;

2 (6.6) hear by at least a quorum of the Prisoner Review
3 Board and decide by a majority of members present at the
4 hearing, in accordance with Section 5-4.5-115 of this
5 Code, release determinations of persons under the age of
6 21 at the time of the commission of an offense or offenses
7 of those persons serving sentences for first degree murder
8 or aggravated criminal sexual assault;

9 (6.7) hear by at least one member and through a panel
10 of at least 3 members determine the conditions of
11 mandatory supervised release, determine the time of
12 discharge from mandatory supervised release, impose
13 sanctions for violations of mandatory supervised release,
14 and revoke mandatory supervised release for those
15 sentenced under subsection (f) of Section 3-3-3 of this
16 Code;

17 (7) comply with the requirements of the Open Parole
18 Hearings Act;

19 (8) hear by at least one member and, through a panel of
20 at least 3 members, decide cases brought by the Department
21 of Corrections against a prisoner in the custody of the
22 Department for court dismissal of a frivolous lawsuit
23 pursuant to Section 3-6-3(d) of this Code in which the
24 Department seeks to revoke up to 180 days of sentence
25 credit, and if the prisoner has not accumulated 180 days
26 of sentence credit at the time of the dismissal, then all

1 sentence credit accumulated by the prisoner shall be
2 revoked;

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

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

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

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

25 (C) if convicted of a violation of the Cannabis
26 Control Act, Illinois Controlled Substances Act, the

1 Methamphetamine Control and Community Protection Act,
2 the Methamphetamine Precursor Control Act, or the
3 Methamphetamine Precursor Tracking Act unless the
4 petitioner has completed a drug abuse program for the
5 offense on which sealing is sought and provides proof
6 that he or she has completed the program successfully;

7 (D) if convicted of:

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

12 (ii) aggravated assault;

13 (iii) aggravated battery;

14 (iv) domestic battery;

15 (v) aggravated domestic battery;

16 (vi) violation of an order of protection;

17 (vii) an offense under the Criminal Code of
18 1961 or the Criminal Code of 2012 involving a
19 firearm;

20 (viii) driving while under the influence of
21 alcohol, other drug or drugs, intoxicating
22 compound or compounds, or any combination thereof;

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

1 (x) any crime defined as a crime of violence
2 under Section 2 of the Crime Victims Compensation
3 Act.

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

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

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

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

1 3 members and, with the unanimous vote of a panel of 3
2 members, issue a certificate of eligibility for
3 expungement recommending that the court order the
4 expungement of all official records of the arresting
5 authority, the circuit court clerk, and the Department of
6 State Police concerning the arrest and conviction for the
7 Class 3 or 4 felony. A person may not apply to the Board
8 for a certificate of eligibility for expungement:

9 (A) if convicted of:

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

14 (ii) an offense under the Criminal Code of
15 1961 or Criminal Code of 2012 involving a firearm;
16 or

17 (iii) a crime of violence as defined in
18 Section 2 of the Crime Victims Compensation Act;
19 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 January 1,
15 1997 (the effective date of Public Act 89-490) ~~this amendatory~~
16 ~~Act of 1996~~. Within 6 months after the implementation of the
17 pilot project, the Prisoner Review Board, with the cooperation
18 of and in coordination with the Department of Corrections and
19 the Department of Central Management Services, shall report to
20 the Governor and the General Assembly regarding the use,
21 costs, effectiveness, and future viability of interactive
22 video conferences for Prisoner 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
3 its work, and the Chairman shall file a copy of such rules and
4 any amendments thereto with the Director and with the
5 Secretary of 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
16 official authorized by the Chairman of the Board, or by any
17 person lawfully authorized to serve a subpoena under the laws
18 of the 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
23 the Board. Witnesses so summoned shall be paid the same fees
24 and mileage that are paid witnesses in the circuit courts of
25 the 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
4 attendance.

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

26 Each member of the Board and any hearing officer

1 designated by the Board shall have the power to administer
2 oaths and to take the testimony of persons under oath.

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

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

11 (Source: P.A. 100-1182, eff. 6-1-19; 101-288, eff. 1-1-20;
12 revised 8-19-20.)

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

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

15 (a) Except for those offenders who accept the fixed
16 release date established by the Prisoner Review Board under
17 Section 3-3-2.1, every person serving a term of imprisonment
18 under the law in effect prior to the effective date of this
19 amendatory Act of 1977 shall be eligible for parole when he or
20 she has served:

21 (1) the minimum term of an indeterminate sentence less
22 time credit for good behavior, or 20 years less time
23 credit for good behavior, whichever is less; or

24 (2) 20 years of a life sentence less time credit for
25 good behavior; or

1 (3) 20 years or one-third of a determinate sentence,
2 whichever is less, less time credit for good behavior.

3 (b) No person sentenced under this amendatory Act of 1977
4 or who accepts a release date under Section 3-3-2.1 shall be
5 eligible for parole.

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

13 (d) No person serving a term of natural life imprisonment
14 may be paroled or released except through 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.
20 However, if a juvenile has been tried as an adult he or she
21 shall only be eligible for parole or mandatory supervised
22 release as an adult under this Section.

23 (f) If a person was originally prosecuted under the
24 provisions of the Criminal Code of 1961 or the Criminal Code of
25 2012, sentenced under the provisions of this Act pursuant to
26 Section 5-805 of the Juvenile Court Act of 1987, and convicted

1 as an adult and committed to the Department of Juvenile
2 Justice under Section 5-8-6, the Department of Juvenile
3 Justice shall, no less than 120 days prior to the date that the
4 person reaches the age of 21, send written notification to the
5 Prisoner Review Board indicating the day upon which the
6 committed person will achieve the age of 21. The Prisoner
7 Review Board shall conduct a hearing with no less than 3
8 members to determine whether or not the minor shall be
9 assigned mandatory supervised release or be transferred to the
10 Department of Corrections prior to the minor's twenty-first
11 birthday.

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

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.