



Rep. Justin Slaughter

Filed: 2/9/2022

10200HB3613ham001

LRB102 14143 RLC 35958 a

1 AMENDMENT TO HOUSE BILL 3613

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3613 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by  
5 changing Sections 3-3-3 and 3-3-5 and by adding Section 3-3-16  
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 for those offenders who accept the fixed  
10 release date established by the Prisoner Review Board under  
11 Section 3-3-2.1, every person serving a term of imprisonment  
12 under the law in effect prior to the effective date of this  
13 amendatory Act of 1977 shall be eligible for parole when he or  
14 she has served:

15 (1) the minimum term of an indeterminate sentence less  
16 time credit for good behavior, or 20 years less time

1 credit for good behavior, whichever is less; or

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

4 (3) 20 years or one-third of a determinate sentence,  
5 whichever is less, less time credit for good behavior.

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

9 (c) Subject to Section 3-3-16 ~~Except for those sentenced~~  
10 ~~to a term of natural life imprisonment,~~ every person sentenced  
11 to imprisonment under this amendatory Act of 1977 or given a  
12 release date under Section 3-3-2.1 of this Act shall serve the  
13 full term of a determinate sentence less time credit for good  
14 behavior and shall then be released under the mandatory  
15 supervised release provisions of paragraph (d) of Section  
16 5-8-1 of this Code.

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

20 (d-5) A person serving a term of natural life imprisonment  
21 is eligible for parole under Section 3-3-16 and mandatory  
22 supervised release under subsection (d) of Section 5-8-1.

23 (e) Every person committed to the Department of Juvenile  
24 Justice under the Juvenile Court Act of 1987 and confined in  
25 the State correctional institutions or facilities if such  
26 juvenile has not been tried as an adult shall be eligible for

1 aftercare release under Section 3-2.5-85 of this Code.  
2 However, if a juvenile has been tried as an adult he or she  
3 shall only be eligible for parole or mandatory supervised  
4 release as an adult under this Section.

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

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  
11 (a) of Section 3-3-2 or in Section 3-3-16 of this Act, the  
12 Prisoner Review Board may meet and order its actions in panels  
13 of 3 or more members. The action of a majority of the panel  
14 shall be 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  
24 without an interview. The Board need not hold a hearing or  
25 interview a person who is paroled under paragraphs (d) or (e)

1 of this Section or released on Mandatory release under Section  
2 3-3-10.

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

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

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

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

13 (d) (Blank).

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

18 (f) The Board shall render its decision within a  
19 reasonable time after hearing and shall state the basis  
20 therefor both in the records of the Board and in written notice  
21 to the person on whose application it has acted. In its  
22 decision, the Board shall set the person's time for parole, or  
23 if it denies parole it shall provide for a rehearing not less  
24 frequently than once every year, except that the Board may,  
25 after denying parole, schedule a rehearing no later than 5  
26 years from the date of the parole denial, if the Board finds

1 that it is not reasonable to expect that parole would be  
2 granted at a hearing prior to the scheduled rehearing date. If  
3 the Board shall parole a person, and, if he or she is not  
4 released within 90 days from the effective date of the order  
5 granting parole, the matter shall be returned to the Board for  
6 review.

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

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

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

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

1 (730 ILCS 5/3-3-16 new)

2 Sec. 3-3-16. Long term incarceration; petition for parole.

3 (a) A committed person who has attained the age of 55 years  
4 and served at least 25 consecutive years of incarceration  
5 shall be eligible to submit a petition to the Prisoner Review  
6 Board seeking parole.

7 (b) The Board shall hold a hearing on each petition, and in  
8 determining whether an eligible person should be granted  
9 parole, the Prisoner Review Board shall consider the following  
10 factors as shown by the petition or as shown at the hearing:

11 (1) a statement by the petitioner as to the reasons  
12 why the petitioner believes he or she should be paroled,  
13 including estimated costs of continuing imprisonment. This  
14 statement may include a risk assessment by a third party;

15 (2) evidence of the petitioner's rehabilitation during  
16 the period of the petitioner's incarceration, including  
17 remorse for his or her criminal behavior, if applicable,  
18 and his or her commitment not to recidivate. Maintaining  
19 innocence shall not prevent a person from being granted  
20 parole;

21 (3) character references and community support for the  
22 petitioner's release;

23 (4) evidence of the petitioner's participation in  
24 educational, vocational, substance abuse, behavior  
25 modification programs, life skills courses, re-entry  
26 planning, or correctional industry programs and

1 independent efforts at rehabilitation;

2 (5) evidence of the petitioner's employment history in  
3 the correctional institution;

4 (6) the petitioner's criminal history;

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

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

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

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

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

24 (e) The Board shall render its decision within a  
25 reasonable time after hearing and shall state the basis of its  
26 decision both in the records of the Board and in written notice

1 to the person on whose petition it has acted. In its decision,  
2 the Board shall set the person's time for parole or if it  
3 denies parole, it shall provide for a rehearing no later than 3  
4 years after denial of parole.

5 (f) This Section applies retroactively to all persons  
6 serving any sentence that was or is imposed before, on, or  
7 after the effective date of this amendatory Act of the 102nd  
8 General Assembly, and the period of incarceration for  
9 eligibility of each such person to submit a petition for  
10 parole is based on all previous consecutive years of  
11 incarceration served by that person before, on, and after the  
12 effective date of this amendatory Act of the 102nd General  
13 Assembly. This application of this amendatory Act of the 102nd  
14 General Assembly is necessary in order to serve important  
15 public purposes, including providing a means for incarcerated  
16 individuals to be restored to useful citizenship, and  
17 decreasing the rising costs of incarceration.

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.".