



Rep. Will Guzzardi

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1 AMENDMENT TO HOUSE BILL 3665

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3665 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. This Act may be referred to as the Joe Coleman  
5 Medical Release Act.

6 Section 5. The Rights of Crime Victims and Witnesses Act  
7 is amended by changing Section 5 and by adding Sections 3-3-14  
8 and 3-3-15 as follows:

9 (725 ILCS 120/5) (from Ch. 38, par. 1405)

10 Sec. 5. Rights of witnesses.

11 (a) Witnesses as defined in subsection (b) of Section 3 of  
12 this Act shall have the following rights:

13 (1) to be notified by the Office of the State's  
14 Attorney of all court proceedings at which the witness'  
15 presence is required in a reasonable amount of time prior

1 to the proceeding, and to be notified of the cancellation  
2 of any scheduled court proceeding in sufficient time to  
3 prevent an unnecessary appearance in court, where  
4 possible;

5 (2) to be provided with appropriate employer  
6 intercession services by the Office of the State's  
7 Attorney or the victim advocate personnel to ensure that  
8 employers of witnesses will cooperate with the criminal  
9 justice system in order to minimize an employee's loss of  
10 pay and other benefits resulting from court appearances;

11 (3) to be provided, whenever possible, a secure  
12 waiting area during court proceedings that does not  
13 require witnesses to be in close proximity to defendants  
14 and their families and friends;

15 (4) to be provided with notice by the Office of the  
16 State's Attorney, where necessary, of the right to have a  
17 translator present whenever the witness' presence is  
18 required and, in compliance with the federal Americans  
19 with Disabilities Act of 1990, to be provided with notice  
20 of the right to communications access through a sign  
21 language interpreter or by other means.

22 (b) At the written request of the witness, the witness  
23 shall:

24 (1) receive notice from the office of the State's  
25 Attorney of any request for post-conviction review filed  
26 by the defendant under Article 122 of the Code of Criminal

1 Procedure of 1963, and of the date, time, and place of any  
2 hearing concerning the petition for post-conviction  
3 review; whenever possible, notice of the hearing on the  
4 petition shall be given in advance;

5 (2) receive notice by the releasing authority of the  
6 defendant's discharge from State custody if the defendant  
7 was committed to the Department of Human Services under  
8 Section 5-2-4 or any other provision of the Unified Code  
9 of Corrections;

10 (3) receive notice from the Prisoner Review Board of  
11 the prisoner's escape from State custody, after the Board  
12 has been notified of the escape by the Department of  
13 Corrections or the Department of Juvenile Justice; when  
14 the escapee is apprehended, the Department of Corrections  
15 or the Department of Juvenile Justice shall immediately  
16 notify the Prisoner Review Board and the Board shall  
17 notify the witness;

18 (4) receive notice from the Prisoner Review Board or  
19 the Department of Juvenile Justice of the prisoner's  
20 release on parole, aftercare release, electronic  
21 detention, work release or mandatory supervised release  
22 and of the prisoner's final discharge from parole,  
23 aftercare release, electronic detention, work release, or  
24 mandatory supervised release.

25 (c) The crime victim has the right to submit a victim  
26 statement to the Prisoner Review Board for consideration at a

1 medical release hearing as provided in Section 3-3-14 of the  
2 Unified Code of Corrections. A victim statement may be  
3 submitted in writing, on film, videotape, or other electronic  
4 means, or in the form of a recording prior to a hearing, or  
5 orally at a hearing, or by calling the toll-free number  
6 established in subsection (f) of Section 4.5. Victim  
7 statements provided to the Board shall be confidential and  
8 privileged, including any statements received prior to the  
9 effective date of this amendatory Act of the 102nd General  
10 Assembly, except if the statement was an oral statement made  
11 by the victim at a hearing open to the public.

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

13 Section 10. The Unified Code of Corrections is amended by  
14 changing Section 3-3-1 and by adding Sections 3-3-14 and  
15 3-3-15 as follows:

16 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

17 Sec. 3-3-1. Establishment and appointment of Prisoner  
18 Review Board.

19 (a) There shall be a Prisoner Review Board independent of  
20 the Department which shall be:

21 (1) the paroling authority for persons sentenced under  
22 the law in effect prior to the effective date of this  
23 amendatory Act of 1977;

24 (1.2) the paroling authority for persons eligible for

1 parole review under Section 5-4.5-115;

2 (1.5) (blank);

3 (2) the board of review for cases involving the  
4 revocation of sentence credits or a suspension or  
5 reduction in the rate of accumulating the credit;

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

8 (4) the authority for establishing release dates for  
9 certain prisoners sentenced under the law in existence  
10 prior to the effective date of this amendatory Act of  
11 1977, in accordance with Section 3-3-2.1 of this Code;

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

18 (6) the authority for determining whether a violation  
19 of aftercare release conditions warrant revocation of  
20 aftercare release; ~~and~~

21 (7) the authority to release medically infirm or  
22 disabled prisoners under Section 3-3-14.

23 (b) The Board shall consist of 15 persons appointed by the  
24 Governor by and with the advice and consent of the Senate. One  
25 member of the Board shall be designated by the Governor to be  
26 Chairman and shall serve as Chairman at the pleasure of the

1 Governor. The members of the Board shall have had at least 5  
2 years of actual experience in the fields of penology,  
3 corrections work, law enforcement, sociology, law, education,  
4 social work, medicine, psychology, other behavioral sciences,  
5 or a combination thereof. At least 6 members so appointed must  
6 have at least 3 years experience in the field of juvenile  
7 matters. No more than 8 Board members may be members of the  
8 same political party.

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

18 (c) Notwithstanding any other provision of this Section,  
19 the term of each member of the Board who was appointed by the  
20 Governor and is in office on June 30, 2003 shall terminate at  
21 the close of business on that date or when all of the successor  
22 members to be appointed pursuant to this amendatory Act of the  
23 93rd General Assembly have been appointed by the Governor,  
24 whichever occurs later. As soon as possible, the Governor  
25 shall appoint persons to fill the vacancies created by this  
26 amendatory Act.

1           Of the initial members appointed under this amendatory Act  
2 of the 93rd General Assembly, the Governor shall appoint 5  
3 members whose terms shall expire on the third Monday in  
4 January 2005, 5 members whose terms shall expire on the third  
5 Monday in January 2007, and 5 members whose terms shall expire  
6 on the third Monday in January 2009. Their respective  
7 successors shall be appointed for terms of 6 years from the  
8 third Monday in January of the year of appointment. Each  
9 member shall serve until his or her successor is appointed and  
10 qualified.

11           Any member may be removed by the Governor for  
12 incompetence, neglect of duty, malfeasance or inability to  
13 serve.

14           (d) The Chairman of the Board shall be its chief executive  
15 and administrative officer. The Board may have an Executive  
16 Director; if so, the Executive Director shall be appointed by  
17 the Governor with the advice and consent of the Senate. The  
18 salary and duties of the Executive Director shall be fixed by  
19 the Board.

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

21           (730 ILCS 5/3-3-14 new)

22           Sec. 3-3-14. Procedure for medical release.

23           (a) Definitions:

24           (1) As used in this Section "medically incapacitated"  
25           means that an inmate has any diagnosable medical

1 condition, including dementia and severe, permanent  
2 medical or cognitive disability, that prevents the inmate  
3 from completing more than one activities of daily living  
4 without assistance or that incapacitates the inmate to the  
5 extent that institutional confinement does not offer  
6 additional restrictions, and that the condition is  
7 unlikely to improve noticeably in the future.

8 (2) As used in this Section, "terminal illness" means  
9 a condition that satisfies all of the following criteria:

10 (i) the condition is irreversible and incurable;

11 and

12 (ii) in accordance with medical standards and a  
13 reasonable degree of medical certainty, based on an  
14 individual assessment of the inmate, the condition is  
15 likely to cause death to the inmate within 18 months.

16 (b) The Prisoner Review Board shall consider an  
17 application for compassionate release on behalf of any inmate  
18 who meets any of the following:

19 (1) is suffering from a terminal illness; or

20 (2) has been diagnosed with a condition that will  
21 result in medical incapacity within the next 6 months; or

22 (3) has become medically incapacitated subsequent to  
23 sentencing due to illness or injury.

24 (c) Initial Application:

25 (1) An initial application for medical release may be  
26 filed with the Prisoner Review Board by an inmate, a



1 prison official, a medical professional who has treated or  
2 diagnosed the inmate, or an inmate's spouse, parent,  
3 guardian, grandparent, aunt or uncle, sibling, child over  
4 the age of eighteen years, or attorney. If the initial  
5 application is made by someone other than the inmate, the  
6 inmate, or if they are medically unable to consent, the  
7 guardian or family member designated to represent their  
8 interests must consent to the application at the time of  
9 the institutional hearing.

10 (2) Application materials shall be maintained on the  
11 Prisoner Review Board's website, the Department of  
12 Corrections' website, and maintained in a clearly visible  
13 place within the law library and the infirmary of every  
14 penal institution and facility operated by the Department  
15 of Corrections.

16 (3) The initial application need not be notarized, can  
17 be sent via email or facsimile, and must contain the  
18 following information:

19 (i) the inmate's name and Illinois Department of  
20 Corrections number;

21 (ii) the inmate's diagnosis;

22 (iii) a statement that the inmate meets one of the  
23 following diagnostic criteria:

24 (a) the inmate is suffering from a terminal  
25 illness;

26 (b) the inmate has been diagnosed with a

1 condition that will result in medical incapacity  
2 within the next 6 months; or

3 (c) the inmate has become medically  
4 incapacitated subsequent to sentencing due to  
5 illness or injury.

6 (4) Upon receiving the inmate's initial application,  
7 the Board shall order the Department of Corrections to  
8 have a physician or nurse practitioner evaluate the inmate  
9 and create a written evaluation within ten days of the  
10 Board's order. The evaluation shall include but need not  
11 be limited to:

12 (i) a concise statement of the inmate's medical  
13 diagnosis, including prognosis, likelihood of  
14 recovery, and primary symptoms, to include  
15 incapacitation; and

16 (ii) a statement confirming or denying that the  
17 inmate meets one of the criteria stated in subsection  
18 (b) of this Section.

19 (d) Institutional hearing. No public institutional hearing  
20 is required for consideration of a petition, but shall be  
21 granted at the request of petitioner. The inmate may be  
22 represented by counsel and may present witnesses to the Board  
23 members. Hearings shall be governed by the Open Parole  
24 Hearings Act.

25 (e) Voting procedure. Petitions shall be considered by  
26 three-member panels, and decisions shall be made by simple

1 majority.

2 (f) Consideration. In considering a petition for release  
3 under the statute, the Prisoner Review Board may consider the  
4 following factors:

5 (i) the inmate's diagnosis and likelihood of  
6 recovery;

7 (ii) the approximate cost of health care to the  
8 State should the inmate remain in custody;

9 (iii) the impact that the inmate's continued  
10 incarceration may have on the provision of medical  
11 care within the Department;

12 (iv) the present likelihood of and ability to pose  
13 a substantial danger to the physical safety of a  
14 specifically identifiable person or persons;

15 (v) any statements by the victim regarding  
16 release; and

17 (vi) whether the inmate's condition was explicitly  
18 disclosed to the original sentencing judge and taken  
19 into account at the time of sentencing.

20 (g) Inmates granted medical release shall be released on  
21 mandatory supervised release for a period of 5 years subject  
22 to Section 3-3-8, which shall operate to discharge any  
23 remaining term of years imposed upon him or her. However, in no  
24 event shall the eligible person serve a period of mandatory  
25 supervised release greater than the aggregate of the  
26 discharged underlying sentence and the mandatory supervised

1 release period as set forth in Section 5-4.5-20.

2 (h) Within 90 days of the receipt of the initial  
3 application, the Prisoner Review Board shall conduct a hearing  
4 if a hearing is requested and render a decision granting or  
5 denying the petitioner's request for release.

6 (i) Nothing in this statute shall preclude a petitioner  
7 from seeking alternative forms of release, including clemency,  
8 relief from the sentencing court, post-conviction relief, or  
9 any other legal remedy.

10 (j) This act applies retroactively, and shall be  
11 applicable to all currently incarcerated people in Illinois.

12 (k) Data report.

13 The Department of Corrections and the Prisoner Review  
14 Board shall release a report annually published on their  
15 websites that reports the following information about the  
16 Medical Release Program:

17 (1) The number of applications for medical release  
18 received by the Board in the preceding year, and  
19 information about those applications including:

20 (i) demographic data about the individual  
21 including race or ethnicity, gender, age, and  
22 institution;

23 (ii) the highest class of offense for which the  
24 individual is incarcerated;

25 (iii) the relationship of the applicant to the  
26 person completing the application;

1           (iv) whether the applicant had applied for medical  
2           release before and been denied, and, if so, when;

3           (v) whether the person applied as a person who is  
4           medically incapacitated or a person who is terminally  
5           ill; and

6           (vi) a basic description of the underlying medical  
7           condition that led to the application.

8           (2) The number of medical statements from the  
9           Department of Corrections received by the Board;

10          (3) The number of institutional hearings on medical  
11          release applications conducted by the Board;

12          (4) The number of people approved for medical release,  
13          and information about them including:

14           (i) demographic data about the individual  
15           including race or ethnicity, gender, age, and zip code  
16           to which they were released;

17           (ii) whether the person applied as a person who is  
18           medically incapacitated or a person who is terminally  
19           ill;

20           (iii) a basic description of the underlying  
21           medical condition that led to the application; and

22           (iv) a basic description of the medical setting  
23           the person was released to.

24          (5) The number of people released on the medical  
25          release program;

26          (6) The number of people approved for medical release

1 who experienced more than a one month delay between  
2 release decision and ultimate release including;

3 (i) demographic data about the individuals  
4 including race or ethnicity, gender and age;

5 (ii) the reason for the delay;

6 (iii) whether the person remains incarcerated; and

7 (iv) a basic description of the underlying medical  
8 condition of the applying person.

9 (7) For those individuals released on mandatory  
10 supervised release due to a granted application for  
11 medical release;

12 (i) the number of individuals who were serving  
13 terms of mandatory supervised release because of  
14 medical release applications during the previous year;

15 (ii) the number of individuals who had their  
16 mandatory supervised release revoked; and

17 (iii) the number of individuals who died during  
18 the previous year.

19 (8) Information on seriously ill individuals  
20 incarcerated at the Department of Corrections including:

21 (i) the number of people currently receiving  
22 full-time one-on-one medical care or assistance with  
23 activities of daily living within Department of  
24 Corrections facilities and whether that care is  
25 provided by a medical practitioner or an inmate, along  
26 with the institutions at which they are incarcerated;

1           and

2                   (ii) the number of people who spent more than one  
3           month in outside hospital care during the previous  
4           year and their home institutions.

5           All the information provided in this report shall be  
6           provided in aggregate, and nothing shall be construed to  
7           require the public dissemination of any personal medical  
8           information.

9           (730 ILCS 5/3-3-15 new)

10           Sec. 3-3-15. Prisoner Review Board; sole discretion to  
11           grant medical release. A grant of medical release under this  
12           Article shall be an act of executive and legislative grace and  
13           shall be at the sole discretion of the Prisoner Review Board.

14           Section 15. The Open Parole Hearings Act is amended by  
15           changing Section 5 as follows:

16           (730 ILCS 105/5) (from Ch. 38, par. 1655)

17           Sec. 5. Definitions. As used in this Act:

18           (a) "Applicant" means an inmate who is being considered  
19           for parole by the Prisoner Review Board.

20           (a-1) "Aftercare releasee" means a person released from  
21           the Department of Juvenile Justice on aftercare release  
22           subject to aftercare revocation proceedings.

23           (b) "Board" means the Prisoner Review Board as established

1 in Section 3-3-1 of the Unified Code of Corrections.

2 (c) "Parolee" means a person subject to parole revocation  
3 proceedings.

4 (d) "Parole hearing" means the formal hearing and  
5 determination of an inmate being considered for release from  
6 incarceration on parole, including medical release hearings  
7 pursuant to Section 3-3-14.

8 (e) "Parole, aftercare release, or mandatory supervised  
9 release revocation hearing" means the formal hearing and  
10 determination of allegations that a parolee, aftercare  
11 releasee, or mandatory supervised releasee has violated the  
12 conditions of his or her release.

13 (f) "Victim" means a victim or witness of a violent crime  
14 as defined in subsection (a) of Section 3 of the ~~Bill of Rights~~  
15 of Crime for Victims and Witnesses of Violent Crime Act, or any  
16 person legally related to the victim by blood, marriage,  
17 adoption, or guardianship, or any friend of the victim, or any  
18 concerned citizen.

19 (g) "Violent crime" means a crime defined in subsection  
20 (c) of Section 3 of the ~~Bill of Rights~~ of Crime for Victims and  
21 Witnesses ~~of Violent Crime~~ Act.

22 (Source: P.A. 98-558, eff. 1-1-14; 99-628, eff. 1-1-17;  
23 revised 9-21-20.)".