



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### HB5021

Introduced 1/27/2022, by Rep. Kelly M. Cassidy

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-1	from Ch. 38, par. 1003-3-1
730 ILCS 5/3-3-2	from Ch. 38, par. 1003-3-2
730 ILCS 5/3-3-9	from Ch. 38, par. 1003-3-9
730 ILCS 5/5-4.5-20	
730 ILCS 5/5-4.5-25	
730 ILCS 5/5-4.5-30	
730 ILCS 5/5-4.5-120 new	
730 ILCS 5/5-8-1	from Ch. 38, par. 1005-8-1

Amends the Unified Code of Corrections. Provides that the Prisoner Review Board shall create a process by which an incarcerated individual may submit an application to be declared a survivor of gender-based violence. Provides that an application to be declared a survivor of gender-based violence may be filed with the Prisoner Review Board. Provides that application materials shall be maintained on the Prisoner Review Board's website and maintained in a clearly visible place within the law library and the infirmary of every correctional institution or facility operated by the Department of Corrections. Provides that within 90 days after the receipt of the application, the Prisoner Review Board shall conduct a hearing if a hearing is requested and render a decision granting or denying the application. Provides that the Prisoner Review Board shall create an enumerated list of factors for determination of the applicant's qualification as a survivor of gender-based violence. Provides that these factors shall be made publicly available. Provides that petitions to be declared a survivor of gender-based violence shall be considered by 3-member panels, and decisions shall be made by simple majority vote of the panel. Provides that applicants receiving a declaration shall be eligible for parole consideration by the Prisoner Review Board. Provides that the hearings shall be conducted in accordance with the Open Parole Hearings Act.

LRB102 25404 RLC 34688 b

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, 3-3-9, 5-4.5-20, 5-4.5-25,  
6 5-4.5-30, and 5-8-1 and by adding Section 5-4.5-120 as  
7 follows:

8 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

9 Sec. 3-3-1. Establishment and appointment of Prisoner  
10 Review Board.

11 (a) There shall be a Prisoner Review Board independent of  
12 the Department which shall be:

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

16 (1.2) the paroling authority for persons eligible for  
17 parole review under Section 5-4.5-115;

18 (1.3) the paroling authority for persons eligible for  
19 parole review under Section 5-4.5-120;

20 (1.5) (blank);

21 (2) the board of review for cases involving the  
22 revocation of sentence credits or a suspension or  
23 reduction in the rate of accumulating the credit;

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

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

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

12          (6) the authority for determining whether a violation  
13          of aftercare release conditions warrant revocation of  
14          aftercare release; and

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

17          (b) The Board shall consist of 15 persons appointed by the  
18          Governor by and with the advice and consent of the Senate. One  
19          member of the Board shall be designated by the Governor to be  
20          Chairman and shall serve as Chairman at the pleasure of the  
21          Governor. The members of the Board shall have had at least 5  
22          years of actual experience in the fields of penology,  
23          corrections work, law enforcement, sociology, law, education,  
24          social work, medicine, psychology, other behavioral sciences,  
25          or a combination thereof. At least 6 members so appointed must  
26          have at least 3 years experience in the field of juvenile

1 matters. No more than 8 Board members may be members of the  
2 same political party.

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

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

21 Of the initial members appointed under this amendatory Act  
22 of the 93rd General Assembly, the Governor shall appoint 5  
23 members whose terms shall expire on the third Monday in  
24 January 2005, 5 members whose terms shall expire on the third  
25 Monday in January 2007, and 5 members whose terms shall expire  
26 on the third Monday in January 2009. Their respective

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

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

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

14 (Source: P.A. 101-288, eff. 1-1-20; 102-494, eff. 1-1-22.)

15 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

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

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

25 (1) hear by at least one member and through a panel of

1 at least 3 members decide, cases of prisoners who were  
2 sentenced under the law in effect prior to February 1,  
3 1978 (the effective date of Public Act 81-1099), and who  
4 are eligible for parole;

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

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

1 law in effect after February 1, 1978 (the effective date  
2 of Public Act 81-1099);

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

11 (3.6) hear by at least one member and through a panel  
12 of at least 3 members decide whether to revoke aftercare  
13 release for those committed to the Department of Juvenile  
14 Justice under the Juvenile Court Act of 1987;

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

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

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

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

17 (6.5) hear by at least one member who is qualified in  
18 the field of juvenile matters and through a panel of at  
19 least 3 members, 2 of whom are qualified in the field of  
20 juvenile matters, decide parole review cases in accordance  
21 with Section 5-4.5-115 of this Code and make release  
22 determinations of persons under the age of 21 at the time  
23 of the commission of an offense or offenses, other than  
24 those persons serving sentences for first degree murder or  
25 aggravated criminal sexual assault;

26 (6.6) hear by at least a quorum of the Prisoner Review



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

7 (6.7) hear by at least a quorum of the Prisoner Review  
8 Board and decide by a majority of members present at the  
9 hearing, in accordance with Section 5-4.5-120, and make  
10 release determination of persons declared to be survivors  
11 of gender-based violence at any time prior to the  
12 commission of an offense or offenses;

13 (7) comply with the requirements of the Open Parole  
14 Hearings Act;

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

25 (9) hear by at least 3 members, and, through a panel of  
26 at least 3 members, decide whether to grant certificates

1 of relief from disabilities or certificates of good  
2 conduct as provided in Article 5.5 of Chapter V;

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

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

15 (B) until 5 years have elapsed since any arrests  
16 or detentions by a law enforcement officer for an  
17 alleged violation of law, other than a petty offense,  
18 traffic offense, conservation offense, or local  
19 ordinance offense;

20 (C) if convicted of a violation of the Cannabis  
21 Control Act, Illinois Controlled Substances Act, the  
22 Methamphetamine Control and Community Protection Act,  
23 the Methamphetamine Precursor Control Act, or the  
24 Methamphetamine Precursor Tracking Act unless the  
25 petitioner has completed a drug abuse program for the  
26 offense on which sealing is sought and provides proof

- 1           that he or she has completed the program successfully;
- 2           (D) if convicted of:
- 3                 (i) a sex offense described in Article 11 or
- 4                 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
- 5                 the Criminal Code of 1961 or the Criminal Code of
- 6                 2012;
- 7                 (ii) aggravated assault;
- 8                 (iii) aggravated battery;
- 9                 (iv) domestic battery;
- 10                (v) aggravated domestic battery;
- 11                (vi) violation of an order of protection;
- 12                (vii) an offense under the Criminal Code of
- 13                1961 or the Criminal Code of 2012 involving a
- 14                firearm;
- 15                (viii) driving while under the influence of
- 16                alcohol, other drug or drugs, intoxicating
- 17                compound or compounds, or any combination thereof;
- 18                (ix) aggravated driving while under the
- 19                influence of alcohol, other drug or drugs,
- 20                intoxicating compound or compounds, or any
- 21                combination thereof; or
- 22                (x) any crime defined as a crime of violence
- 23                under Section 2 of the Crime Victims Compensation
- 24                Act.

25           If a person has applied to the Board for a certificate

26           of eligibility for sealing and the Board denies the

1 certificate, the person must wait at least 4 years before  
2 filing again or filing for pardon from the Governor unless  
3 the Chairman of the Prisoner Review Board grants a waiver.

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

8 The Board may only authorize the sealing of Class 3  
9 and 4 felony convictions of the petitioner from one  
10 information or indictment under this paragraph (10). A  
11 petitioner may only receive one certificate of eligibility  
12 for sealing under this provision for life; and

13 (11) upon a petition by a person who after having been  
14 convicted of a Class 3 or Class 4 felony thereafter served  
15 in the United States Armed Forces or National Guard of  
16 this or any other state and had received an honorable  
17 discharge from the United States Armed Forces or National  
18 Guard or who at the time of filing the petition is enlisted  
19 in the United States Armed Forces or National Guard of  
20 this or any other state and served one tour of duty and who  
21 meets the requirements of this paragraph, hear by at least  
22 3 members and, with the unanimous vote of a panel of 3  
23 members, issue a certificate of eligibility for  
24 expungement recommending that the court order the  
25 expungement of all official records of the arresting  
26 authority, the circuit court clerk, and the Illinois State

1 Police concerning the arrest and conviction for the Class  
2 3 or 4 felony. A person may not apply to the Board for a  
3 certificate of eligibility for expungement:

4 (A) if convicted of:

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

9 (ii) an offense under the Criminal Code of  
10 1961 or Criminal Code of 2012 involving a firearm;  
11 or

12 (iii) a crime of violence as defined in  
13 Section 2 of the Crime Victims Compensation Act;  
14 or

15 (B) if the person has not served in the United  
16 States Armed Forces or National Guard of this or any  
17 other state or has not received an honorable discharge  
18 from the United States Armed Forces or National Guard  
19 of this or any other state or who at the time of the  
20 filing of the petition is serving in the United States  
21 Armed Forces or National Guard of this or any other  
22 state and has not completed one tour of duty.

23 If a person has applied to the Board for a certificate  
24 of eligibility for expungement and the Board denies the  
25 certificate, the person must wait at least 4 years before  
26 filing again or filing for a pardon with authorization for

1 expungement from the Governor unless the Governor or  
2 Chairman of the Prisoner Review Board grants a waiver.

3 (a-5) The Prisoner Review Board, with the cooperation of  
4 and in coordination with the Department of Corrections and the  
5 Department of Central Management Services, shall implement a  
6 pilot project in 3 correctional institutions providing for the  
7 conduct of hearings under paragraphs (1) and (4) of subsection  
8 (a) of this Section through interactive video conferences. The  
9 project shall be implemented within 6 months after January 1,  
10 1997 (the effective date of Public Act 89-490). Within 6  
11 months after the implementation of the pilot project, the  
12 Prisoner Review Board, with the cooperation of and in  
13 coordination with the Department of Corrections and the  
14 Department of Central Management Services, shall report to the  
15 Governor and the General Assembly regarding the use, costs,  
16 effectiveness, and future viability of interactive video  
17 conferences for Prisoner Review Board hearings.

18 (b) Upon recommendation of the Department the Board may  
19 restore sentence credit previously revoked.

20 (c) The Board shall cooperate with the Department in  
21 promoting an effective system of parole and mandatory  
22 supervised release.

23 (d) The Board shall promulgate rules for the conduct of  
24 its work, and the Chairman shall file a copy of such rules and  
25 any amendments thereto with the Director and with the  
26 Secretary of State.

1           (e) The Board shall keep records of all of its official  
2 actions and shall make them accessible in accordance with law  
3 and the rules of the Board.

4           (f) The Board or one who has allegedly violated the  
5 conditions of his or her parole, aftercare release, or  
6 mandatory supervised release may require by subpoena the  
7 attendance and testimony of witnesses and the production of  
8 documentary evidence relating to any matter under  
9 investigation or hearing. The Chairman of the Board may sign  
10 subpoenas which shall be served by any agent or public  
11 official authorized by the Chairman of the Board, or by any  
12 person lawfully authorized to serve a subpoena under the laws  
13 of the State of Illinois. The attendance of witnesses, and the  
14 production of documentary evidence, may be required from any  
15 place in the State to a hearing location in the State before  
16 the Chairman of the Board or his or her designated agent or  
17 agents or any duly constituted Committee or Subcommittee of  
18 the Board. Witnesses so summoned shall be paid the same fees  
19 and mileage that are paid witnesses in the circuit courts of  
20 the State, and witnesses whose depositions are taken and the  
21 persons taking those depositions are each entitled to the same  
22 fees as are paid for like services in actions in the circuit  
23 courts of the State. Fees and mileage shall be vouchered for  
24 payment when the witness is discharged from further  
25 attendance.

26           In case of disobedience to a subpoena, the Board may

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

21 Each member of the Board and any hearing officer  
22 designated by the Board shall have the power to administer  
23 oaths and to take the testimony of persons under oath.

24 (g) Except under subsection (a) of this Section, a  
25 majority of the members then appointed to the Prisoner Review  
26 Board shall constitute a quorum for the transaction of all



1 business of the Board.

2 (h) The Prisoner Review Board shall annually transmit to  
3 the Director a detailed report of its work for the preceding  
4 calendar year. The annual report shall also be transmitted to  
5 the Governor for submission to the Legislature.

6 (Source: P.A. 101-288, eff. 1-1-20; 102-538, eff. 8-20-21;  
7 102-558, eff. 8-20-21.)

8 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

9 Sec. 3-3-9. Violations; changes of conditions; preliminary  
10 hearing; revocation of parole or mandatory supervised release;  
11 revocation hearing.

12 (a) If prior to expiration or termination of the term of  
13 parole or mandatory supervised release, a person violates a  
14 condition set by the Prisoner Review Board or a condition of  
15 parole or mandatory supervised release under Section 3-3-7 of  
16 this Code to govern that term, the Board may:

17 (1) continue the existing term, with or without  
18 modifying or enlarging the conditions; or

19 (1.5) for those released as a result of youthful  
20 offender parole as set forth in Section 5-4.5-115 of this  
21 Code, order that the inmate be subsequently rereleased to  
22 serve a specified mandatory supervised release term not to  
23 exceed the full term permitted under the provisions of  
24 Section 5-4.5-115 and subsection (d) of Section 5-8-1 of  
25 this Code and may modify or enlarge the conditions of the

1 release as the Board deems proper; or

2 (1.6) for those released as a result of gender-based  
3 violence survivor parole as set forth in Section  
4 5-4.5-120, order that the inmate be subsequently  
5 rereleased to serve a specified mandatory supervised  
6 release term not to exceed the full term permitted under  
7 Section 5-4.5-120 and subsection (d) of Section 5-8-1 and  
8 may modify or enlarge the conditions of the release as the  
9 Board deems proper; or

10 (2) parole or release the person to a half-way house;

11 or

12 (3) revoke the parole or mandatory supervised release  
13 and reconfine the person for a term computed in the  
14 following manner:

15 (i) (A) For those sentenced under the law in  
16 effect prior to this amendatory Act of 1977, the  
17 recommitment shall be for any portion of the imposed  
18 maximum term of imprisonment or confinement which had  
19 not been served at the time of parole and the parole  
20 term, less the time elapsed between the parole of the  
21 person and the commission of the violation for which  
22 parole was revoked;

23 (B) Except as set forth in paragraphs (C) and (D),  
24 for those subject to mandatory supervised release  
25 under paragraph (d) of Section 5-8-1 of this Code, the  
26 recommitment shall be for the total mandatory

1 supervised release term, less the time elapsed between  
2 the release of the person and the commission of the  
3 violation for which mandatory supervised release is  
4 revoked. The Board may also order that a prisoner  
5 serve up to one year of the sentence imposed by the  
6 court which was not served due to the accumulation of  
7 sentence credit;

8 (C) For those subject to sex offender supervision  
9 under clause (d) (4) of Section 5-8-1 of this Code, the  
10 reconfinement period for violations of clauses (a) (3)  
11 through (b-1) (15) of Section 3-3-7 shall not exceed 2  
12 years from the date of reconfinement;

13 (D) For those released as a result of youthful  
14 offender parole as set forth in Section 5-4.5-115 of  
15 this Code, the reconfinement period shall be for the  
16 total mandatory supervised release term, less the time  
17 elapsed between the release of the person and the  
18 commission of the violation for which mandatory  
19 supervised release is revoked. The Board may also  
20 order that a prisoner serve up to one year of the  
21 mandatory supervised release term previously earned.  
22 The Board may also order that the inmate be  
23 subsequently rereleased to serve a specified mandatory  
24 supervised release term not to exceed the full term  
25 permitted under the provisions of Section 5-4.5-115  
26 and subsection (d) of Section 5-8-1 of this Code and

1           may modify or enlarge the conditions of the release as  
2           the Board deems proper;

3                   (ii) the person shall be given credit against the  
4           term of reimprisonment or reconfinement for time spent  
5           in custody since he or she was paroled or released  
6           which has not been credited against another sentence  
7           or period of confinement;

8                   (iii) (blank);

9                   (iv) this Section is subject to the release under  
10          supervision and the reparole and rerelease provisions  
11          of Section 3-3-10.

12                   (E) For those released as a result of gender-based  
13          violence survivor parole as set forth in Section  
14          5-4.5-120, the reconfinement period shall be for the  
15          total mandatory supervised release term, less the time  
16          elapsed between the release of the person and the  
17          commission of the violation for which mandatory  
18          supervised release is revoked. The Board may also  
19          order that a prisoner serve up to one year of the  
20          mandatory supervised release term previously earned.

21                   (b) The Board may revoke parole or mandatory supervised  
22          release for violation of a condition for the duration of the  
23          term and for any further period which is reasonably necessary  
24          for the adjudication of matters arising before its expiration.  
25          The issuance of a warrant of arrest for an alleged violation of  
26          the conditions of parole or mandatory supervised release shall

1 toll the running of the term until the final determination of  
2 the charge. When parole or mandatory supervised release is not  
3 revoked that period shall be credited to the term, unless a  
4 community-based sanction is imposed as an alternative to  
5 revocation and reincarceration, including a diversion  
6 established by the Illinois Department of Corrections Parole  
7 Services Unit prior to the holding of a preliminary parole  
8 revocation hearing. Parolees who are diverted to a  
9 community-based sanction shall serve the entire term of parole  
10 or mandatory supervised release, if otherwise appropriate.

11 (b-5) The Board shall revoke parole or mandatory  
12 supervised release for violation of the conditions prescribed  
13 in paragraph (7.6) of subsection (a) of Section 3-3-7.

14 (c) A person charged with violating a condition of parole  
15 or mandatory supervised release shall have a preliminary  
16 hearing before a hearing officer designated by the Board to  
17 determine if there is cause to hold the person for a revocation  
18 hearing. However, no preliminary hearing need be held when  
19 revocation is based upon new criminal charges and a court  
20 finds probable cause on the new criminal charges or when the  
21 revocation is based upon a new criminal conviction and a  
22 certified copy of that conviction is available.

23 (d) Parole or mandatory supervised release shall not be  
24 revoked without written notice to the offender setting forth  
25 the violation of parole or mandatory supervised release  
26 charged against him or her.

1 (e) A hearing on revocation shall be conducted before at  
2 least one member of the Prisoner Review Board. The Board may  
3 meet and order its actions in panels of 3 or more members. The  
4 action of a majority of the panel shall be the action of the  
5 Board. A record of the hearing shall be made. At the hearing  
6 the offender shall be permitted to:

7 (1) appear and answer the charge; and

8 (2) bring witnesses on his or her behalf.

9 (f) The Board shall either revoke parole or mandatory  
10 supervised release or order the person's term continued with  
11 or without modification or enlargement of the conditions.

12 (g) Parole or mandatory supervised release shall not be  
13 revoked for failure to make payments under the conditions of  
14 parole or release unless the Board determines that such  
15 failure is due to the offender's willful refusal to pay.

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

17 (730 ILCS 5/5-4.5-20)

18 Sec. 5-4.5-20. FIRST DEGREE MURDER; SENTENCE. For first  
19 degree murder:

20 (a) TERM. The defendant shall be sentenced to imprisonment  
21 or, if appropriate, death under Section 9-1 of the Criminal  
22 Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/9-1).  
23 Imprisonment shall be for a determinate term, subject to  
24 Section 5-4.5-115 and Section 5-4.5-120 of this Code, of (1)  
25 not less than 20 years and not more than 60 years; (2) not less

1 than 60 years and not more than 100 years when an extended term  
2 is imposed under Section 5-8-2 (730 ILCS 5/5-8-2); or (3)  
3 natural life as provided in Section 5-8-1 (730 ILCS 5/5-8-1).

4 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment  
5 shall not be imposed.

6 (c) IMPACT INCARCERATION. The impact incarceration program  
7 or the county impact incarceration program is not an  
8 authorized disposition.

9 (d) PROBATION; CONDITIONAL DISCHARGE. A period of  
10 probation or conditional discharge shall not be imposed.

11 (e) FINE. Fines may be imposed as provided in Section  
12 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

13 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)  
14 concerning restitution.

15 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall  
16 be concurrent or consecutive as provided in Section 5-8-4 (730  
17 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

18 (h) DRUG COURT. Drug court is not an authorized  
19 disposition.

20 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730  
21 ILCS 5/5-4.5-100) concerning no credit for time spent in home  
22 detention prior to judgment.

23 (j) SENTENCE CREDIT. See Section 3-6-3 (730 ILCS 5/3-6-3)  
24 for rules and regulations for sentence credit.

25 (k) ELECTRONIC MONITORING AND HOME DETENTION. Electronic  
26 monitoring and home detention are not authorized dispositions,

1 except in limited circumstances as provided in Section 5-8A-3  
2 (730 ILCS 5/5-8A-3).

3 (1) PAROLE; MANDATORY SUPERVISED RELEASE. Except as  
4 provided in Section 3-3-8 (730 ILCS 5/3-3-8), the parole or  
5 mandatory supervised release term shall be 3 years upon  
6 release from imprisonment.

7 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;  
8 101-288, eff. 1-1-20.)

9 (730 ILCS 5/5-4.5-25)

10 Sec. 5-4.5-25. CLASS X FELONIES; SENTENCE. For a Class X  
11 felony:

12 (a) TERM. The sentence of imprisonment shall be a  
13 determinate sentence, subject to Section 5-4.5-115 of this  
14 Code, of not less than 6 years and not more than 30 years. The  
15 sentence of imprisonment for an extended term Class X felony,  
16 as provided in Section 5-8-2 (730 ILCS 5/5-8-2), subject to  
17 Section 5-4.5-115 and Section 5-4.5-120 of this Code, shall be  
18 not less than 30 years and not more than 60 years.

19 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment  
20 shall not be imposed.

21 (c) IMPACT INCARCERATION. The impact incarceration program  
22 or the county impact incarceration program is not an  
23 authorized disposition.

24 (d) PROBATION; CONDITIONAL DISCHARGE. A period of  
25 probation or conditional discharge shall not be imposed.



1 (e) FINE. Fines may be imposed as provided in Section  
2 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

3 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)  
4 concerning restitution.

5 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall  
6 be concurrent or consecutive as provided in Section 5-8-4 (730  
7 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

8 (h) DRUG COURT. See Section 20 of the Drug Court Treatment  
9 Act (730 ILCS 166/20) concerning eligibility for a drug court  
10 program.

11 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730  
12 ILCS 5/5-4.5-100) concerning no credit for time spent in home  
13 detention prior to judgment.

14 (j) SENTENCE CREDIT. See Section 3-6-3 (730 ILCS 5/3-6-3)  
15 for rules and regulations for sentence credit.

16 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section  
17 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for  
18 electronic monitoring and home detention.

19 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as  
20 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or  
21 5/5-8-1), the parole or mandatory supervised release term  
22 shall be 3 years upon release from imprisonment.

23 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;  
24 101-288, eff. 1-1-20.)

25 (730 ILCS 5/5-4.5-30)

1           Sec. 5-4.5-30. CLASS 1 FELONIES; SENTENCE. For a Class 1  
2 felony:

3           (a) TERM. The sentence of imprisonment, other than for  
4 second degree murder, shall be a determinate sentence of not  
5 less than 4 years and not more than 15 years, subject to  
6 Section 5-4.5-115 and Section 5-4.5-120 of this Code. The  
7 sentence of imprisonment for second degree murder shall be a  
8 determinate sentence of not less than 4 years and not more than  
9 20 years, subject to Section 5-4.5-115 and Section 5-4.5-120  
10 of this Code. The sentence of imprisonment for an extended  
11 term Class 1 felony, as provided in Section 5-8-2 (730 ILCS  
12 5/5-8-2), subject to Section 5-4.5-115 and Section 5-4.5-120  
13 of this Code, shall be a term not less than 15 years and not  
14 more than 30 years.

15           (b) PERIODIC IMPRISONMENT. A sentence of periodic  
16 imprisonment shall be for a definite term of from 3 to 4 years,  
17 except as otherwise provided in Section 5-5-3 or 5-7-1 (730  
18 ILCS 5/5-5-3 or 5/5-7-1).

19           (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2  
20 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for  
21 the impact incarceration program or the county impact  
22 incarceration program.

23           (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided  
24 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the  
25 period of probation or conditional discharge shall not exceed  
26 4 years. The court shall specify the conditions of probation

1 or conditional discharge as set forth in Section 5-6-3 (730  
2 ILCS 5/5-6-3). In no case shall an offender be eligible for a  
3 disposition of probation or conditional discharge for a Class  
4 1 felony committed while he or she was serving a term of  
5 probation or conditional discharge for a felony.

6 (e) FINE. Fines may be imposed as provided in Section  
7 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

8 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)  
9 concerning restitution.

10 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall  
11 be concurrent or consecutive as provided in Section 5-8-4 (730  
12 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

13 (h) DRUG COURT. See Section 20 of the Drug Court Treatment  
14 Act (730 ILCS 166/20) concerning eligibility for a drug court  
15 program.

16 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730  
17 ILCS 5/5-4.5-100) concerning credit for time spent in home  
18 detention prior to judgment.

19 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730  
20 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act  
21 (730 ILCS 130/) for rules and regulations for sentence credit.

22 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section  
23 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for  
24 electronic monitoring and home detention.

25 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as  
26 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or

1 5/5-8-1), the parole or mandatory supervised release term  
2 shall be 2 years upon release from imprisonment.

3 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;  
4 101-288, eff. 1-1-20.)

5 (730 ILCS 5/5-4.5-120 new)

6 Sec. 5-4.5-120. Parole review of persons declared  
7 survivors of gender-based violence.

8 (a) Process. The Prisoner Review Board shall create a  
9 process by which an incarcerated individual may submit an  
10 application to be declared a survivor of gender-based  
11 violence.

12 (b) Application. An application to be declared a survivor  
13 of gender-based violence may be filed with the Prisoner Review  
14 Board. Application materials shall be maintained on the  
15 Prisoner Review Board's website and maintained in a clearly  
16 visible place within the law library and the infirmary of  
17 every correctional institution or facility operated by the  
18 Department of Corrections.

19 (c) Hearing. Within 90 days after the receipt of the  
20 application, the Prisoner Review Board shall conduct a hearing  
21 if a hearing is requested and render a decision granting or  
22 denying the application.

23 (d) Factors. The Prisoner Review Board shall create an  
24 enumerated list of factors for determination of the  
25 applicant's qualification as a survivor of gender-based

1 violence. These factors shall be made publicly available.

2 (e) Voting procedure. Petitions to be declared a survivor  
3 of gender-based violence shall be considered by 3-member  
4 panels, and decisions shall be made by simple majority vote of  
5 the panel.

6 (f) Declaration. Applicants receiving a declaration shall  
7 be eligible for parole consideration by the Prisoner Review  
8 Board.

9 (g) Parole hearing. The hearing conducted by the Prisoner  
10 Review Board shall be governed by Sections 15 and 20,  
11 subsection (f) of Section 5, subsections (a), (a-5), (b),  
12 (b-5), and (c) of Section 10, and subsection (d) of Section 25  
13 of the Open Parole Hearings Act and Part 1610 of Title 20 of  
14 the Illinois Administrative Code. In this Section  
15 "gender-based violence" means abuse as defined in Section 103  
16 of the Illinois Domestic Violence Act of 1986 or the  
17 perpetration of "serious harm" as defined in Section 10-9 of  
18 the Criminal Code of 2012.

19 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

20 Sec. 5-8-1. Natural life imprisonment; enhancements for  
21 use of a firearm; mandatory supervised release terms.

22 (a) Except as otherwise provided in the statute defining  
23 the offense or in Article 4.5 of Chapter V, a sentence of  
24 imprisonment for a felony shall be a determinate sentence set  
25 by the court under this Section, subject to Section 5-4.5-115

1 and Section 5-4.5-120 of this Code, according to the following  
2 limitations:

3 (1) for first degree murder,

4 (a) (blank),

5 (b) if a trier of fact finds beyond a reasonable  
6 doubt that the murder was accompanied by exceptionally  
7 brutal or heinous behavior indicative of wanton  
8 cruelty or, except as set forth in subsection  
9 (a) (1) (c) of this Section, that any of the aggravating  
10 factors listed in subsection (b) or (b-5) of Section  
11 9-1 of the Criminal Code of 1961 or the Criminal Code  
12 of 2012 are present, the court may sentence the  
13 defendant, subject to Section 5-4.5-105, to a term of  
14 natural life imprisonment, or

15 (c) the court shall sentence the defendant to a  
16 term of natural life imprisonment if the defendant, at  
17 the time of the commission of the murder, had attained  
18 the age of 18, and:

19 (i) has previously been convicted of first  
20 degree murder under any state or federal law, or

21 (ii) is found guilty of murdering more than  
22 one victim, or

23 (iii) is found guilty of murdering a peace  
24 officer, fireman, or emergency management worker  
25 when the peace officer, fireman, or emergency  
26 management worker was killed in the course of

1 performing his official duties, or to prevent the  
2 peace officer or fireman from performing his  
3 official duties, or in retaliation for the peace  
4 officer, fireman, or emergency management worker  
5 from performing his official duties, and the  
6 defendant knew or should have known that the  
7 murdered individual was a peace officer, fireman,  
8 or emergency management worker, or

9 (iv) is found guilty of murdering an employee  
10 of an institution or facility of the Department of  
11 Corrections, or any similar local correctional  
12 agency, when the employee was killed in the course  
13 of performing his official duties, or to prevent  
14 the employee from performing his official duties,  
15 or in retaliation for the employee performing his  
16 official duties, or

17 (v) is found guilty of murdering an emergency  
18 medical technician - ambulance, emergency medical  
19 technician - intermediate, emergency medical  
20 technician - paramedic, ambulance driver or other  
21 medical assistance or first aid person while  
22 employed by a municipality or other governmental  
23 unit when the person was killed in the course of  
24 performing official duties or to prevent the  
25 person from performing official duties or in  
26 retaliation for performing official duties and the

1 defendant knew or should have known that the  
2 murdered individual was an emergency medical  
3 technician - ambulance, emergency medical  
4 technician - intermediate, emergency medical  
5 technician - paramedic, ambulance driver, or other  
6 medical assistant or first aid personnel, or

7 (vi) (blank), or

8 (vii) is found guilty of first degree murder  
9 and the murder was committed by reason of any  
10 person's activity as a community policing  
11 volunteer or to prevent any person from engaging  
12 in activity as a community policing volunteer. For  
13 the purpose of this Section, "community policing  
14 volunteer" has the meaning ascribed to it in  
15 Section 2-3.5 of the Criminal Code of 2012.

16 For purposes of clause (v), "emergency medical  
17 technician - ambulance", "emergency medical technician  
18 - intermediate", "emergency medical technician -  
19 paramedic", have the meanings ascribed to them in the  
20 Emergency Medical Services (EMS) Systems Act.

21 (d) (i) if the person committed the offense while  
22 armed with a firearm, 15 years shall be added to  
23 the term of imprisonment imposed by the court;

24 (ii) if, during the commission of the offense, the  
25 person personally discharged a firearm, 20 years shall  
26 be added to the term of imprisonment imposed by the



1 court;

2 (iii) if, during the commission of the offense,  
3 the person personally discharged a firearm that  
4 proximately caused great bodily harm, permanent  
5 disability, permanent disfigurement, or death to  
6 another person, 25 years or up to a term of natural  
7 life shall be added to the term of imprisonment  
8 imposed by the court.

9 (2) (blank);

10 (2.5) for a person who has attained the age of 18 years  
11 at the time of the commission of the offense and who is  
12 convicted under the circumstances described in subdivision  
13 (b)(1)(B) of Section 11-1.20 or paragraph (3) of  
14 subsection (b) of Section 12-13, subdivision (d)(2) of  
15 Section 11-1.30 or paragraph (2) of subsection (d) of  
16 Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or  
17 paragraph (1.2) of subsection (b) of Section 12-14.1,  
18 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of  
19 subsection (b) of Section 12-14.1 of the Criminal Code of  
20 1961 or the Criminal Code of 2012, the sentence shall be a  
21 term of natural life imprisonment.

22 (b) (Blank).

23 (c) (Blank).

24 (d) Subject to earlier termination under Section 3-3-8,  
25 the parole or mandatory supervised release term shall be  
26 written as part of the sentencing order and shall be as

1 follows:

2 (1) for first degree murder or for the offenses of  
3 predatory criminal sexual assault of a child, aggravated  
4 criminal sexual assault, and criminal sexual assault if  
5 committed on or before December 12, 2005, 3 years;

6 (1.5) except as provided in paragraph (7) of this  
7 subsection (d), for a Class X felony except for the  
8 offenses of predatory criminal sexual assault of a child,  
9 aggravated criminal sexual assault, and criminal sexual  
10 assault if committed on or after December 13, 2005 (the  
11 effective date of Public Act 94-715) and except for the  
12 offense of aggravated child pornography under Section  
13 11-20.1B, 11-20.3, or 11-20.1 with sentencing under  
14 subsection (c-5) of Section 11-20.1 of the Criminal Code  
15 of 1961 or the Criminal Code of 2012, if committed on or  
16 after January 1, 2009, 18 months;

17 (2) except as provided in paragraph (7) of this  
18 subsection (d), for a Class 1 felony or a Class 2 felony  
19 except for the offense of criminal sexual assault if  
20 committed on or after December 13, 2005 (the effective  
21 date of Public Act 94-715) and except for the offenses of  
22 manufacture and dissemination of child pornography under  
23 clauses (a)(1) and (a)(2) of Section 11-20.1 of the  
24 Criminal Code of 1961 or the Criminal Code of 2012, if  
25 committed on or after January 1, 2009, 12 months;

26 (3) except as provided in paragraph (4), (6), or (7)

1 of this subsection (d), a mandatory supervised release  
2 term shall not be imposed for a Class 3 felony or a Class 4  
3 felony; unless:

4 (A) the Prisoner Review Board, based on a  
5 validated risk and needs assessment, determines it is  
6 necessary for an offender to serve a mandatory  
7 supervised release term;

8 (B) if the Prisoner Review Board determines a  
9 mandatory supervised release term is necessary  
10 pursuant to subparagraph (A) of this paragraph (3),  
11 the Prisoner Review Board shall specify the maximum  
12 number of months of mandatory supervised release the  
13 offender may serve, limited to a term of: (i) 12 months  
14 for a Class 3 felony; and (ii) 12 months for a Class 4  
15 felony;

16 (4) for defendants who commit the offense of predatory  
17 criminal sexual assault of a child, aggravated criminal  
18 sexual assault, or criminal sexual assault, on or after  
19 December 13, 2005 (the effective date of Public Act  
20 94-715), or who commit the offense of aggravated child  
21 pornography under Section 11-20.1B, 11-20.3, or 11-20.1  
22 with sentencing under subsection (c-5) of Section 11-20.1  
23 of the Criminal Code of 1961 or the Criminal Code of 2012,  
24 manufacture of child pornography, or dissemination of  
25 child pornography after January 1, 2009, the term of  
26 mandatory supervised release shall range from a minimum of

1           3 years to a maximum of the natural life of the defendant;

2           (5) if the victim is under 18 years of age, for a  
3           second or subsequent offense of aggravated criminal sexual  
4           abuse or felony criminal sexual abuse, 4 years, at least  
5           the first 2 years of which the defendant shall serve in an  
6           electronic monitoring or home detention program under  
7           Article 8A of Chapter V of this Code;

8           (6) for a felony domestic battery, aggravated domestic  
9           battery, stalking, aggravated stalking, and a felony  
10          violation of an order of protection, 4 years;

11          (7) for any felony described in paragraph (a) (2) (ii),  
12          (a) (2) (iii), (a) (2) (iv), (a) (2) (vi), (a) (2.1), (a) (2.3),  
13          (a) (2.4), (a) (2.5), or (a) (2.6) of Article 5, Section  
14          3-6-3 of the Unified Code of Corrections requiring an  
15          inmate to serve a minimum of 85% of their court-imposed  
16          sentence, except for the offenses of predatory criminal  
17          sexual assault of a child, aggravated criminal sexual  
18          assault, and criminal sexual assault if committed on or  
19          after December 13, 2005 (the effective date of Public Act  
20          94-715) and except for the offense of aggravated child  
21          pornography under Section 11-20.1B, 11-20.3, or 11-20.1  
22          with sentencing under subsection (c-5) of Section 11-20.1  
23          of the Criminal Code of 1961 or the Criminal Code of 2012,  
24          if committed on or after January 1, 2009 and except as  
25          provided in paragraph (4) or paragraph (6) of this  
26          subsection (d), the term of mandatory supervised release

1 shall be as follows:

2 (A) Class X felony, 3 years;

3 (B) Class 1 or Class 2 felonies, 2 years;

4 (C) Class 3 or Class 4 felonies, 1 year.

5 (e) (Blank).

6 (f) (Blank).

7 (g) Notwithstanding any other provisions of this Act and  
8 of Public Act 101-652: (i) the provisions of paragraph (3) of  
9 subsection (d) are effective on January 1, 2022 and shall  
10 apply to all individuals convicted on or after the effective  
11 date of paragraph (3) of subsection (d); and (ii) the  
12 provisions of paragraphs (1.5) and (2) of subsection (d) are  
13 effective on July 1, 2021 and shall apply to all individuals  
14 convicted on or after the effective date of paragraphs (1.5)  
15 and (2) of subsection (d).

16 (Source: P.A. 101-288, eff. 1-1-20; 101-652, eff. 7-1-21;  
17 102-28, eff. 6-25-21; 102-687, eff. 12-17-21.)