



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB5126

Introduced 1/27/2022, by Rep. Jim Durkin

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Unified Code of Corrections. Provides that at least 5 members of the Prisoner Review Board shall have actual experience in the law enforcement profession as law enforcement officers or prosecutors. Provides that the decision to parole and the conditions of parole for all prisoners who were sentenced for first degree murder shall be determined by at least a two-thirds vote of the entire membership of the Prisoner Review Board. Provides that at the parole hearing one representative of the person under consideration for parole designated by that person or his or her legal representative may present oral testimony in support of parole, one representative of law enforcement from the county of conviction designated by the State's Attorney of that county may present oral testimony concerning the impact of parole on public safety and the community, and one family member of each victim of the crime committed by the person under consideration for parole may present oral testimony of the impact the person under consideration for parole has made on his or her life and his or her family's lives. Provides that a person intending to present oral testimony at the parole hearing shall give the Board at least 7 days notice prior to the hearing. Amends the Open Parole Hearings Act. Provides that en banc hearings of the Board shall be available for live viewing by the public through livestream made available on the Prisoner Review Board's website. Provides that a Board decision concerning parole, or parole or aftercare release revocation for an inmate convicted of first degree murder shall be sent to the Governor and the Governor shall either grant or deny parole, or parole or aftercare release revocation of an inmate convicted of first degree murder, and the decision shall be final upon action by the Governor. The decision of the Governor concerning parole, or parole or aftercare release revocation of an inmate convicted of first degree murder, shall be delivered to the inmate. Provides that those decisions are subject to disclosure under the Freedom of Information Act.

LRB102 24084 RLC 34988 b

A BILL FOR

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, 3-3-5, and 3-3-13 and by  
6 adding Section 3-3-0.5 as follows:

7 (730 ILCS 5/3-3-0.5 new)

8 Sec. 3-3-0.5. Mission of the Prisoner Review Board. The  
9 mission of the Illinois Prisoner Review Board is to protect  
10 the rights of victims of crime, their families, and the  
11 citizens of Illinois by ensuring that the rule of law is upheld  
12 and justice is carried out. The Board has the responsibility  
13 to give voice to victims, their family members, and public  
14 safety officials when an inmate's situation is being reviewed  
15 by the Board. The Board has the ability to impose release  
16 conditions for incarcerated individuals who are exiting penal  
17 facilities, revoke and restore good conduct credits from  
18 inmates, and conduct hearings to determine whether parolees  
19 have violated conditions of parole. The Board, in its  
20 determinations, shall award significant weight to the  
21 statements and positions of victims and their family members  
22 in recommending parole. The Board also has the power to make  
23 recommendations to the Governor relative to clemency petitions

1 for those convicted of violating Illinois' laws.

2 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

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

5 (a) There shall be a Prisoner Review Board independent of  
6 the Department which shall be:

7 (1) the paroling authority for persons sentenced under  
8 the law in effect prior to the effective date of this  
9 amendatory Act of 1977;

10 (1.2) the paroling authority for persons eligible for  
11 parole review under Section 5-4.5-115;

12 (1.5) (blank);

13 (2) the board of review for cases involving the  
14 revocation of sentence credits or a suspension or  
15 reduction in the rate of accumulating the credit;

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

18 (4) the authority for establishing release dates for  
19 certain prisoners sentenced under the law in existence  
20 prior to the effective date of this amendatory Act of  
21 1977, in accordance with Section 3-3-2.1 of this Code;

22 (5) the authority for setting conditions for parole  
23 and mandatory supervised release under Section 5-8-1(a) of  
24 this Code, and determining whether a violation of those  
25 conditions warrant revocation of parole or mandatory

1 supervised release or the imposition of other sanctions;

2 (6) the authority for determining whether a violation  
3 of aftercare release conditions warrant revocation of  
4 aftercare release; and

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

7 (b) The Board shall consist of 15 persons appointed by the  
8 Governor by and with the advice and consent of the Senate. One  
9 member of the Board shall be designated by the Governor to be  
10 Chairman and shall serve as Chairman at the pleasure of the  
11 Governor. The members of the Board shall have had at least 5  
12 years of actual experience in the fields of penology,  
13 corrections work, law enforcement, sociology, law, education,  
14 social work, medicine, psychology, other behavioral sciences,  
15 or a combination thereof. At least 6 members so appointed must  
16 have at least 3 years experience in the field of juvenile  
17 matters. No more than 8 Board members may be members of the  
18 same political party. At least 5 members shall have actual  
19 experience in the law enforcement profession as law  
20 enforcement officers or prosecutors.

21 Each member of the Board shall serve on a full-time basis  
22 and shall not hold any other salaried public office, whether  
23 elective or appointive, nor any other office or position of  
24 profit, nor engage in any other business, employment, or  
25 vocation. The Chairman of the Board shall receive \$35,000 a  
26 year, or an amount set by the Compensation Review Board,

1       whichever is greater, and each other member \$30,000, or an  
2       amount set by the Compensation Review Board, whichever is  
3       greater.

4           (c) Notwithstanding any other provision of this Section,  
5       the term of each member of the Board who was appointed by the  
6       Governor and is in office on June 30, 2003 shall terminate at  
7       the close of business on that date or when all of the successor  
8       members to be appointed pursuant to this amendatory Act of the  
9       93rd General Assembly have been appointed by the Governor,  
10      whichever occurs later. As soon as possible, the Governor  
11      shall appoint persons to fill the vacancies created by this  
12      amendatory Act.

13           Of the initial members appointed under this amendatory Act  
14      of the 93rd General Assembly, the Governor shall appoint 5  
15      members whose terms shall expire on the third Monday in  
16      January 2005, 5 members whose terms shall expire on the third  
17      Monday in January 2007, and 5 members whose terms shall expire  
18      on the third Monday in January 2009. Their respective  
19      successors shall be appointed for terms of 6 years from the  
20      third Monday in January of the year of appointment. Each  
21      member shall serve until his or her successor is appointed and  
22      qualified.

23           Any member may be removed by the Governor for  
24      incompetence, neglect of duty, malfeasance or inability to  
25      serve.

26           (d) The Chairman of the Board shall be its chief executive

1 and administrative officer. The Board may have an Executive  
2 Director; if so, the Executive Director shall be appointed by  
3 the Governor with the advice and consent of the Senate. The  
4 salary and duties of the Executive Director shall be fixed by  
5 the Board.

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

7 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

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

9 (a) The Parole and Pardon Board is abolished and the term  
10 "Parole and Pardon Board" as used in any law of Illinois, shall  
11 read "Prisoner Review Board." After February 1, 1978 (the  
12 effective date of Public Act 81-1099), the Prisoner Review  
13 Board shall provide by rule for the orderly transition of all  
14 files, records, and documents of the Parole and Pardon Board  
15 and for such other steps as may be necessary to effect an  
16 orderly transition and shall:

17 (1) hear by at least one member and through a panel of  
18 at least 3 members decide, cases of prisoners who were  
19 sentenced under the law in effect prior to February 1,  
20 1978 (the effective date of Public Act 81-1099), and who  
21 are eligible for parole;

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

1 sentenced under the law in effect prior to February 1,  
2 1978 (the effective date of Public Act 81-1099); provided  
3 that the decision to parole and the conditions of parole  
4 for all prisoners, except those prisoners sentenced for  
5 first degree murder, who were sentenced for first degree  
6 ~~murder or~~ who received a minimum sentence of 20 years or  
7 more under the law in effect prior to February 1, 1978  
8 shall be determined by a majority vote of the Prisoner  
9 Review Board. The decision to parole and the conditions of  
10 parole for all prisoners who were sentenced for first  
11 degree murder shall be determined by a vote of at least a  
12 two-thirds of the entire membership of the Board. One  
13 representative supporting parole and one representative  
14 opposing parole will be allowed to speak. Their comments  
15 shall be limited to making corrections and filling in  
16 omissions to the Board's presentation and discussion;

17 (3) hear by at least one member and through a panel of  
18 at least 3 members decide, the conditions of mandatory  
19 supervised release and the time of discharge from  
20 mandatory supervised release, impose sanctions for  
21 violations of mandatory supervised release, and revoke  
22 mandatory supervised release for those sentenced under the  
23 law in effect after February 1, 1978 (the effective date  
24 of Public Act 81-1099);

25 (3.5) hear by at least one member and through a panel  
26 of at least 3 members decide, the conditions of mandatory

1 supervised release and the time of discharge from  
2 mandatory supervised release, to impose sanctions for  
3 violations of mandatory supervised release and revoke  
4 mandatory supervised release for those serving extended  
5 supervised release terms pursuant to paragraph (4) of  
6 subsection (d) of Section 5-8-1;

7 (3.6) hear by at least one member and through a panel  
8 of at least 3 members decide whether to revoke aftercare  
9 release for those committed to the Department of Juvenile  
10 Justice under the Juvenile Court Act of 1987;

11 (4) hear by at least one member and through a panel of  
12 at least 3 members, decide cases brought by the Department  
13 of Corrections against a prisoner in the custody of the  
14 Department for alleged violation of Department rules with  
15 respect to sentence credits under Section 3-6-3 of this  
16 Code in which the Department seeks to revoke sentence  
17 credits, if the amount of time at issue exceeds 30 days or  
18 when, during any 12-month period, the cumulative amount of  
19 credit revoked exceeds 30 days except where the infraction  
20 is committed or discovered within 60 days of scheduled  
21 release. In such cases, the Department of Corrections may  
22 revoke up to 30 days of sentence credit. The Board may  
23 subsequently approve the revocation of additional sentence  
24 credit, if the Department seeks to revoke sentence credit  
25 in excess of 30 days. However, the Board shall not be  
26 empowered to review the Department's decision with respect



1 to the loss of 30 days of sentence credit for any prisoner  
2 or to increase any penalty beyond the length requested by  
3 the Department;

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

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

13 (6.5) hear by at least one member who is qualified in  
14 the field of juvenile matters and through a panel of at  
15 least 3 members, 2 of whom are qualified in the field of  
16 juvenile matters, decide parole review cases in accordance  
17 with Section 5-4.5-115 of this Code and make release  
18 determinations of persons under the age of 21 at the time  
19 of the commission of an offense or offenses, other than  
20 those persons serving sentences for first degree murder or  
21 aggravated criminal sexual assault;

22 (6.6) hear by at least a quorum of the Prisoner Review  
23 Board and decide by a majority of members present at the  
24 hearing, in accordance with Section 5-4.5-115 of this  
25 Code, release determinations of persons under the age of  
26 21 at the time of the commission of an offense or offenses

1 of those persons serving sentences for first degree murder  
2 or aggravated criminal sexual assault;

3 (7) comply with the requirements of the Open Parole  
4 Hearings Act;

5 (8) hear by at least one member and, through a panel of  
6 at least 3 members, decide cases brought by the Department  
7 of Corrections against a prisoner in the custody of the  
8 Department for court dismissal of a frivolous lawsuit  
9 pursuant to Section 3-6-3(d) of this Code in which the  
10 Department seeks to revoke up to 180 days of sentence  
11 credit, and if the prisoner has not accumulated 180 days  
12 of sentence credit at the time of the dismissal, then all  
13 sentence credit accumulated by the prisoner shall be  
14 revoked;

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

19 (10) upon a petition by a person who has been  
20 convicted of a Class 3 or Class 4 felony and who meets the  
21 requirements of this paragraph, hear by at least 3 members  
22 and, with the unanimous vote of a panel of 3 members, issue  
23 a certificate of eligibility for sealing recommending that  
24 the court order the sealing of all official records of the  
25 arresting authority, the circuit court clerk, and the  
26 Illinois State Police concerning the arrest and conviction

1 for the Class 3 or 4 felony. A person may not apply to the  
2 Board for a certificate of eligibility for sealing:

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

5 (B) until 5 years have elapsed since any arrests  
6 or detentions by a law enforcement officer for an  
7 alleged violation of law, other than a petty offense,  
8 traffic offense, conservation offense, or local  
9 ordinance offense;

10 (C) if convicted of a violation of the Cannabis  
11 Control Act, Illinois Controlled Substances Act, the  
12 Methamphetamine Control and Community Protection Act,  
13 the Methamphetamine Precursor Control Act, or the  
14 Methamphetamine Precursor Tracking Act unless the  
15 petitioner has completed a drug abuse program for the  
16 offense on which sealing is sought and provides proof  
17 that he or she has completed the program successfully;

18 (D) if convicted of:

19 (i) a sex offense described in Article 11 or  
20 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of  
21 the Criminal Code of 1961 or the Criminal Code of  
22 2012;

23 (ii) aggravated assault;

24 (iii) aggravated battery;

25 (iv) domestic battery;

26 (v) aggravated domestic battery;

- 1 (vi) violation of an order of protection;
- 2 (vii) an offense under the Criminal Code of  
3 1961 or the Criminal Code of 2012 involving a  
4 firearm;
- 5 (viii) driving while under the influence of  
6 alcohol, other drug or drugs, intoxicating  
7 compound or compounds, or any combination thereof;
- 8 (ix) aggravated driving while under the  
9 influence of alcohol, other drug or drugs,  
10 intoxicating compound or compounds, or any  
11 combination thereof; or
- 12 (x) any crime defined as a crime of violence  
13 under Section 2 of the Crime Victims Compensation  
14 Act.

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

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

24 The Board may only authorize the sealing of Class 3  
25 and 4 felony convictions of the petitioner from one  
26 information or indictment under this paragraph (10). A

1 petitioner may only receive one certificate of eligibility  
2 for sealing under this provision for life; and

3 (11) upon a petition by a person who after having been  
4 convicted of a Class 3 or Class 4 felony thereafter served  
5 in the United States Armed Forces or National Guard of  
6 this or any other state and had received an honorable  
7 discharge from the United States Armed Forces or National  
8 Guard or who at the time of filing the petition is enlisted  
9 in the United States Armed Forces or National Guard of  
10 this or any other state and served one tour of duty and who  
11 meets the requirements of this paragraph, hear by at least  
12 3 members and, with the unanimous vote of a panel of 3  
13 members, issue a certificate of eligibility for  
14 expungement recommending that the court order the  
15 expungement of all official records of the arresting  
16 authority, the circuit court clerk, and the Illinois State  
17 Police concerning the arrest and conviction for the Class  
18 3 or 4 felony. A person may not apply to the Board for a  
19 certificate of eligibility for expungement:

20 (A) if convicted of:

21 (i) a sex offense described in Article 11 or  
22 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of  
23 the Criminal Code of 1961 or Criminal Code of  
24 2012;

25 (ii) an offense under the Criminal Code of  
26 1961 or Criminal Code of 2012 involving a firearm;

1                   or

2                   (iii) a crime of violence as defined in  
3                   Section 2 of the Crime Victims Compensation Act;

4                   or

5                   (B) if the person has not served in the United  
6                   States Armed Forces or National Guard of this or any  
7                   other state or has not received an honorable discharge  
8                   from the United States Armed Forces or National Guard  
9                   of this or any other state or who at the time of the  
10                  filing of the petition is serving in the United States  
11                  Armed Forces or National Guard of this or any other  
12                  state and has not completed one tour of duty.

13                  If a person has applied to the Board for a certificate  
14                  of eligibility for expungement and the Board denies the  
15                  certificate, the person must wait at least 4 years before  
16                  filing again or filing for a pardon with authorization for  
17                  expungement from the Governor unless the Governor or  
18                  Chairman of the Prisoner Review Board grants a waiver.

19                  (a-5) The Prisoner Review Board, with the cooperation of  
20                  and in coordination with the Department of Corrections and the  
21                  Department of Central Management Services, shall implement a  
22                  pilot project in 3 correctional institutions providing for the  
23                  conduct of hearings under paragraphs (1) and (4) of subsection  
24                  (a) of this Section through interactive video conferences. The  
25                  project shall be implemented within 6 months after January 1,  
26                  1997 (the effective date of Public Act 89-490). Within 6

1 months after the implementation of the pilot project, the  
2 Prisoner Review Board, with the cooperation of and in  
3 coordination with the Department of Corrections and the  
4 Department of Central Management Services, shall report to the  
5 Governor and the General Assembly regarding the use, costs,  
6 effectiveness, and future viability of interactive video  
7 conferences for Prisoner Review Board hearings.

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

10 (c) The Board shall cooperate with the Department in  
11 promoting an effective system of parole and mandatory  
12 supervised release.

13 (d) The Board shall promulgate rules for the conduct of  
14 its work, and the Chairman shall file a copy of such rules and  
15 any amendments thereto with the Director and with the  
16 Secretary of State.

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

20 (f) The Board or one who has allegedly violated the  
21 conditions of his or her parole, aftercare release, or  
22 mandatory supervised release may require by subpoena the  
23 attendance and testimony of witnesses and the production of  
24 documentary evidence relating to any matter under  
25 investigation or hearing. The Chairman of the Board may sign  
26 subpoenas which shall be served by any agent or public

1 official authorized by the Chairman of the Board, or by any  
2 person lawfully authorized to serve a subpoena under the laws  
3 of the State of Illinois. The attendance of witnesses, and the  
4 production of documentary evidence, may be required from any  
5 place in the State to a hearing location in the State before  
6 the Chairman of the Board or his or her designated agent or  
7 agents or any duly constituted Committee or Subcommittee of  
8 the Board. Witnesses so summoned shall be paid the same fees  
9 and mileage that are paid witnesses in the circuit courts of  
10 the State, and witnesses whose depositions are taken and the  
11 persons taking those depositions are each entitled to the same  
12 fees as are paid for like services in actions in the circuit  
13 courts of the State. Fees and mileage shall be vouchered for  
14 payment when the witness is discharged from further  
15 attendance.

16 In case of disobedience to a subpoena, the Board may  
17 petition any circuit court of the State for an order requiring  
18 the attendance and testimony of witnesses or the production of  
19 documentary evidence or both. A copy of such petition shall be  
20 served by personal service or by registered or certified mail  
21 upon the person who has failed to obey the subpoena, and such  
22 person shall be advised in writing that a hearing upon the  
23 petition will be requested in a court room to be designated in  
24 such notice before the judge hearing motions or extraordinary  
25 remedies at a specified time, on a specified date, not less  
26 than 10 nor more than 15 days after the deposit of the copy of



1 the written notice and petition in the U.S. mail addressed to  
2 the person at his or her last known address or after the  
3 personal service of the copy of the notice and petition upon  
4 such person. The court upon the filing of such a petition, may  
5 order the person refusing to obey the subpoena to appear at an  
6 investigation or hearing, or to there produce documentary  
7 evidence, if so ordered, or to give evidence relative to the  
8 subject matter of that investigation or hearing. Any failure  
9 to obey such order of the circuit court may be punished by that  
10 court as a contempt of court.

11 Each member of the Board and any hearing officer  
12 designated by the Board shall have the power to administer  
13 oaths and to take the testimony of persons under oath.

14 (g) Except under subsection (a) of this Section, a  
15 majority of the members then appointed to the Prisoner Review  
16 Board shall constitute a quorum for the transaction of all  
17 business of the Board.

18 (h) The Prisoner Review Board shall annually transmit to  
19 the Director a detailed report of its work for the preceding  
20 calendar year. The annual report shall also be transmitted to  
21 the Governor for submission to the Legislature.

22 (Source: P.A. 101-288, eff. 1-1-20; 102-538, eff. 8-20-21;  
23 102-558, eff. 8-20-21.)

24 (730 ILCS 5/3-3-5) (from Ch. 38, par. 1003-3-5)

25 Sec. 3-3-5. Hearing and determination.

1 (a) The Prisoner Review Board shall meet as often as need  
2 requires to consider the cases of persons eligible for parole.  
3 Except as otherwise provided in paragraph (2) of subsection  
4 (a) of Section 3-3-2 of this Act, the Prisoner Review Board may  
5 meet and order its actions in panels of 3 or more members. The  
6 action of a majority of the panel shall be the action of the  
7 Board.

8 (b) If the person under consideration for parole is in the  
9 custody of the Department, at least one member of the Board  
10 shall interview him or her, and a report of that interview  
11 shall be available for the Board's consideration. However, in  
12 the discretion of the Board, the interview need not be  
13 conducted if a psychiatric examination determines that the  
14 person could not meaningfully contribute to the Board's  
15 consideration. The Board may in its discretion parole a person  
16 who is then outside the jurisdiction on his or her record  
17 without an interview. The Board need not hold a hearing or  
18 interview a person who is paroled under paragraphs (d) or (e)  
19 of this Section or released on Mandatory release under Section  
20 3-3-10.

21 (b-5) At the parole hearing (i) one representative of the  
22 person under consideration for parole designated by that  
23 person or his or her legal representative may present oral  
24 testimony in support of parole, (ii) one representative of law  
25 enforcement from the county of conviction designated by the  
26 State's Attorney of that county may present oral testimony

1 concerning the impact of parole on public safety and the  
2 community, and (iii) one family member of each victim of the  
3 crime committed by the person under consideration for parole  
4 may present oral testimony of the impact the person under  
5 consideration for parole has made on his or her life and his or  
6 her family's lives. A person intending to present oral  
7 testimony at the parole hearing under this subsection (b-5)  
8 shall give the Board at least 7 days notice prior to the  
9 hearing.

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

12 (1) there is a substantial risk that he or she will not  
13 conform to reasonable conditions of parole or aftercare  
14 release; or

15 (2) his or her release at that time would deprecate  
16 the seriousness of his or her offense or promote  
17 disrespect for the law; or

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

20 (d) (Blank).

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

25 (f) The Board shall render its decision within a  
26 reasonable time after hearing and shall state the basis

1 therefor both in the records of the Board and in written notice  
2 to the person on whose application it has acted. In its  
3 decision, the Board shall set the person's time for parole, or  
4 if it denies parole it shall provide for a rehearing not less  
5 frequently than once every year, except that the Board may,  
6 after denying parole, schedule a rehearing no later than 5  
7 years from the date of the parole denial, if the Board finds  
8 that it is not reasonable to expect that parole would be  
9 granted at a hearing prior to the scheduled rehearing date. If  
10 the Board shall parole a person, and, if he or she is not  
11 released within 90 days from the effective date of the order  
12 granting parole, the matter shall be returned to the Board for  
13 review.

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

19 (g) The Board shall maintain a registry of decisions in  
20 which parole has been granted, which shall include the name  
21 and case number of the prisoner, the highest charge for which  
22 the prisoner was sentenced, the length of sentence imposed,  
23 the date of the sentence, the date of the parole, and the basis  
24 for the decision of the Board to grant parole and the vote of  
25 the Board on any such decisions. The registry shall be made  
26 available for public inspection and copying during business

1 hours and shall be a public record pursuant to the provisions  
2 of the Freedom of Information Act.

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

5 (Source: P.A. 98-558, eff. 1-1-14; 99-268, eff. 1-1-16;  
6 99-628, eff. 1-1-17.)

7 (730 ILCS 5/3-3-13) (from Ch. 38, par. 1003-3-13)

8 Sec. 3-3-13. Procedure for executive clemency.

9 (a) Petitions seeking pardon, commutation, or reprieve  
10 shall be addressed to the Governor and filed with the Prisoner  
11 Review Board. The petition shall be in writing and signed by  
12 the person under conviction or by a person on his behalf. It  
13 shall contain a brief history of the case, the reasons for  
14 seeking executive clemency, and other relevant information the  
15 Board may require.

16 (a-5) After a petition has been denied by the Governor,  
17 the Board may not accept a repeat petition for executive  
18 clemency for the same person until one full year has elapsed  
19 from the date of the denial. The Chairman of the Board may  
20 waive the one-year requirement if the petitioner offers in  
21 writing new information that was unavailable to the petitioner  
22 at the time of the filing of the prior petition and which the  
23 Chairman determines to be significant. The Chairman also may  
24 waive the one-year waiting period if the petitioner can show  
25 that a change in circumstances of a compelling humanitarian

1 nature has arisen since the denial of the prior petition.

2 (b) Notice of the proposed application shall be given by  
3 the Board to the committing court and the state's attorney of  
4 the county where the conviction was had.

5 (b-5) Victims registered with the Board shall receive  
6 ~~reasonable~~ written notice within 7 days after the filing of  
7 the application for executive clemency and if the victim has  
8 not submitted a victim statement 30 days prior to the  
9 executive clemency hearing date, the Board shall send a second  
10 written notice to the victim not less than 30 days prior to the  
11 executive clemency hearing date. The victim has the right to  
12 submit a victim statement to the Prisoner Review Board for  
13 consideration at an executive clemency hearing as provided in  
14 subsection (c) of this Section. The victim has a right to ask  
15 for an extension to submit a victim statement of an additional  
16 45 days from the date the victim receives notice. A hearing  
17 shall not commence if the victim has requested additional  
18 time. Victim statements provided to the Board shall be  
19 confidential and privileged, including any statements received  
20 prior to the effective date of this amendatory Act of the 101st  
21 General Assembly, except if the statement was an oral  
22 statement made by the victim at a hearing open to the public.

23 (c) The Board shall, upon due notice, give a hearing to  
24 each application, allowing representation by counsel, if  
25 desired, after which it shall ~~confidentially~~ advise the  
26 Governor by a written report of its recommendations which

1 shall be determined by majority vote. The written report to  
2 the Governor shall be public, the Board shall redact  
3 information which may identify a victim ~~confidential and~~  
4 ~~privileged, including any reports made prior to the effective~~  
5 ~~date of this amendatory Act of the 101st General Assembly.~~ The  
6 Board shall meet to consider such petitions no less than 4  
7 times each year.

8 Application for executive clemency under this Section may  
9 not be commenced on behalf of a person who has been sentenced  
10 to death without the written consent of the defendant, unless  
11 the defendant, because of a mental or physical condition, is  
12 incapable of asserting his or her own claim.

13 (d) The Governor shall decide each application and  
14 communicate his decision to the Board which shall notify the  
15 petitioner.

16 In the event a petitioner who has been convicted of a Class  
17 X felony is granted a release, after the Governor has  
18 communicated such decision to the Board, the Board shall give  
19 written notice to the Sheriff of the county from which the  
20 offender was sentenced if such sheriff has requested that such  
21 notice be given on a continuing basis. In cases where arrest of  
22 the offender or the commission of the offense took place in any  
23 municipality with a population of more than 10,000 persons,  
24 the Board shall also give written notice to the proper law  
25 enforcement agency for said municipality which has requested  
26 notice on a continuing basis.

1 (e) Nothing in this Section shall be construed to limit  
2 the power of the Governor under the constitution to grant a  
3 reprieve, commutation of sentence, or pardon.

4 (Source: P.A. 101-288, eff. 1-1-20.)

5 Section 10. The Open Parole Hearings Act is amended by  
6 changing Sections 15 and 20 as follows:

7 (730 ILCS 105/15) (from Ch. 38, par. 1665)

8 Sec. 15. Open hearings.

9 (a) The Board may restrict the number of individuals  
10 allowed to attend parole, or parole or aftercare release  
11 revocation hearings in accordance with physical limitations,  
12 security requirements of the hearing facilities or those  
13 giving repetitive or cumulative testimony. The Board may also  
14 restrict attendance at an aftercare release or aftercare  
15 release revocation hearing in order to protect the  
16 confidentiality of the youth.

17 (b) The Board may deny admission or continued attendance  
18 at parole hearings, or parole or aftercare release revocation  
19 hearings to individuals who:

20 (1) threaten or present danger to the security of the  
21 institution in which the hearing is being held;

22 (2) threaten or present a danger to other attendees or  
23 participants; or

24 (3) disrupt the hearing.



1       (b-5) En banc hearings of the Board shall be available for  
2       live viewing by the public through livestream made available  
3       on the Prisoner Review Board's website.

4       (c) Upon formal action of a majority of the Board members  
5       present, the Board may close parole hearings and parole or  
6       aftercare release revocation hearings in order to:

7           (1) deliberate upon the oral testimony and any other  
8           relevant information received from applicants, parolees,  
9           releasees, victims, or others; or

10          (2) provide applicants, releasees, and parolees the  
11          opportunity to challenge information other than that which  
12          if the person's identity were to be exposed would possibly  
13          subject them to bodily harm or death, which they believe  
14          detrimental to their parole determination hearing or  
15          revocation proceedings.

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

17       (730 ILCS 105/20) (from Ch. 38, par. 1670)

18       Sec. 20. Finality of Board decisions.

19       (a) Except as otherwise provided in subsection (b), a A  
20       Board decision concerning parole, or parole or aftercare  
21       release revocation shall be final at the time the decision is  
22       delivered to the inmate, subject to any rehearing granted  
23       under Board rules.

24       (b) A Board decision concerning parole, or parole or  
25       aftercare release revocation for an inmate convicted of first

1 degree murder shall be sent to the Governor and the Governor  
2 shall either grant or deny parole, or parole or aftercare  
3 release revocation, and the decision shall be final upon  
4 action by the Governor. The decision of the Governor  
5 concerning parole, or parole or aftercare release revocation  
6 of an inmate convicted of first degree murder, shall be  
7 delivered to the inmate. Decisions of the Governor under this  
8 subsection (b) are subject to disclosure under the Freedom of  
9 Information Act.

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

1  
2  
3  
4  
5  
6  
7  
8  
9

INDEX

Statutes amended in order of appearance

- 730 ILCS 5/3-3-0.5 new
- 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 5/3-3-5 from Ch. 38, par. 1003-3-5
- 730 ILCS 5/3-3-13 from Ch. 38, par. 1003-3-13
- 730 ILCS 105/15 from Ch. 38, par. 1665
- 730 ILCS 105/20 from Ch. 38, par. 1670