



Sen. Terri Bryant

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10200SB1474sam001

LRB102 11252 KMF 25247 a

1 AMENDMENT TO SENATE BILL 1474

2 AMENDMENT NO. _____. Amend Senate Bill 1474 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by
5 changing Section 3-3-2 as follows:

6 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

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

8 (a) The Parole and Pardon Board is abolished and the term
9 "Parole and Pardon Board" as used in any law of Illinois, shall
10 read "Prisoner Review Board." After February 1, 1978 (the
11 effective date of Public Act 81-1099) ~~this amendatory Act of~~
12 ~~1977~~, the Prisoner Review Board shall provide by rule for the
13 orderly transition of all files, records, and documents of the
14 Parole and Pardon Board and for such other steps as may be
15 necessary to effect an orderly transition and shall:

16 (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) ~~this~~
4 ~~amendatory Act of 1977~~, and who 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) ~~this~~
11 ~~amendatory Act of 1977~~; provided that the decision to
12 parole and the conditions of parole for all prisoners who
13 were sentenced for first degree murder or who received a
14 minimum sentence of 20 years or more under the law in
15 effect prior to February 1, 1978 shall be determined by a
16 majority vote of the Prisoner Review Board. One
17 representative supporting parole and one representative
18 opposing parole will be allowed to speak. Their comments
19 shall be limited to making corrections and filling in
20 omissions to the Board's presentation and 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) ~~this amendatory Act of 1977;~~

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 ~~12-month~~ period, the cumulative
23 amount of credit revoked exceeds 30 days except where the
24 infraction is committed or discovered within 60 days of
25 scheduled release. In such cases, the Department of
26 Corrections may revoke up to 30 days of sentence credit.

1 The Board may subsequently approve the revocation of
2 additional sentence credit, if the Department seeks to
3 revoke sentence credit in excess of 30 ~~thirty~~ days.
4 However, the Board shall not be empowered to review the
5 Department's decision with respect to the loss of 30 days
6 of sentence credit for any prisoner or to increase any
7 penalty beyond the length requested by 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) ~~this amendatory Act of 1977~~, in accordance with
13 Section 3-3-2.1 of this Code;

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

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

1 (6.6) hear by at least a quorum of the Prisoner Review
2 Board and decide by a majority of members present at the
3 hearing, in accordance with Section 5-4.5-115 of this
4 Code, release determinations of persons under the age of
5 21 at the time of the commission of an offense or offenses
6 of those persons serving sentences for first degree murder
7 or aggravated criminal sexual assault;

8 (7) comply with the requirements of the Open Parole
9 Hearings Act;

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

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

24 (10) upon a petition by a person who has been
25 convicted of a Class 3 or Class 4 felony and who meets the
26 requirements of this paragraph, hear by at least 3 members

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

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

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

16 (C) if convicted of a violation of the Cannabis
17 Control Act, Illinois Controlled Substances Act, the
18 Methamphetamine Control and Community Protection Act,
19 the Methamphetamine Precursor Control Act, or the
20 Methamphetamine Precursor Tracking Act unless the
21 petitioner has completed a drug abuse program for the
22 offense on which sealing is sought and provides proof
23 that he or she has completed the program successfully;

24 (D) if convicted of:

25 (i) a sex offense described in Article 11 or
26 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of

1 the Criminal Code of 1961 or the Criminal Code of
2 2012;

3 (ii) aggravated assault;

4 (iii) aggravated battery;

5 (iv) domestic battery;

6 (v) aggravated domestic battery;

7 (vi) violation of an order of protection;

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

11 (viii) driving while under the influence of
12 alcohol, other drug or drugs, intoxicating
13 compound or compounds, or any combination thereof;

14 (ix) aggravated driving while under the
15 influence of alcohol, other drug or drugs,
16 intoxicating compound or compounds, or any
17 combination thereof; or

18 (x) any crime defined as a crime of violence
19 under Section 2 of the Crime Victims Compensation
20 Act.

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

26 The decision to issue or refrain from issuing a

1 certificate of eligibility for sealing shall be at the
2 Board's sole discretion, and shall not give rise to any
3 cause of action against either the Board or its members.

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

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

26 (A) if convicted of:

1 (i) a sex offense described in Article 11 or
2 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
3 the Criminal Code of 1961 or Criminal Code of
4 2012;

5 (ii) an offense under the Criminal Code of
6 1961 or Criminal Code of 2012 involving a firearm;
7 or

8 (iii) a crime of violence as defined in
9 Section 2 of the Crime Victims Compensation Act;
10 or

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

19 If a person has applied to the Board for a certificate
20 of eligibility for expungement and the Board denies the
21 certificate, the person must wait at least 4 years before
22 filing again or filing for a pardon with authorization for
23 expungement from the Governor unless the Governor or
24 Chairman of the Prisoner Review Board grants a waiver.

25 (a-5) The Prisoner Review Board, with the cooperation of
26 and in coordination with the Department of Corrections and the

1 Department of Central Management Services, shall implement a
2 pilot project in 3 correctional institutions providing for the
3 conduct of hearings under paragraphs (1) and (4) of subsection
4 (a) of this Section through interactive video conferences. The
5 project shall be implemented within 6 months after January 1,
6 1997 (the effective date of Public Act 89-490) ~~this amendatory~~
7 ~~Act of 1996~~. Within 6 months after the implementation of the
8 pilot project, the Prisoner Review Board, with the cooperation
9 of and in coordination with the Department of Corrections and
10 the Department of Central Management Services, shall report to
11 the Governor and the General Assembly regarding the use,
12 costs, effectiveness, and future viability of interactive
13 video conferences for Prisoner Review Board hearings.

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

16 (c) The Board shall cooperate with the Department in
17 promoting an effective system of parole and mandatory
18 supervised release.

19 (d) The Board shall promulgate rules for the conduct of
20 its work, and the Chairman shall file a copy of such rules and
21 any amendments thereto with the Director and with the
22 Secretary of State.

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

26 (f) The Board or one who has allegedly violated the

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

22 In case of disobedience to a subpoena, the Board may
23 petition any circuit court of the State for an order requiring
24 the attendance and testimony of witnesses or the production of
25 documentary evidence or both. A copy of such petition shall be
26 served by personal service or by registered or certified mail

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

17 Each member of the Board and any hearing officer
18 designated by the Board shall have the power to administer
19 oaths and to take the testimony of persons under oath.

20 (g) Except under subsection (a) of this Section, a
21 majority of the members then appointed to the Prisoner Review
22 Board shall constitute a quorum for the transaction of all
23 business of the Board.

24 (h) The Prisoner Review Board shall annually transmit to
25 the Director a detailed report of its work for the preceding
26 calendar year. The report shall list how many C-Number Cases

1 and Good Conduct Requests are considered, granted, and denied
2 by the Board, disaggregated by offense, including, but not
3 limited to, murder and offenses involving sexual conduct or
4 sexual penetration, and indicate if the victims were under 18
5 or members of law enforcement. The annual report shall also be
6 transmitted to the Governor for submission to the Legislature
7 and shall be published on the Board's website no later than
8 March 1 of each year.

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