



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### HB2045

Introduced 2/7/2023, by Rep. Justin Slaughter

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-3	from Ch. 38, par. 1003-3-3
730 ILCS 5/3-3-5	from Ch. 38, par. 1003-3-5
730 ILCS 5/3-3-16 new	

Amends the Unified Code of Corrections. Provides that a person serving a term of natural life imprisonment is eligible for parole and mandatory supervised release under these provisions. Deletes a provision that no person serving a term of natural life imprisonment may be paroled or released except through executive clemency. Provides that a committed person who has attained the age of 55 years and served at least 25 consecutive years of incarceration shall be eligible to submit a petition to the Prisoner Review Board seeking parole. Provides that the Board shall hold a hearing on each petition, and in determining whether an eligible person should be granted parole, the Prisoner Review Board shall consider certain statutory factors as shown by the petition or as shown at the hearing. Provides that victims' families shall be notified in a timely manner and be provided opportunity to participate at the parole hearing concerning the petitioner's application for parole under these provisions in accordance with the Rights of Crime Victims and Witnesses Act, the Open Parole Hearings Act, and these provisions. Provides that Prisoner Review Board hearings under these provisions shall be conducted by a panel of at least 8 members of the Board and a majority vote of the panel is required to grant the petition and release the petitioner on parole. Provides that the Board shall render its decision within a reasonable time after the hearing and shall state the basis therefor both in the records of the Board and in written notice to the person on whose petition it has acted. Provides that in its decision, the Board shall set the person's time for parole, or if it denies parole, it shall provide for a rehearing no later than 3 years after denial of parole. Provides that these provisions apply retroactively to all persons serving any sentence that was or is imposed before, on, or after the effective date of the amendatory Act, and the period of incarceration for eligibility of each such person to submit a petition for parole is based on all previous consecutive years of incarceration served by that person before, on, and after the effective date of the amendatory Act. Effective immediately.

LRB103 29224 RLC 55611 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 3-3-3 and 3-3-5 and by adding Section 3-3-16  
6 as follows:

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

8 Sec. 3-3-3. Eligibility for parole or release.

9 (a) Except for those offenders who accept the fixed  
10 release date established by the Prisoner Review Board under  
11 Section 3-3-2.1, every person serving a term of imprisonment  
12 under the law in effect prior to the effective date of this  
13 amendatory Act of 1977 shall be eligible for parole when he or  
14 she has served:

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

18 (2) 20 years of a life sentence less time credit for  
19 good behavior; or

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

22 (b) No person sentenced under this amendatory Act of 1977  
23 or who accepts a release date under Section 3-3-2.1 shall be

1 eligible for parole.

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

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

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

16 (e) Every person committed to the Department of Juvenile  
17 Justice under the Juvenile Court Act of 1987 and confined in  
18 the State correctional institutions or facilities if such  
19 juvenile has not been tried as an adult shall be eligible for  
20 aftercare release under Section 3-2.5-85 of this Code.  
21 However, if a juvenile has been tried as an adult he or she  
22 shall only be eligible for parole or mandatory supervised  
23 release as an adult under this Section.

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

25 (730 ILCS 5/3-3-5) (from Ch. 38, par. 1003-3-5)

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

2           (a) The Prisoner Review Board shall meet as often as need  
3 requires to consider the cases of persons eligible for parole.  
4 Except as otherwise provided in paragraph (2) of subsection  
5 (a) of Section 3-3-2 or in Section 3-3-16 of this Act, the  
6 Prisoner Review Board may meet and order its actions in panels  
7 of 3 or more members. The action of a majority of the panel  
8 shall be the action of the Board.

9           (b) If the person under consideration for parole is in the  
10 custody of the Department, at least one member of the Board  
11 shall interview him or her, and a report of that interview  
12 shall be available for the Board's consideration. However, in  
13 the discretion of the Board, the interview need not be  
14 conducted if a psychiatric examination determines that the  
15 person could not meaningfully contribute to the Board's  
16 consideration. The Board may in its discretion parole a person  
17 who is then outside the jurisdiction on his or her record  
18 without an interview. The Board need not hold a hearing or  
19 interview a person who is paroled under paragraphs (d) or (e)  
20 of this Section or released on Mandatory release under Section  
21 3-3-10.

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

24           (1) there is a substantial risk that he or she will not  
25 conform to reasonable conditions of parole or aftercare  
26 release; or

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

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

6           (d) (Blank).

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

11          (f) The Board shall render its decision within a  
12          reasonable time after hearing and shall state the basis  
13          therefor both in the records of the Board and in written notice  
14          to the person on whose application it has acted. In its  
15          decision, the Board shall set the person's time for parole, or  
16          if it denies parole it shall provide for a rehearing not less  
17          frequently than once every year, except that the Board may,  
18          after denying parole, schedule a rehearing no later than 5  
19          years from the date of the parole denial, if the Board finds  
20          that it is not reasonable to expect that parole would be  
21          granted at a hearing prior to the scheduled rehearing date. If  
22          the Board shall parole a person, and, if he or she is not  
23          released within 90 days from the effective date of the order  
24          granting parole, the matter shall be returned to the Board for  
25          review.

26          (f-1) If the Board paroles a person who is eligible for

1 commitment as a sexually violent person, the effective date of  
2 the Board's order shall be stayed for 90 days for the purpose  
3 of evaluation and proceedings under the Sexually Violent  
4 Persons Commitment Act.

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

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

17 (Source: P.A. 98-558, eff. 1-1-14; 99-268, eff. 1-1-16;  
18 99-628, eff. 1-1-17.)

19 (730 ILCS 5/3-3-16 new)

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

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

25 (b) The Board shall hold a hearing on each petition, and in

1 determining whether an eligible person should be granted  
2 parole, the Prisoner Review Board shall consider the following  
3 factors as shown by the petition or as shown at the hearing:

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

8 (2) evidence of the petitioner's rehabilitation during  
9 the period of the petitioner's incarceration, including  
10 remorse for his or her criminal behavior, if applicable,  
11 and his or her commitment not to recidivate. Maintaining  
12 innocence shall not prevent a person from being granted  
13 parole;

14 (3) character references and community support for the  
15 petitioner's release;

16 (4) evidence of the petitioner's participation in  
17 educational, vocational, substance abuse, behavior  
18 modification programs, life skills courses, re-entry  
19 planning, or correctional industry programs and  
20 independent efforts at rehabilitation;

21 (5) evidence of the petitioner's employment history in  
22 the correctional institution;

23 (6) the petitioner's criminal history;

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

26 (8) the petitioner's plans for housing upon release

1 from incarceration.

2 If the programs described in paragraph (4) of this  
3 subsection (b) or employment opportunities were not available  
4 in the correctional institution, the Board shall not penalize  
5 the committed person in his or her petition for parole under  
6 this Section.

7 (c) Victims' families shall be notified in a timely manner  
8 and be provided the opportunity to participate at the parole  
9 hearing concerning the petitioner's application for parole  
10 under this Section in accordance with the Rights of Crime  
11 Victims and Witnesses Act, the Open Parole Hearings Act, and  
12 this Section.

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

17 (e) The Board shall render its decision within a  
18 reasonable time after hearing and shall state the basis of its  
19 decision both in the records of the Board and in written notice  
20 to the person on whose petition it has acted. In its decision,  
21 the Board shall set the person's time for parole or if it  
22 denies parole, it shall provide for a rehearing no later than 3  
23 years after denial of parole.

24 (f) This Section applies retroactively to all persons  
25 -serving any sentence that was or is imposed before, on, or  
26 after the effective date of this amendatory Act of the 103rd



1 General Assembly, and the period of incarceration for  
2 eligibility of each such person to submit a petition for  
3 parole is based on all previous consecutive years of  
4 incarceration served by that person before, on, and after the  
5 effective date of this amendatory Act of the 103rd General  
6 Assembly. This application of this amendatory Act of the 103rd  
7 General Assembly is necessary in order to serve important  
8 public purposes, including providing a means for incarcerated  
9 individuals to be restored to useful citizenship, and  
10 decreasing the rising costs of incarceration.

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.