



Rep. Justin Slaughter

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LRB103 25692 RLC 59192 a

1 AMENDMENT TO HOUSE BILL 3378

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3378 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by  
5 changing Sections 3-3-8 and 3-3-9 as follows:

6 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

7 Sec. 3-3-8. Length of parole and mandatory supervised  
8 release; discharge.

9 (a) The length of parole for a person sentenced under the  
10 law in effect prior to the effective date of this amendatory  
11 Act of 1977 and the length of mandatory supervised release for  
12 those sentenced under the law in effect on and after such  
13 effective date shall be as set out in Section 5-8-1 unless  
14 sooner terminated under paragraph (b) of this Section.

15 (a-1) A person who is serving a term of mandatory  
16 supervised release shall receive one day of additional

1 supervision credit for each day of his or her supervision  
2 term. Each day of supervision credit shall reduce by one day  
3 the person's period of mandatory supervised release.

4 (b) The Prisoner Review Board may enter an order releasing  
5 and discharging one from parole or mandatory supervised  
6 release, and his or her commitment to the Department, when it  
7 determines that he or she is likely to remain at liberty  
8 without committing another offense.

9 (b-1) Provided that the subject is in compliance with the  
10 terms and conditions of his or her parole or mandatory  
11 supervised release, the Prisoner Review Board may reduce the  
12 period of a parolee or releasee's parole or mandatory  
13 supervised release by 90 days upon the parolee or releasee  
14 receiving a high school diploma or upon passage of high school  
15 equivalency testing during the period of his or her parole or  
16 mandatory supervised release. This reduction in the period of  
17 a subject's term of parole or mandatory supervised release  
18 shall be available only to subjects who have not previously  
19 earned a high school diploma or who have not previously passed  
20 high school equivalency testing.

21 (b-2) The Prisoner Review Board may release a low-risk and  
22 need subject person from mandatory supervised release as  
23 determined by an appropriate evidence-based risk and need  
24 assessment.

25 (c) The order of discharge shall become effective upon  
26 entry of the order of the Board. The Board shall notify the

1 clerk of the committing court of the order. Upon receipt of  
2 such copy, the clerk shall make an entry on the record judgment  
3 that the sentence or commitment has been satisfied pursuant to  
4 the order.

5 (d) Rights of the person discharged under this Section  
6 shall be restored under Section 5-5-5.

7 (Source: P.A. 99-268, eff. 1-1-16; 99-628, eff. 1-1-17; 100-3,  
8 eff. 1-1-18.)"; and

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

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

13 (a) If prior to expiration or termination of the term of  
14 parole or mandatory supervised release, a person violates a  
15 condition set by the Prisoner Review Board or a condition of  
16 parole or mandatory supervised release under paragraph (1) of  
17 subsection (a) of Section 3-3-7 of this Code or for a fourth or  
18 subsequent violation of any of paragraphs (2) through (21) of  
19 subsection (a) of Section 3-3-7 resulting in revocation of  
20 parole or mandatory supervised release, the Board may revoke  
21 the parole or mandatory supervised release term and reconfine  
22 the person for a term computed in the following manner. Each  
23 subsequent violation must have been committed after the  
24 completion of the revocation process for the preceding  
25 violation. In such cases ~~to govern that term,~~ the Board may:

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

3           (1.5) for those released as a result of youthful  
4           offender parole as set forth in Section 5-4.5-115 of this  
5           Code, order that the inmate be subsequently rereleased to  
6           serve a specified mandatory supervised release term not to  
7           exceed the full term permitted under the provisions of  
8           Section 5-4.5-115 and subsection (d) of Section 5-8-1 of  
9           this Code and may modify or enlarge the conditions of the  
10          release as the Board deems proper; or

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

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

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

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

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

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

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

1           and subsection (d) of Section 5-8-1 of this Code and  
2           may modify or enlarge the conditions of the release as  
3           the Board deems proper;

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

9                   (iii) (blank);

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

13           (b) The Board may revoke parole or mandatory supervised  
14           release for violation of a condition for the duration of the  
15           term and for any further period which is reasonably necessary  
16           for the adjudication of matters arising before its expiration.  
17           The issuance of a warrant of arrest for an alleged violation of  
18           the conditions of parole or mandatory supervised release shall  
19           toll the running of the term until the final determination of  
20           the charge. When parole or mandatory supervised release is not  
21           revoked that period shall be credited to the term, unless a  
22           community-based sanction is imposed as an alternative to  
23           revocation and reincarceration, including a diversion  
24           established by the Illinois Department of Corrections Parole  
25           Services Unit prior to the holding of a preliminary parole  
26           revocation hearing. Parolees who are diverted to a

1 community-based sanction shall serve the entire term of parole  
2 or mandatory supervised release, if otherwise appropriate.

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

6 (c) A person charged with violating a condition of parole  
7 or mandatory supervised release shall have a preliminary  
8 hearing before a hearing officer designated by the Board to  
9 determine if there is cause to hold the person for a revocation  
10 hearing. However, no preliminary hearing need be held when  
11 revocation is based upon new criminal charges and a court  
12 finds probable cause on the new criminal charges or when the  
13 revocation is based upon a new criminal conviction and a  
14 certified copy of that conviction is available.

15 (d) Parole or mandatory supervised release shall not be  
16 revoked without written notice to the offender setting forth  
17 the violation of parole or mandatory supervised release  
18 charged against him or her.

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

- 25 (1) appear and answer the charge; and  
26 (2) bring witnesses on his or her behalf.

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

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

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