



Rep. Kelly M. Cassidy

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10300HB5037ham002

LRB103 37909 RLC 71635 a

1 AMENDMENT TO HOUSE BILL 5037

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5037 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 3-3-1 and 3-3-4 as follows:

6 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

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

9 (a) There shall be a Prisoner Review Board independent of  
10 the Department which shall be:

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

14 (1.2) the paroling authority for persons eligible for  
15 parole review under Section 5-4.5-115;

16 (1.5) (blank);

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

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

6           (4) the authority for establishing release dates for  
7 certain prisoners sentenced under the law in existence  
8 prior to the effective date of this amendatory Act of  
9 1977, in accordance with Section 3-3-2.1 of this Code;

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

15           (6) the authority for determining whether a violation  
16 of aftercare release conditions warrant revocation of  
17 aftercare release; and

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

20           (b) The Board shall consist of 15 persons appointed by the  
21 Governor by and with the advice and consent of the Senate. One  
22 member of the Board shall be designated by the Governor to be  
23 Chairman and shall serve as Chairman at the pleasure of the  
24 Governor. The members of the Board shall have had at least 5  
25 years of actual experience in the fields of penology,  
26 corrections work, law enforcement, sociology, law, education,

1 social work, medicine, psychology, other behavioral sciences,  
2 or a combination thereof. At least 6 members so appointed must  
3 have at least 3 years experience in the field of juvenile  
4 matters. No more than 8 Board members may be members of the  
5 same political party.

6 Within one year of the effective date of this amendatory  
7 Act of the 103rd General Assembly or within one year of the  
8 start of the member's term, a member of the Prisoner Review  
9 Board shall complete a 40-hour training series, to be provided  
10 by the entity administrating the Illinois Domestic Violence  
11 Hotline. This training shall be tailored specifically to the  
12 members of the Prisoner Review Board and shall cover topics  
13 including, but not limited to, safety planning, criminalized  
14 survivors, substantiation of gender-based violence, and the  
15 dynamics of gender-based violence.

16 Each member of the Board shall serve on a full-time basis  
17 and shall not hold any other salaried public office, whether  
18 elective or appointive, nor any other office or position of  
19 profit, nor engage in any other business, employment, or  
20 vocation. The Chairman of the Board shall receive \$35,000 a  
21 year, or an amount set by the Compensation Review Board,  
22 whichever is greater, and each other member \$30,000, or an  
23 amount set by the Compensation Review Board, whichever is  
24 greater.

25 (c) Notwithstanding any other provision of this Section,  
26 the term of each member of the Board who was appointed by the

1 Governor and is in office on June 30, 2003 shall terminate at  
2 the close of business on that date or when all of the successor  
3 members to be appointed pursuant to this amendatory Act of the  
4 93rd General Assembly have been appointed by the Governor,  
5 whichever occurs later. As soon as possible, the Governor  
6 shall appoint persons to fill the vacancies created by this  
7 amendatory Act.

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

18 Any member may be removed by the Governor for  
19 incompetence, neglect of duty, malfeasance or inability to  
20 serve.

21 (d) The Chairman of the Board shall be its chief executive  
22 and administrative officer. The Board may have an Executive  
23 Director; if so, the Executive Director shall be appointed by  
24 the Governor with the advice and consent of the Senate. The  
25 salary and duties of the Executive Director shall be fixed by  
26 the Board.

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

2 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)

3 Sec. 3-3-4. Preparation for parole hearing.

4 (a) The Prisoner Review Board shall consider the parole of  
5 each eligible person committed to the Department of  
6 Corrections at least 30 days prior to the date he or she shall  
7 first become eligible for parole.

8 (b) A person eligible for parole shall, no less than 15  
9 days in advance of his or her parole interview, prepare a  
10 parole plan in accordance with the rules of the Prisoner  
11 Review Board. The person shall be assisted in preparing his or  
12 her parole plan by personnel of the Department of Corrections,  
13 and may, for this purpose, be released on furlough under  
14 Article 11. The Department shall also provide assistance in  
15 obtaining information and records helpful to the individual  
16 for his or her parole hearing. If the person eligible for  
17 parole has a petition or any written submissions prepared on  
18 his or her behalf by an attorney or other representative, the  
19 attorney or representative for the person eligible for parole  
20 must serve by certified mail the State's Attorney of the  
21 county where he or she was prosecuted with the petition or any  
22 written submissions 15 days after his or her parole interview.  
23 The State's Attorney shall provide the attorney for the person  
24 eligible for parole with a copy of his or her letter in  
25 opposition to parole via certified mail within 5 business days

1 of the en banc hearing.

2 (c) Any member of the Board shall have access at all  
3 reasonable times to any committed person and to his or her  
4 master record file within the Department, and the Department  
5 shall furnish such a report to the Board concerning the  
6 conduct and character of any such person prior to his or her  
7 parole interview.

8 (d) In making its determination of parole, the Board shall  
9 consider:

10 (1) (blank);

11 (2) the report under Section 3-8-2 or 3-10-2;

12 (3) a report by the Department and any report by the  
13 chief administrative officer of the institution or  
14 facility;

15 (4) a parole progress report;

16 (5) a medical and psychological report, if requested  
17 by the Board;

18 (6) material in writing, or on film, video tape or  
19 other electronic means in the form of a recording  
20 submitted by the person whose parole is being considered;

21 (7) material in writing, or on film, video tape or  
22 other electronic means in the form of a recording or  
23 testimony submitted by the State's Attorney and the victim  
24 or a concerned citizen pursuant to the Rights of Crime  
25 Victims and Witnesses Act; ~~and~~

26 (8) the person's eligibility for commitment under the

1 Sexually Violent Persons Commitment Act; ~~and-~~

2 (9) any prior or current orders of protection, civil  
3 no contact orders, or stalking no contact orders against  
4 the person or any pending petition for an order of  
5 protection, civil no contact order, or stalking no contact  
6 order against the person.

7 (e) The prosecuting State's Attorney's office shall  
8 receive from the Board reasonable written notice not less than  
9 30 days prior to the parole interview and may submit relevant  
10 information by oral argument or testimony of victims and  
11 concerned citizens, or both, in writing, or on film, video  
12 tape or other electronic means or in the form of a recording to  
13 the Board for its consideration. Upon written request of the  
14 State's Attorney's office, the Prisoner Review Board shall  
15 hear protests to parole, except in counties of 1,500,000 or  
16 more inhabitants where there shall be standing objections to  
17 all such petitions. If a State's Attorney who represents a  
18 county of less than 1,500,000 inhabitants requests a protest  
19 hearing, the inmate's counsel or other representative shall  
20 also receive notice of such request. This hearing shall take  
21 place the month following the inmate's parole interview. If  
22 the inmate's parole interview is rescheduled then the Prisoner  
23 Review Board shall promptly notify the State's Attorney of the  
24 new date. The person eligible for parole shall be heard at the  
25 next scheduled en banc hearing date. If the case is to be  
26 continued, the State's Attorney's office and the attorney or

1 representative for the person eligible for parole will be  
2 notified of any continuance within 5 business days. The  
3 State's Attorney may waive the written notice.

4 (f) The victim of the violent crime for which the prisoner  
5 has been sentenced shall receive notice of a parole hearing as  
6 provided in paragraph (4) of subsection (d) of Section 4.5 of  
7 the Rights of Crime Victims and Witnesses Act.

8 (g) Any recording considered under the provisions of  
9 subsection (d)(6), (d)(7) or (e) of this Section shall be in  
10 the form designated by the Board. Such recording shall be both  
11 visual and aural. Every voice on the recording and person  
12 present shall be identified and the recording shall contain  
13 either a visual or aural statement of the person submitting  
14 such recording, the date of the recording and the name of the  
15 person whose parole eligibility is being considered. Such  
16 recordings shall be retained by the Board and shall be deemed  
17 to be submitted at any subsequent parole hearing if the victim  
18 or State's Attorney submits in writing a declaration clearly  
19 identifying such recording as representing the present  
20 position of the victim or State's Attorney regarding the  
21 issues to be considered at the parole hearing.

22 (h) The Board shall not release any material to the  
23 inmate, the inmate's attorney, any third party, or any other  
24 person containing any information from a victim who has  
25 written objections, testified at any hearing, or submitted  
26 audio or visual objections to the inmate's parole, unless



1 provided with a waiver from that victim. Victim statements  
2 provided to the Board shall be confidential and privileged,  
3 including any statements received prior to the effective date  
4 of this amendatory Act of the 101st General Assembly, except  
5 if the statement was an oral statement made by the victim at a  
6 hearing open to the public. The Board shall not release the  
7 names or addresses of any person on its victim registry to any  
8 other person except the victim, a law enforcement agency, or  
9 other victim notification system.

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