



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB2129

Introduced 2/10/2023, by Sen. Rachel Ventura

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-3	from Ch. 38, par. 1003-3-3
730 ILCS 5/3-3-3.1 new	
730 ILCS 5/3-5-1	from Ch. 38, par. 1003-5-1

Amends the Unified Code of Corrections. Provides that notwithstanding anything to the contrary in specified provisions of law, a person serving a term of imprisonment, including terms of natural life, in a Department of Corrections institution or facility is eligible for earned reentry. Provides that for the first year following the effective date of the amendatory Act, a person is eligible for earned reentry if he or she has served a term of imprisonment of at least 35 consecutive years. Provides that for the second year following the effective date of the amendatory Act, a person is eligible for earned reentry if he or she has served a term of imprisonment of at least 25 consecutive years. Provides that for the third year following the effective date of the amendatory Act and each year thereafter, a person is eligible for earned reentry if he or she has served a term of imprisonment of at least 20 consecutive years. Provides that hearings for earned reentry shall be administered by the Prisoner Review Board. Establishes procedures for the hearing. Removes provision that no person serving a term of natural life imprisonment may be paroled or released except through executive clemency. Provides that if any incarcerated person is released on earned reentry, his or her sentence shall be considered complete after the term of mandatory supervised release. Applies retroactively. Contains a severability provision. Defines "earned reentry". Effective January 1, 2024.

LRB103 28269 RLC 54648 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 1. Purpose. In recognition of the historical  
5 harms of systemic racism and overly punitive sentencing, as  
6 well as concerns to address mass incarceration and safely  
7 reduce the prison population, this Act is needed to ensure  
8 that persons are not serving excessive sentences with no  
9 public benefit. By utilizing and extending existing review  
10 mechanisms, this Act will reduce unnecessary incarceration,  
11 reduce costs of incarceration, provide incentive to people  
12 with long sentences to prepare for productive lives, make  
13 prisons safer for incarcerated persons and prison staff, and  
14 help bring the State in compliance with Section 11 of Article I  
15 of the Illinois Constitution, which mandates that all  
16 penalties aim to restore incarcerated people to useful  
17 citizenship.

18 Section 5. The Unified Code of Corrections is amended by  
19 changing Sections 3-3-3 and 3-5-1 and by adding Section  
20 3-3-3.1 as follows:

21 (730 ILCS 5/3-3-3) (from Ch. 38, par. 1003-3-3)  
22 Sec. 3-3-3. Eligibility for parole or release.

1           (a) Except as otherwise provided in Section 3-3-3.1 and  
2 except ~~Except~~ for those offenders who accept the fixed release  
3 date established by the Prisoner Review Board under Section  
4 3-3-2.1, every person serving a term of imprisonment under the  
5 law in effect prior to the effective date of this amendatory  
6 Act of 1977 shall be eligible for parole when he or she has  
7 served:

8           (1) the minimum term of an indeterminate sentence less  
9 time credit for good behavior, or 20 years less time  
10 credit for good behavior, whichever is less; or

11           (2) 20 years of a life sentence less time credit for  
12 good behavior; or

13           (3) 20 years or one-third of a determinate sentence,  
14 whichever is less, less time credit for good behavior.

15           (b) Except as otherwise provided in Section 3-3-3.1, no ~~no~~  
16 person sentenced under this amendatory Act of 1977 or who  
17 accepts a release date under Section 3-3-2.1 shall be eligible  
18 for parole.

19           (c) Except as otherwise provided in Section 3-3-3.1, and  
20 except ~~Except~~ for those sentenced to a term of natural life  
21 imprisonment, every person sentenced to imprisonment under  
22 this amendatory Act of 1977 or given a release date under  
23 Section 3-3-2.1 of this Act shall serve the full term of a  
24 determinate sentence less time credit for good behavior and  
25 shall then be released under the mandatory supervised release  
26 provisions of paragraph (d) of Section 5-8-1 of this Code.

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

4           (e) Every person committed to the Department of Juvenile  
5 Justice under the Juvenile Court Act of 1987 and confined in  
6 the State correctional institutions or facilities if such  
7 juvenile has not been tried as an adult shall be eligible for  
8 aftercare release under Section 3-2.5-85 of this Code.  
9 However, if a juvenile has been tried as an adult he or she  
10 shall only be eligible for parole or mandatory supervised  
11 release as an adult under this Section.

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

13           (730 ILCS 5/3-3-3.1 new)

14           Sec. 3-3-3.1. Earned reentry; earned reentry hearings;  
15 sentences of 20 years or longer; life imprisonment; reentry.

16           (a) Definition. "Earned reentry" means the termination of  
17 an incarcerated person's sentence that he or she is granted by  
18 the Prisoner Review Board as provided in this Act. If an  
19 incarcerated person is granted earned reentry, his or her  
20 sentence shall be considered complete after the term of  
21 mandatory supervised release.

22           (b) Notwithstanding anything to the contrary in any  
23 provision of this Code, Article 122 of the Code of Criminal  
24 Procedure of 1963, or Article X or Section 2-1401 of the Code  
25 of Civil Procedure, a person serving terms of imprisonment,

1 including terms of natural life, in a Department of  
2 Corrections institution or facility is eligible for earned  
3 reentry under this Section if he or she has served terms of  
4 imprisonment specified in subsection (d). Hearings for earned  
5 reentry shall be administered by the Prisoner Review Board.

6 (c) The Prisoner Review Board shall contact persons  
7 eligible for earned reentry and conduct hearings to determine  
8 whether they shall obtain earned reentry as provided by this  
9 Section and the Open Parole Hearings Act unless otherwise  
10 specified in this Section.

11 (d) Implementation schedule. For the first year following  
12 the effective date of this amendatory Act of the 103rd General  
13 Assembly, a person is eligible for earned reentry under this  
14 Section if he or she has served a term of imprisonment of at  
15 least 35 consecutive years. For the second year following the  
16 effective date of this amendatory Act of the 103rd General  
17 Assembly, a person is eligible for earned reentry under this  
18 Section if he or she has served a term of imprisonment of at  
19 least 25 consecutive years. For the third year following the  
20 effective date of this amendatory Act of the 103rd General  
21 Assembly and each year thereafter, a person is eligible for  
22 earned reentry under this Act if he or she has served a term of  
23 imprisonment of at least 20 consecutive years.

24 (e) Victims and victims' families shall be notified in a  
25 timely manner and provided an opportunity to participate in  
26 the hearing in accordance with the Rights of Crime Victims and

1 Witnesses Act, the Open Parole Hearings Act, and this Article.

2 (f) In determining whether a candidate should obtain  
3 earned reentry, the Prisoner Review Board shall consider the  
4 following factors:

5 (1) a statement, oral or written, by the candidate as  
6 to the reasons why he or she should obtain earned reentry;

7 (2) any evidence of the candidate's rehabilitation  
8 during the period of his or her incarceration, including  
9 remorse for any criminal acts, if applicable;

10 (3) any evidence of the likelihood that the candidate  
11 will not recidivate;

12 (4) any character references, letters of support from  
13 family or community members, or references by staff,  
14 volunteers, or incarcerated persons in the Department of  
15 Corrections;

16 (5) any evidence of the candidate's participation in  
17 educational, vocational, substance abuse, behavior  
18 modification, life skills, or reentry planning programs;

19 (6) the candidate's disciplinary record while  
20 incarcerated;

21 (7) the candidate's employment history while  
22 incarcerated;

23 (8) the candidate's criminal history; and

24 (9) the candidate's parole plan, including plans for  
25 housing, employment, and community support upon release  
26 from incarceration; and

1       (g) If the programs or employment opportunities described  
2 in this Section were not available to this candidate, the  
3 Board shall not penalize the candidate for failure to  
4 participate in them; nor shall the board penalize a candidate  
5 for choosing not to work for the Department of Corrections;  
6 nor shall the Board penalize a candidate for maintaining his  
7 or her claim of innocence.

8       (h) Notification. The Prisoner Review Board shall notify  
9 all persons who become eligible for earned reentry under  
10 subsection (d) within 2 months of their becoming eligible and  
11 inform them that the Prisoner Review Board will consider them  
12 for earned reentry.

13       (i) Hearings.

14       (1) Hearings under this Section shall be conducted by  
15 a panel of at least 3 members of the Board. A majority vote  
16 of the members present and voting at the hearing is  
17 required to grant the candidate earned reentry.

18       (2) In the first 2 years following the effective date  
19 of this amendatory Act of the 103rd General Assembly,  
20 hearings shall be held for each eligible person (who has  
21 not deferred) within one year of the person becoming  
22 eligible as specified in subsection (d). Beginning the  
23 third year following the effective date of this amendatory  
24 Act of the 103rd General Assembly and every year  
25 thereafter, hearings shall be held for each eligible  
26 person (who has not deferred) within 8 months of the

1 person becoming eligible as specified in subsection (d).

2 (j) Deferrals. Any person who is notified of the person's  
3 eligibility for earned reentry under this Section may defer  
4 the person's eligibility for 2 years by notifying the Prisoner  
5 Review Board within 3 months of receiving notification of  
6 eligibility.

7 (k) If earned reentry is denied under this Section, the  
8 Board shall provide a written statement to the candidate that  
9 shall include the reasons for the denial, what the candidate  
10 must accomplish to attain earned reentry in the future, and  
11 when the candidate is eligible to reapply for earned reentry,  
12 which shall be no later than 2 years after the denial. The  
13 candidate may seek a continuance of up to 2 additional years.

14 (l) An incarcerated person described in this Section may  
15 not be barred from any programming because his or her maximum  
16 out date is not in the near future.

17 (m) Every incarcerated person described in this Section  
18 may bring legal counsel or an advocate of his or her choice to  
19 the earned reentry hearing.

20 (n) Every incarcerated person described in this Section  
21 may attend and testify at his or her earned reentry hearing in  
22 person or by video-conference or may have counsel or an  
23 advocate read a statement.

24 (o) Every incarcerated person described in this Section  
25 shall be provided full and complete access to his or her master  
26 record file, with the exception of the names of verified



1 confidential informants, at least 60 days prior to any earned  
2 reentry hearing. The incarcerated person has a right to  
3 challenge any false, misleading, or otherwise inaccurate  
4 information contained therein. The Department of Corrections  
5 shall establish an expedited process for incarcerated persons  
6 to challenge such false, misleading, or otherwise inaccurate  
7 information so that it can be removed prior to any earned  
8 reentry hearing. Every incarcerated person described in this  
9 Section may have counsel assist him or her in challenging  
10 inaccurate information.

11 (p) This Section applies retroactively to every person  
12 currently serving a term of imprisonment in a Department of  
13 Corrections institution or facility, which is necessary in  
14 order to serve the important objectives listed in the  
15 preamble, including that of restoring incarcerated individuals  
16 to useful citizenship, as required by Section 11 of Article 1  
17 of the Illinois Constitution.

18 (q) Nothing in this Section guarantees release. It only  
19 provides the opportunity for the incarcerated person to  
20 demonstrate his or her readiness to obtain earned reentry.

21 (730 ILCS 5/3-5-1) (from Ch. 38, par. 1003-5-1)

22 Sec. 3-5-1. Master Record File.

23 (a) The Department of Corrections and the Department of  
24 Juvenile Justice shall maintain a master record file on each  
25 person committed to it, which shall contain the following

1 information:

2 (1) all information from the committing court;

3 (1.5) ethnic and racial background data collected in  
4 accordance with Section 4.5 of the Criminal Identification  
5 Act;

6 (2) reception summary;

7 (3) evaluation and assignment reports and  
8 recommendations;

9 (4) reports as to program assignment and progress;

10 (5) reports of disciplinary infractions and  
11 disposition, including tickets and Administrative Review  
12 Board action;

13 (6) any parole or aftercare release plan;

14 (7) any parole or aftercare release reports;

15 (8) the date and circumstances of final discharge;

16 (9) criminal history;

17 (10) current and past gang affiliations and ranks;

18 (11) information regarding associations and family  
19 relationships;

20 (12) any grievances filed and responses to those  
21 grievances; and

22 (13) other information that the respective Department  
23 determines is relevant to the secure confinement and  
24 rehabilitation of the committed person.

25 (b) Except as otherwise provided in Section 3-3-3.1, all

26 ~~All~~ files shall be confidential and access shall be limited to

1 authorized personnel of the respective Department or by  
2 disclosure in accordance with a court order or subpoena.  
3 Personnel of other correctional, welfare or law enforcement  
4 agencies may have access to files under rules and regulations  
5 of the respective Department. The respective Department shall  
6 keep a record of all outside personnel who have access to  
7 files, the files reviewed, any file material copied, and the  
8 purpose of access. If the respective Department or the  
9 Prisoner Review Board makes a determination under this Code  
10 which affects the length of the period of confinement or  
11 commitment, the committed person and his counsel shall be  
12 advised of factual information relied upon by the respective  
13 Department or Board to make the determination, provided that  
14 the Department or Board shall not be required to advise a  
15 person committed to the Department of Juvenile Justice any  
16 such information which in the opinion of the Department of  
17 Juvenile Justice or Board would be detrimental to his  
18 treatment or rehabilitation.

19 (c) The master file shall be maintained at a place  
20 convenient to its use by personnel of the respective  
21 Department in charge of the person. When custody of a person is  
22 transferred from the Department to another department or  
23 agency, a summary of the file shall be forwarded to the  
24 receiving agency with such other information required by law  
25 or requested by the agency under rules and regulations of the  
26 respective Department.

1           (d) The master file of a person no longer in the custody of  
2 the respective Department shall be placed on inactive status  
3 and its use shall be restricted subject to rules and  
4 regulations of the Department.

5           (e) All public agencies may make available to the  
6 respective Department on request any factual data not  
7 otherwise privileged as a matter of law in their possession in  
8 respect to individuals committed to the respective Department.

9           (f) A committed person may request a summary of the  
10 committed person's master record file once per year and the  
11 committed person's attorney may request one summary of the  
12 committed person's master record file once per year. The  
13 Department shall create a form for requesting this summary,  
14 and shall make that form available to committed persons and to  
15 the public on its website. Upon receipt of the request form,  
16 the Department shall provide the summary within 15 days. The  
17 summary must contain, unless otherwise prohibited by law:

18           (1) the person's name, ethnic, racial, and other  
19 identifying information;

20           (2) all digitally available information from the  
21 committing court;

22           (3) all information in the Offender 360 system on the  
23 person's criminal history;

24           (4) the person's complete assignment history in the  
25 Department of Corrections;

26           (5) the person's disciplinary card;

1           (6) additional records about up to 3 specific  
2 disciplinary incidents as identified by the requester;

3           (7) any available records about up to 5 specific  
4 grievances filed by the person, as identified by the  
5 requester; and

6           (8) the records of all grievances filed on or after  
7 January 1, 2023.

8           Notwithstanding any provision of this subsection (f) to  
9 the contrary, a committed person's master record file is not  
10 subject to disclosure and copying under the Freedom of  
11 Information Act.

12           (Source: P.A. 102-776, eff. 1-1-23; 102-784, eff. 5-13-22;  
13 revised 12-14-22.)

14           Section 97. Severability. The provisions of this Act are  
15 severable under Section 1.31 of the Statute on Statutes.

16           Section 99. Effective date. This Act takes effect on  
17 January 1, 2024.