

1 AN ACT in relation to 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 Section 3-3-13 as follows:

6 (730 ILCS 5/3-3-13) (from Ch. 38, par. 1003-3-13)

7 Sec. 3-3-13. Procedure for Executive Clemency.

8 (a) Petitions seeking pardon, commutation, or reprieve  
9 shall be addressed to the Governor and filed with the  
10 Prisoner Review Board. The petition shall be in writing and  
11 signed by the person under conviction or by a person on his  
12 behalf. It shall contain a brief history of the case, the  
13 reasons for seeking executive clemency, and other relevant  
14 information the Board may require.

15 (a-5) After a petition has been denied by the Governor,  
16 the Board may not accept a repeat petition for executive  
17 clemency for the same person until 3 full years have ~~one-full~~  
18 ~~year-has~~ elapsed from the date of the denial, except when the  
19 repeat petition for executive clemency is on behalf of a  
20 person sentenced to death. If a person on whose behalf a  
21 petition for executive clemency has been filed has been  
22 sentenced to death, the Board may accept a repeat petition  
23 for executive clemency for the same person at any time. The  
24 Chairman of the Board may waive the 3-year ~~one-year~~  
25 requirement, if applicable, if the petitioner offers in  
26 writing new information that was unavailable to the  
27 petitioner at the time of the filing of the prior petition  
28 and which the Chairman determines to be significant. The  
29 Chairman also may waive the 3-year ~~one-year~~ waiting period,  
30 if applicable, if the petitioner can show that a change in  
31 circumstances of a compelling humanitarian nature has arisen

1 since the denial of the prior petition.

2 (b) Notice of the proposed application shall be given by  
3 the Board to the committing court and the state's attorney of  
4 the county where the conviction was had.

5 (c) The Board shall, if requested and upon due notice,  
6 give a hearing to each application, allowing representation  
7 by counsel, if desired, after which it shall confidentially  
8 advise the Governor by a written report of its  
9 recommendations which shall be determined by majority vote.  
10 The Board shall meet to consider such petitions no less than  
11 4 times each year.

12 Application for executive clemency under this Section may  
13 not be commenced on behalf of a person who has been sentenced  
14 to death without the written consent of the defendant, unless  
15 the defendant, because of a mental or physical condition, is  
16 incapable of asserting his or her own claim.

17 (d) The Governor shall decide each application and  
18 communicate his decision to the Board which shall notify the  
19 petitioner.

20 In the event a petitioner who has been convicted of a  
21 Class X felony is granted a release, after the Governor has  
22 communicated such decision to the Board, the Board shall give  
23 written notice to the Sheriff of the county from which the  
24 offender was sentenced if such sheriff has requested that  
25 such notice be given on a continuing basis. In cases where  
26 arrest of the offender or the commission of the offense took  
27 place in any municipality with a population of more than  
28 10,000 persons, the Board shall also give written notice to  
29 the proper law enforcement agency for said municipality which  
30 has requested notice on a continuing basis.

31 (e) Nothing in this Section shall be construed to limit  
32 the power of the Governor under the constitution to grant a  
33 reprieve, commutation of sentence, or pardon.

34 (Source: P.A. 89-112, eff. 7-7-95; 89-684, eff. 6-1-97.)

1           Section 99. Effective date. This Act takes effect upon  
2 becoming law.