



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/5/2004, by John J. Cullerton

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-2

from Ch. 38, par. 1003-3-2

Amends the Unified Code of Corrections. Provides that the conditions of parole and the decision to parole for a prisoner who was sentenced for first degree murder or who received a minimum sentence of 20 years or more under the laws in effect prior to February 1, 1978 shall be determined by a simple majority vote of the members of the Prisoner Review Board who are present and voting at any en banc meeting of the Prisoner Review Board, once a quorum is established.

LRB093 17158 RLC 42824 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 Section 3-3-2 as follows:

6 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

7 Sec. 3-3-2. Powers and Duties.

8 (a) The Parole and Pardon Board is abolished and the term
9 "Parole and Pardon Board" as used in any law of Illinois, shall
10 read "Prisoner Review Board." After the effective date of this
11 amendatory Act of 1977, the Prisoner Review Board shall provide
12 by rule for the orderly transition of all files, records, and
13 documents of the Parole and Pardon Board and for such other
14 steps as may be necessary to effect an orderly transition and
15 shall:

16 (1) hear by at least one member and through a panel of
17 at least 3 members decide, cases of prisoners who were
18 sentenced under the law in effect prior to the effective
19 date of this amendatory Act of 1977, and who are eligible
20 for parole;

21 (2) hear by at least one member and through a panel of
22 at least 3 members decide, the conditions of parole and the
23 time of discharge from parole, impose sanctions for
24 violations of parole, and revoke parole for those sentenced
25 under the law in effect prior to this amendatory Act of
26 1977; provided that the decision to parole and the
27 conditions of parole for all prisoners who were sentenced
28 for first degree murder or who received a minimum sentence
29 of 20 years or more under the law in effect prior to
30 February 1, 1978 shall be determined by a simple majority
31 vote of the members of the Prisoner Review Board who are
32 present and voting at any en banc meeting of the Prisoner

1 Review Board, once a quorum is established;

2 (3) hear by at least one member and through a panel of
3 at least 3 members decide, the conditions of mandatory
4 supervised release and the time of discharge from mandatory
5 supervised release, impose sanctions for violations of
6 mandatory supervised release, and revoke mandatory
7 supervised release for those sentenced under the law in
8 effect after the effective date of this amendatory Act of
9 1977;

10 (4) hear by at least 1 member and through a panel of at
11 least 3 members, decide cases brought by the Department of
12 Corrections against a prisoner in the custody of the
13 Department for alleged violation of Department rules with
14 respect to good conduct credits pursuant to Section 3-6-3
15 of this Code in which the Department seeks to revoke good
16 conduct credits, if the amount of time at issue exceeds 30
17 days or when, during any 12 month period, the cumulative
18 amount of credit revoked exceeds 30 days except where the
19 infraction is committed or discovered within 60 days of
20 scheduled release. In such cases, the Department of
21 Corrections may revoke up to 30 days of good conduct
22 credit. The Board may subsequently approve the revocation
23 of additional good conduct credit, if the Department seeks
24 to revoke good conduct credit in excess of thirty days.
25 However, the Board shall not be empowered to review the
26 Department's decision with respect to the loss of 30 days
27 of good conduct credit for any prisoner or to increase any
28 penalty beyond the length requested by the Department;

29 (5) hear by at least one member and through a panel of
30 at least 3 members decide, the release dates for certain
31 prisoners sentenced under the law in existence prior to the
32 effective date of this amendatory Act of 1977, in
33 accordance with Section 3-3-2.1 of this Code;

34 (6) hear by at least one member and through a panel of
35 at least 3 members decide, all requests for pardon,
36 reprieve or commutation, and make confidential

1 recommendations to the Governor;

2 (7) comply with the requirements of the Open Parole
3 Hearings Act;

4 (8) hear by at least one member and, through a panel of
5 at least 3 members, decide cases brought by the Department
6 of Corrections against a prisoner in the custody of the
7 Department for court dismissal of a frivolous lawsuit
8 pursuant to Section 3-6-3(d) of this Code in which the
9 Department seeks to revoke up to 180 days of good conduct
10 credit, and if the prisoner has not accumulated 180 days of
11 good conduct credit at the time of the dismissal, then all
12 good conduct credit accumulated by the prisoner shall be
13 revoked; and

14 (9) hear by at least 3 members, and, through a panel of
15 at least 3 members, decide whether to grant certificates of
16 relief from disabilities or certificates of good conduct as
17 provided in Article 5.5 of Chapter V.

18 (a-5) The Prisoner Review Board, with the cooperation of
19 and in coordination with the Department of Corrections and the
20 Department of Central Management Services, shall implement a
21 pilot project in 3 correctional institutions providing for the
22 conduct of hearings under paragraphs (1) and (4) of subsection
23 (a) of this Section through interactive video conferences. The
24 project shall be implemented within 6 months after the
25 effective date of this amendatory Act of 1996. Within 6 months
26 after the implementation of the pilot project, the Prisoner
27 Review Board, with the cooperation of and in coordination with
28 the Department of Corrections and the Department of Central
29 Management Services, shall report to the Governor and the
30 General Assembly regarding the use, costs, effectiveness, and
31 future viability of interactive video conferences for Prisoner
32 Review Board hearings.

33 (b) Upon recommendation of the Department the Board may
34 restore good conduct credit previously revoked.

35 (c) The Board shall cooperate with the Department in
36 promoting an effective system of parole and mandatory

1 supervised release.

2 (d) The Board shall promulgate rules for the conduct of its
3 work, and the Chairman shall file a copy of such rules and any
4 amendments thereto with the Director and with the Secretary of
5 State.

6 (e) The Board shall keep records of all of its official
7 actions and shall make them accessible in accordance with law
8 and the rules of the Board.

9 (f) The Board or one who has allegedly violated the
10 conditions of his parole or mandatory supervised release may
11 require by subpoena the attendance and testimony of witnesses
12 and the production of documentary evidence relating to any
13 matter under investigation or hearing. The Chairman of the
14 Board may sign subpoenas which shall be served by any agent or
15 public official authorized by the Chairman of the Board, or by
16 any person lawfully authorized to serve a subpoena under the
17 laws of the State of Illinois. The attendance of witnesses, and
18 the production of documentary evidence, may be required from
19 any place in the State to a hearing location in the State
20 before the Chairman of the Board or his designated agent or
21 agents or any duly constituted Committee or Subcommittee of the
22 Board. Witnesses so summoned shall be paid the same fees and
23 mileage that are paid witnesses in the circuit courts of the
24 State, and witnesses whose depositions are taken and the
25 persons taking those depositions are each entitled to the same
26 fees as are paid for like services in actions in the circuit
27 courts of the State. Fees and mileage shall be vouchered for
28 payment when the witness is discharged from further attendance.

29 In case of disobedience to a subpoena, the Board may
30 petition any circuit court of the State for an order requiring
31 the attendance and testimony of witnesses or the production of
32 documentary evidence or both. A copy of such petition shall be
33 served by personal service or by registered or certified mail
34 upon the person who has failed to obey the subpoena, and such
35 person shall be advised in writing that a hearing upon the
36 petition will be requested in a court room to be designated in

1 such notice before the judge hearing motions or extraordinary
2 remedies at a specified time, on a specified date, not less
3 than 10 nor more than 15 days after the deposit of the copy of
4 the written notice and petition in the U.S. mails addressed to
5 the person at his last known address or after the personal
6 service of the copy of the notice and petition upon such
7 person. The court upon the filing of such a petition, may order
8 the person refusing to obey the subpoena to appear at an
9 investigation or hearing, or to there produce documentary
10 evidence, if so ordered, or to give evidence relative to the
11 subject matter of that investigation or hearing. Any failure to
12 obey such order of the circuit court may be punished by that
13 court as a contempt of court.

14 Each member of the Board and any hearing officer designated
15 by the Board shall have the power to administer oaths and to
16 take the testimony of persons under oath.

17 (g) Except under subsection (a) of this Section, a majority
18 of the members then appointed to the Prisoner Review Board
19 shall constitute a quorum for the transaction of all business
20 of the Board.

21 (h) The Prisoner Review Board shall annually transmit to
22 the Director a detailed report of its work for the preceding
23 calendar year. The annual report shall also be transmitted to
24 the Governor for submission to the Legislature.

25 (Source: P.A. 93-207, eff. 1-1-04.)