



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3649

Introduced 2/24/2005, by Rep. John E. Bradley

SYNOPSIS AS INTRODUCED:

20 ILCS 4026/15
730 ILCS 5/3-3-2 from Ch. 38, par. 1003-3-2
730 ILCS 5/3-3-7 from Ch. 38, par. 1003-3-7
730 ILCS 5/5-8-1 from Ch. 38, par. 1005-8-1
730 ILCS 5/Art. Ch. V Art. 8B heading new
730 ILCS 5/5-8B-5 new
730 ILCS 5/5-8B-10 new
730 ILCS 5/5-8B-15 new
730 ILCS 5/5-8B-20 new
730 ILCS 5/5-8B-25 new
730 ILCS 5/5-8B-30 new

Amends the Sex Offender Management Board Act and the Unified Code of Corrections. Provides that a person convicted of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual abuse, or felony criminal sexual abuse shall be placed on conditional release after the completion of his or her imprisonment in a Department of Corrections facility. Provides that a person sentenced for these offenses shall serve an indeterminate sentence. Provides for the length of conditional release. Provides that the conditions of conditional release may include successful completion of treatment and aftercare in a program approved by the Director of Corrections, the Prisoner Review Board, and the Sex Offender Management Board and satisfaction of the release conditions specified by the Prisoner Review Board and Sex Offender Management Board. Provides that before the offender is released, the Director of Corrections shall notify the sentencing court, the State's Attorney in the jurisdiction where the offender was sentenced, and the victim of the offender's crime, whenever possible, of the terms of the offender's conditional release. Provides that if the offender fails to meet any condition of release, the Director of Corrections, upon the approval of the Prisoner Review Board, may revoke the offender's conditional release and order that the offender serve the remaining portion of the conditional release term in a Department of Corrections facility. Provides that the Prisoner Review Board, in consultation with the Director of Corrections and the Sex Offender Management Board, shall establish criteria and procedures to use in making release and revocation decisions on offenders sentenced under the indeterminate sentencing provisions. Provides that by December 31, 2006, the Prisoner Review Board shall provide the General Assembly with a written report containing the criteria and procedures the Board proposes to use in deciding whether to release a sex offender subject to an indeterminate sentence.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 Sex Offender Management Board Act is amended
5 by changing Section 15 as follows:

6 (20 ILCS 4026/15)

7 Sec. 15. Sex Offender Management Board; creation; duties.

8 (a) There is created the Sex Offender Management Board,
9 which shall consist of 24 members. The membership of the Board
10 shall consist of the following persons:

11 (1) Two members appointed by the Governor representing
12 the judiciary, one representing juvenile court matters and
13 one representing adult criminal court matters;

14 (2) One member appointed by the Governor representing
15 Probation Services;

16 (3) One member appointed by the Governor representing
17 the Department of Corrections;

18 (4) One member appointed by the Governor representing
19 the Department of Human Services;

20 (5) One member appointed by the Governor representing
21 the Illinois State Police;

22 (6) One member appointed by the Governor representing
23 the Department of Children and Family Services;

24 (7) One member appointed by the Attorney General
25 representing the Office of the Attorney General;

26 (8) Two members appointed by the Attorney General who
27 are licensed mental health professionals with documented
28 expertise in the treatment of sex offenders;

29 (9) Two members appointed by the Attorney General who
30 are State's Attorneys or assistant State's Attorneys, one
31 representing juvenile court matters and one representing
32 felony court matters;

1 (10) One member being the Cook County State's Attorney
2 or his or her designee;

3 (11) One member being the Director of the State's
4 Attorneys Appellate Prosecutor or his or her designee;

5 (12) One member being the Cook County Public Defender
6 or his or her designee;

7 (13) Two members appointed by the Governor who are
8 representatives of law enforcement, one juvenile officer
9 and one sex crime investigator;

10 (14) Two members appointed by the Attorney General who
11 are recognized experts in the field of sexual assault and
12 who can represent sexual assault victims and victims'
13 rights organizations;

14 (15) One member being the State Appellate Defender or
15 his or her designee;

16 (16) One member being the President of the Illinois
17 Polygraph Society or his or her designee;

18 (17) One member being the Executive Director of the
19 Criminal Justice Information Authority or his or her
20 designee;

21 (18) One member being the President of the Illinois
22 Chapter of the Association for the Treatment of Sexual
23 Abusers or his or her designee; and

24 (19) One member representing the Illinois Principal
25 Association.

26 (b) The Governor and the Attorney General shall appoint a
27 presiding officer for the Board from among the board members
28 appointed under subsection (a) of this Section, which presiding
29 officer shall serve at the pleasure of the Governor and the
30 Attorney General.

31 (c) Each member of the Board shall demonstrate substantial
32 expertise and experience in the field of sexual assault.

33 (d) (1) Any member of the Board created in subsection (a)
34 of this Section who is appointed under paragraphs (1) through
35 (7) of subsection (a) of this Section shall serve at the
36 pleasure of the official who appointed that member, for a term

1 of 5 years and may be reappointed. The members shall serve
2 without additional compensation.

3 (2) Any member of the Board created in subsection (a) of
4 this Section who is appointed under paragraphs (8) through (14)
5 of subsection (a) of this Section shall serve for a term of 5
6 years and may be reappointed. The members shall serve without
7 compensation.

8 (3) The travel costs associated with membership on the
9 Board created in subsection (a) of this Section will be
10 reimbursed subject to availability of funds.

11 (e) The first meeting of this Board shall be held within 45
12 days of the effective date of this Act.

13 (f) The Board shall carry out the following duties:

14 (1) Not later than December 31, 2001, the Board shall
15 develop and prescribe separate standardized procedures for
16 the evaluation and identification of the offender and
17 recommend behavior management, monitoring, and treatment
18 based upon the knowledge that sex offenders are extremely
19 habituated and that there is no known cure for the
20 propensity to commit sex abuse. The Board shall develop and
21 implement measures of success based upon a no-cure policy
22 for intervention. The Board shall develop and implement
23 methods of intervention for sex offenders which have as a
24 priority the physical and psychological safety of victims
25 and potential victims and which are appropriate to the
26 needs of the particular offender, so long as there is no
27 reduction of the safety of victims and potential victims.

28 (2) Not later than December 31, 2001, the Board shall
29 develop separate guidelines and standards for a system of
30 programs for the evaluation and treatment of both juvenile
31 and adult sex offenders which shall be utilized by
32 offenders who are placed on probation, committed to the
33 Department of Corrections or Department of Human Services,
34 or placed on mandatory supervised release or parole. The
35 programs developed under this paragraph (f) shall be as
36 flexible as possible so that the programs may be utilized

1 by each offender to prevent the offender from harming
2 victims and potential victims. The programs shall be
3 structured in such a manner that the programs provide a
4 continuing monitoring process as well as a continuum of
5 counseling programs for each offender as that offender
6 proceeds through the justice system. Also, the programs
7 shall be developed in such a manner that, to the extent
8 possible, the programs may be accessed by all offenders in
9 the justice system.

10 (3) There is established the Sex Offender Management
11 Board Fund in the State Treasury into which funds received
12 under any provision of law or from public or private
13 sources shall be deposited, and from which funds shall be
14 appropriated for the purposes set forth in Section 19 of
15 this Act, Section 5-6-3 of the Unified Code of Corrections,
16 and Section 3 of the Sex Offender Registration Act, and the
17 remainder shall be appropriated to the Sex Offender
18 Management Board for planning and research.

19 (4) The Board shall develop and prescribe a plan to
20 research and analyze the effectiveness of the evaluation,
21 identification, and counseling procedures and programs
22 developed under this Act. The Board shall also develop and
23 prescribe a system for implementation of the guidelines and
24 standards developed under paragraph (2) of this subsection
25 (f) and for tracking offenders who have been subjected to
26 evaluation, identification, and treatment under this Act.
27 In addition, the Board shall develop a system for
28 monitoring offender behaviors and offender adherence to
29 prescribed behavioral changes. The results of the tracking
30 and behavioral monitoring shall be a part of any analysis
31 made under this paragraph (4).

32 (5) The Board shall perform the duties prescribed in
33 Article 8B of Chapter V of the Unified Code of Corrections.

34 (g) The Board may promulgate rules as are necessary to
35 carry out the duties of the Board.

36 (h) The Board and the individual members of the Board shall

1 be immune from any liability, whether civil or criminal, for
2 the good faith performance of the duties of the Board as
3 specified in this Section.

4 (Source: P.A. 93-616, eff. 1-1-04.)

5 Section 10. The Unified Code of Corrections is amended by
6 changing Sections 3-3-2, 3-3-7, and 5-8-1 and by adding Article
7 8B to Chapter V as follows:

8 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

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

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

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

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

34 (3) hear by at least one member and through a panel of

1 at least 3 members decide, the conditions of mandatory
2 supervised release and the time of discharge from mandatory
3 supervised release, impose sanctions for violations of
4 mandatory supervised release, and revoke mandatory
5 supervised release for those sentenced under the law in
6 effect after the effective date of this amendatory Act of
7 1977;

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

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

32 (6) hear by at least one member and through a panel of
33 at least 3 members decide, all requests for pardon,
34 reprieve or commutation, and make confidential
35 recommendations to the Governor;

36 (7) comply with the requirements of the Open Parole

1 Hearings Act;

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

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

16 (10) hear by at least one member, and through a panel
17 of at least 3 members, decide the conditions of conditional
18 release of a person convicted of a violation or attempted
19 violation of Section 12-13, 12-14, 12-14.1, or 12-16 of the
20 Criminal Code of 1961 or a felony violation of Section
21 12-15 of the Criminal Code of 1961 and the time of
22 discharge from conditional release, impose sanctions for
23 violations of conditional release, and revoke conditional
24 release.

25 (a-5) The Prisoner Review Board, with the cooperation of
26 and in coordination with the Department of Corrections and the
27 Department of Central Management Services, shall implement a
28 pilot project in 3 correctional institutions providing for the
29 conduct of hearings under paragraphs (1) and (4) of subsection
30 (a) of this Section through interactive video conferences. The
31 project shall be implemented within 6 months after the
32 effective date of this amendatory Act of 1996. Within 6 months
33 after the implementation of the pilot project, the Prisoner
34 Review Board, with the cooperation of and in coordination with
35 the Department of Corrections and the Department of Central
36 Management Services, shall report to the Governor and the

1 General Assembly regarding the use, costs, effectiveness, and
2 future viability of interactive video conferences for Prisoner
3 Review Board hearings.

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

6 (c) The Board shall cooperate with the Department in
7 promoting an effective system of parole and mandatory
8 supervised release.

9 (d) The Board shall promulgate rules for the conduct of its
10 work, and the Chairman shall file a copy of such rules and any
11 amendments thereto with the Director and with the Secretary of
12 State.

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

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

36 In case of disobedience to a subpoena, the Board may

1 petition any circuit court of the State for an order requiring
2 the attendance and testimony of witnesses or the production of
3 documentary evidence or both. A copy of such petition shall be
4 served by personal service or by registered or certified mail
5 upon the person who has failed to obey the subpoena, and such
6 person shall be advised in writing that a hearing upon the
7 petition will be requested in a court room to be designated in
8 such notice before the judge hearing motions or extraordinary
9 remedies at a specified time, on a specified date, not less
10 than 10 nor more than 15 days after the deposit of the copy of
11 the written notice and petition in the U.S. mails addressed to
12 the person at his last known address or after the personal
13 service of the copy of the notice and petition upon such
14 person. The court upon the filing of such a petition, may order
15 the person refusing to obey the subpoena to appear at an
16 investigation or hearing, or to there produce documentary
17 evidence, if so ordered, or to give evidence relative to the
18 subject matter of that investigation or hearing. Any failure to
19 obey such order of the circuit court may be punished by that
20 court as a contempt of court.

21 Each member of the Board and any hearing officer designated
22 by the Board shall have the power to administer oaths and to
23 take the testimony of persons under oath.

24 (g) Except under subsection (a) of this Section, a majority
25 of the members then appointed to the Prisoner Review Board
26 shall constitute a quorum for the transaction of all business
27 of the Board.

28 (h) The Prisoner Review Board shall annually transmit to
29 the Director a detailed report of its work for the preceding
30 calendar year. The annual report shall also be transmitted to
31 the Governor for submission to the Legislature.

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

33 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

34 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
35 Release.

1 (a) The conditions of parole or mandatory supervised
2 release shall be such as the Prisoner Review Board deems
3 necessary to assist the subject in leading a law-abiding life.
4 The conditions of every parole and mandatory supervised release
5 are that the subject:

6 (1) not violate any criminal statute of any
7 jurisdiction during the parole or release term;

8 (2) refrain from possessing a firearm or other
9 dangerous weapon;

10 (3) report to an agent of the Department of
11 Corrections;

12 (4) permit the agent to visit him or her at his or her
13 home, employment, or elsewhere to the extent necessary for
14 the agent to discharge his or her duties;

15 (5) attend or reside in a facility established for the
16 instruction or residence of persons on parole or mandatory
17 supervised release;

18 (6) secure permission before visiting or writing a
19 committed person in an Illinois Department of Corrections
20 facility;

21 (7) report all arrests to an agent of the Department of
22 Corrections as soon as permitted by the arresting authority
23 but in no event later than 24 hours after release from
24 custody;

25 (7.5) if convicted of a sex offense as defined in the
26 Sex Offender Management Board Act, the individual shall
27 undergo and successfully complete sex offender treatment
28 conducted in conformance with the standards developed by
29 the Sex Offender Management Board Act by a treatment
30 provider approved by the Board;

31 (7.6) if convicted of a violation or attempted
32 violation of Section 12-13, 12-14, 12-14.1, or 12-16 of the
33 Criminal Code of 1961 or a felony violation of Section
34 12-15 of the Criminal Code of 1961, such conditions of
35 conditional release as imposed by the Board and in
36 accordance with Article 8B of Chapter V;

1 (8) obtain permission of an agent of the Department of
2 Corrections before leaving the State of Illinois;

3 (9) obtain permission of an agent of the Department of
4 Corrections before changing his or her residence or
5 employment;

6 (10) consent to a search of his or her person,
7 property, or residence under his or her control;

8 (11) refrain from the use or possession of narcotics or
9 other controlled substances in any form, or both, or any
10 paraphernalia related to those substances and submit to a
11 urinalysis test as instructed by a parole agent of the
12 Department of Corrections;

13 (12) not frequent places where controlled substances
14 are illegally sold, used, distributed, or administered;

15 (13) not knowingly associate with other persons on
16 parole or mandatory supervised release without prior
17 written permission of his or her parole agent and not
18 associate with persons who are members of an organized gang
19 as that term is defined in the Illinois Streetgang
20 Terrorism Omnibus Prevention Act;

21 (14) provide true and accurate information, as it
22 relates to his or her adjustment in the community while on
23 parole or mandatory supervised release or to his or her
24 conduct while incarcerated, in response to inquiries by his
25 or her parole agent or of the Department of Corrections;
26 and

27 (15) follow any specific instructions provided by the
28 parole agent that are consistent with furthering
29 conditions set and approved by the Prisoner Review Board or
30 by law, exclusive of placement on electronic detention, to
31 achieve the goals and objectives of his or her parole or
32 mandatory supervised release or to protect the public.
33 These instructions by the parole agent may be modified at
34 any time, as the agent deems appropriate.

35 (b) The Board may in addition to other conditions require
36 that the subject:

1 (1) work or pursue a course of study or vocational
2 training;

3 (2) undergo medical or psychiatric treatment, or
4 treatment for drug addiction or alcoholism;

5 (3) attend or reside in a facility established for the
6 instruction or residence of persons on probation or parole;

7 (4) support his dependents;

8 (5) (blank);

9 (6) (blank);

10 (7) comply with the terms and conditions of an order of
11 protection issued pursuant to the Illinois Domestic
12 Violence Act of 1986, enacted by the 84th General Assembly,
13 or an order of protection issued by the court of another
14 state, tribe, or United States territory; and

15 (8) in addition, if a minor:

16 (i) reside with his parents or in a foster home;

17 (ii) attend school;

18 (iii) attend a non-residential program for youth;

19 or

20 (iv) contribute to his own support at home or in a
21 foster home.

22 (b-1) In addition to the conditions set forth in
23 subsections (a) and (b), persons required to register as sex
24 offenders pursuant to the Sex Offender Registration Act, upon
25 release from the custody of the Illinois Department of
26 Corrections, may be required by the Board to comply with the
27 following specific conditions of release:

28 (1) reside only at a Department approved location;

29 (2) comply with all requirements of the Sex Offender
30 Registration Act;

31 (3) notify third parties of the risks that may be
32 occasioned by his or her criminal record;

33 (4) obtain the approval of an agent of the Department
34 of Corrections prior to accepting employment or pursuing a
35 course of study or vocational training and notify the
36 Department prior to any change in employment, study, or

1 training;

2 (5) not be employed or participate in any volunteer
3 activity that involves contact with children, except under
4 circumstances approved in advance and in writing by an
5 agent of the Department of Corrections;

6 (6) be electronically monitored for a minimum of 12
7 months from the date of release as determined by the Board;

8 (7) refrain from entering into a designated geographic
9 area except upon terms approved in advance by an agent of
10 the Department of Corrections. The terms may include
11 consideration of the purpose of the entry, the time of day,
12 and others accompanying the person;

13 (8) refrain from having any contact, including written
14 or oral communications, directly or indirectly, personally
15 or by telephone, letter, or through a third party with
16 certain specified persons including, but not limited to,
17 the victim or the victim's family without the prior written
18 approval of an agent of the Department of Corrections;

19 (9) refrain from all contact, directly or indirectly,
20 personally, by telephone, letter, or through a third party,
21 with minor children without prior identification and
22 approval of an agent of the Department of Corrections;

23 (10) neither possess or have under his or her control
24 any material that is sexually oriented, sexually
25 stimulating, or that shows male or female sex organs or any
26 pictures depicting children under 18 years of age nude or
27 any written or audio material describing sexual
28 intercourse or that depicts or alludes to sexual activity,
29 including but not limited to visual, auditory, telephonic,
30 or electronic media, or any matter obtained through access
31 to any computer or material linked to computer access use;

32 (11) not patronize any business providing sexually
33 stimulating or sexually oriented entertainment nor utilize
34 "900" or adult telephone numbers;

35 (12) not reside near, visit, or be in or about parks,
36 schools, day care centers, swimming pools, beaches,

1 theaters, or any other places where minor children
2 congregate without advance approval of an agent of the
3 Department of Corrections and immediately report any
4 incidental contact with minor children to the Department;

5 (13) not possess or have under his or her control
6 certain specified items of contraband related to the
7 incidence of sexually offending as determined by an agent
8 of the Department of Corrections;

9 (14) may be required to provide a written daily log of
10 activities if directed by an agent of the Department of
11 Corrections;

12 (15) comply with all other special conditions that the
13 Department may impose that restrict the person from
14 high-risk situations and limit access to potential
15 victims.

16 (c) The conditions under which the parole or mandatory
17 supervised release is to be served shall be communicated to the
18 person in writing prior to his release, and he shall sign the
19 same before release. A signed copy of these conditions,
20 including a copy of an order of protection where one had been
21 issued by the criminal court, shall be retained by the person
22 and another copy forwarded to the officer in charge of his
23 supervision.

24 (d) After a hearing under Section 3-3-9, the Prisoner
25 Review Board may modify or enlarge the conditions of parole or
26 mandatory supervised release.

27 (e) The Department shall inform all offenders committed to
28 the Department of the optional services available to them upon
29 release and shall assist inmates in availing themselves of such
30 optional services upon their release on a voluntary basis.

31 (Source: P.A. 92-460, eff. 1-1-02; 93-616, eff. 1-1-04; 93-865,
32 eff. 1-1-05.)

33 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

34 Sec. 5-8-1. Sentence of Imprisonment for Felony.

35 (a) Except as otherwise provided in the statute defining

1 the offense or in Article 8B of this Chapter V, a sentence of
2 imprisonment for a felony shall be a determinate sentence set
3 by the court under this Section, according to the following
4 limitations:

5 (1) for first degree murder,

6 (a) a term shall be not less than 20 years and not
7 more than 60 years, or

8 (b) if a trier of fact finds beyond a reasonable
9 doubt that the murder was accompanied by exceptionally
10 brutal or heinous behavior indicative of wanton
11 cruelty or, except as set forth in subsection (a)(1)(c)
12 of this Section, that any of the aggravating factors
13 listed in subsection (b) of Section 9-1 of the Criminal
14 Code of 1961 are present, the court may sentence the
15 defendant to a term of natural life imprisonment, or

16 (c) the court shall sentence the defendant to a
17 term of natural life imprisonment when the death
18 penalty is not imposed if the defendant,

19 (i) has previously been convicted of first
20 degree murder under any state or federal law, or

21 (ii) is a person who, at the time of the
22 commission of the murder, had attained the age of
23 17 or more and is found guilty of murdering an
24 individual under 12 years of age; or, irrespective
25 of the defendant's age at the time of the
26 commission of the offense, is found guilty of
27 murdering more than one victim, or

28 (iii) is found guilty of murdering a peace
29 officer or fireman when the peace officer or
30 fireman was killed in the course of performing his
31 official duties, or to prevent the peace officer or
32 fireman from performing his official duties, or in
33 retaliation for the peace officer or fireman
34 performing his official duties, and the defendant
35 knew or should have known that the murdered
36 individual was a peace officer or fireman, or

1 (iv) is found guilty of murdering an employee
2 of an institution or facility of the Department of
3 Corrections, or any similar local correctional
4 agency, when the employee was killed in the course
5 of performing his official duties, or to prevent
6 the employee from performing his official duties,
7 or in retaliation for the employee performing his
8 official duties, or

9 (v) is found guilty of murdering an emergency
10 medical technician - ambulance, emergency medical
11 technician - intermediate, emergency medical
12 technician - paramedic, ambulance driver or other
13 medical assistance or first aid person while
14 employed by a municipality or other governmental
15 unit when the person was killed in the course of
16 performing official duties or to prevent the
17 person from performing official duties or in
18 retaliation for performing official duties and the
19 defendant knew or should have known that the
20 murdered individual was an emergency medical
21 technician - ambulance, emergency medical
22 technician - intermediate, emergency medical
23 technician - paramedic, ambulance driver, or other
24 medical assistant or first aid personnel, or

25 (vi) is a person who, at the time of the
26 commission of the murder, had not attained the age
27 of 17, and is found guilty of murdering a person
28 under 12 years of age and the murder is committed
29 during the course of aggravated criminal sexual
30 assault, criminal sexual assault, or aggravated
31 kidnaping, or

32 (vii) is found guilty of first degree murder
33 and the murder was committed by reason of any
34 person's activity as a community policing
35 volunteer or to prevent any person from engaging in
36 activity as a community policing volunteer. For

1 the purpose of this Section, "community policing
2 volunteer" has the meaning ascribed to it in
3 Section 2-3.5 of the Criminal Code of 1961.

4 For purposes of clause (v), "emergency medical
5 technician - ambulance", "emergency medical technician
6 - intermediate", "emergency medical technician -
7 paramedic", have the meanings ascribed to them in the
8 Emergency Medical Services (EMS) Systems Act.

9 (d) (i) if the person committed the offense while
10 armed with a firearm, 15 years shall be added to
11 the term of imprisonment imposed by the court;

12 (ii) if, during the commission of the offense,
13 the person personally discharged a firearm, 20
14 years shall be added to the term of imprisonment
15 imposed by the court;

16 (iii) if, during the commission of the
17 offense, the person personally discharged a
18 firearm that proximately caused great bodily harm,
19 permanent disability, permanent disfigurement, or
20 death to another person, 25 years or up to a term
21 of natural life shall be added to the term of
22 imprisonment imposed by the court.

23 (1.5) for second degree murder, a term shall be not
24 less than 4 years and not more than 20 years;

25 (2) for a person adjudged a habitual criminal under
26 Article 33B of the Criminal Code of 1961, as amended, the
27 sentence shall be a term of natural life imprisonment;

28 (2.5) for a person convicted under the circumstances
29 described in paragraph (3) of subsection (b) of Section
30 12-13, paragraph (2) of subsection (d) of Section 12-14,
31 paragraph (1.2) of subsection (b) of Section 12-14.1, or
32 paragraph (2) of subsection (b) of Section 12-14.1 of the
33 Criminal Code of 1961, the sentence shall be a term of
34 natural life imprisonment;

35 (3) except as otherwise provided in the statute
36 defining the offense, for a Class X felony, the sentence

1 shall be not less than 6 years and not more than 30 years;

2 (4) for a Class 1 felony, other than second degree
3 murder, the sentence shall be not less than 4 years and not
4 more than 15 years;

5 (5) for a Class 2 felony, the sentence shall be not
6 less than 3 years and not more than 7 years;

7 (6) for a Class 3 felony, the sentence shall be not
8 less than 2 years and not more than 5 years;

9 (7) for a Class 4 felony, the sentence shall be not
10 less than 1 year and not more than 3 years.

11 (b) The sentencing judge in each felony conviction shall
12 set forth his reasons for imposing the particular sentence he
13 enters in the case, as provided in Section 5-4-1 of this Code.
14 Those reasons may include any mitigating or aggravating factors
15 specified in this Code, or the lack of any such circumstances,
16 as well as any other such factors as the judge shall set forth
17 on the record that are consistent with the purposes and
18 principles of sentencing set out in this Code.

19 (c) A motion to reduce a sentence may be made, or the court
20 may reduce a sentence without motion, within 30 days after the
21 sentence is imposed. A defendant's challenge to the correctness
22 of a sentence or to any aspect of the sentencing hearing shall
23 be made by a written motion filed within 30 days following the
24 imposition of sentence. However, the court may not increase a
25 sentence once it is imposed.

26 If a motion filed pursuant to this subsection is timely
27 filed within 30 days after the sentence is imposed, the
28 proponent of the motion shall exercise due diligence in seeking
29 a determination on the motion and the court shall thereafter
30 decide such motion within a reasonable time.

31 If a motion filed pursuant to this subsection is timely
32 filed within 30 days after the sentence is imposed, then for
33 purposes of perfecting an appeal, a final judgment shall not be
34 considered to have been entered until the motion to reduce a
35 sentence has been decided by order entered by the trial court.

36 A motion filed pursuant to this subsection shall not be

1 considered to have been timely filed unless it is filed with
2 the circuit court clerk within 30 days after the sentence is
3 imposed together with a notice of motion, which notice of
4 motion shall set the motion on the court's calendar on a date
5 certain within a reasonable time after the date of filing.

6 (d) Except where a term of natural life is imposed, every
7 sentence shall include as though written therein a term in
8 addition to the term of imprisonment. For those sentenced under
9 the law in effect prior to February 1, 1978, such term shall be
10 identified as a parole term. For those sentenced on or after
11 February 1, 1978, such term shall be identified as a mandatory
12 supervised release term. Subject to earlier termination under
13 Section 3-3-8, the parole or mandatory supervised release term
14 shall be as follows:

15 (1) for first degree murder or a Class X felony, 3
16 years;

17 (2) for a Class 1 felony or a Class 2 felony, 2 years;

18 (3) for a Class 3 felony or a Class 4 felony, 1 year;

19 (4) if the victim is under 18 years of age, for a
20 second or subsequent offense of criminal sexual assault or
21 aggravated criminal sexual assault committed before the
22 effective date of this amendatory Act of the 94th General
23 Assembly, 5 years, at least the first 2 years of which the
24 defendant shall serve in an electronic home detention
25 program under Article 8A of Chapter V of this Code;

26 (5) if the victim is under 18 years of age, for a
27 second or subsequent offense of aggravated criminal sexual
28 abuse or felony criminal sexual abuse, 4 years, at least
29 the first 2 years of which the defendant shall serve in an
30 electronic home detention program under Article 8A of
31 Chapter V of this Code; ~~or~~

32 (6) for a person convicted of a violation or attempted
33 violation of Section 12-13, 12-14, 12-14.1, or 12-16 of the
34 Criminal Code of 1961 or a felony violation of Section
35 12-15 of the Criminal Code of 1961, the conditional release
36 period provided in Section 5-8B-15 of this Code.

1 (e) A defendant who has a previous and unexpired sentence
2 of imprisonment imposed by another state or by any district
3 court of the United States and who, after sentence for a crime
4 in Illinois, must return to serve the unexpired prior sentence
5 may have his sentence by the Illinois court ordered to be
6 concurrent with the prior sentence in the other state. The
7 court may order that any time served on the unexpired portion
8 of the sentence in the other state, prior to his return to
9 Illinois, shall be credited on his Illinois sentence. The other
10 state shall be furnished with a copy of the order imposing
11 sentence which shall provide that, when the offender is
12 released from confinement of the other state, whether by parole
13 or by termination of sentence, the offender shall be
14 transferred by the Sheriff of the committing county to the
15 Illinois Department of Corrections. The court shall cause the
16 Department of Corrections to be notified of such sentence at
17 the time of commitment and to be provided with copies of all
18 records regarding the sentence.

19 (f) A defendant who has a previous and unexpired sentence
20 of imprisonment imposed by an Illinois circuit court for a
21 crime in this State and who is subsequently sentenced to a term
22 of imprisonment by another state or by any district court of
23 the United States and who has served a term of imprisonment
24 imposed by the other state or district court of the United
25 States, and must return to serve the unexpired prior sentence
26 imposed by the Illinois Circuit Court may apply to the court
27 which imposed sentence to have his sentence reduced.

28 The circuit court may order that any time served on the
29 sentence imposed by the other state or district court of the
30 United States be credited on his Illinois sentence. Such
31 application for reduction of a sentence under this subsection
32 (f) shall be made within 30 days after the defendant has
33 completed the sentence imposed by the other state or district
34 court of the United States.

35 (Source: P.A. 91-279, eff. 1-1-00; 91-404, eff. 1-1-00; 91-953,
36 eff. 2-23-01; 92-16, eff. 6-28-01.)

1 (730 ILCS 5/Art. Ch. V Art. 8B heading new)

2 ARTICLE 8B. INDETERMINATE SENTENCES FOR CERTAIN SEX OFFENSES

3 (730 ILCS 5/5-8B-5 new)

4 Sec. 5-8B-5. Legislative intent. The General Assembly
5 finds that sex offenders pose a significant threat to public
6 safety, are unique in their psychological makeup, and are
7 particularly likely to continue to be dangerous after their
8 release from imprisonment. The General Assembly also finds that
9 sex offenders inflict long-standing psychological harm on
10 their victims and significantly undermine victim and community
11 safety to a greater extent than most other criminal offenses.
12 Based on these findings, the General Assembly believes sex
13 offenders need long-term supervision and treatment beyond that
14 provided other offenders. The General Assembly further
15 believes this type of supervision and treatment is best
16 provided in a secure correctional facility and public safety
17 warrants the use of State resources for this purpose. The
18 General Assembly's purpose in enacting this legislation is to
19 provide courts and corrections and treatment professionals
20 with the tools necessary to protect public safety through use
21 of longer, more flexible sentences than currently provided by
22 law. The General Assembly intends that a sex offender's past
23 and future dangerousness be considered both in sentencing and
24 release decisions.

25 (730 ILCS 5/5-8B-10 new)

26 Sec. 5-8B-10. Definitions. In this Article:

27 "Conditional release" means the release of a committed
28 person subject to conditions described in Section 5-8A-15.

29 "First eligible for release" means the day after the
30 committed person has served the entire minimum term of
31 imprisonment, less good conduct credits received.

32 "Minimum term of imprisonment" means the minimum sentence
33 that the court may impose for an offense.

1 "Maximum term of imprisonment" means the maximum sentence
2 that the court may impose for an offense.

3 "Sex offender" means a person convicted of a violation or
4 attempted violation of Section 12-13, 12-14, 12-14.1, or 12-16
5 of the Criminal Code of 1961 or a felony violation of Section
6 12-15 of the Criminal Code of 1961.

7 (730 ILCS 5/5-8B-15 new)

8 Sec. 5-8B-15. Indeterminate sentences; conditional
9 release; sex offenses.

10 (a) Notwithstanding the statutory maximum sentence
11 otherwise applicable to the offense when a court sentences a
12 person to the custody of the Department of Corrections for a
13 violation or attempted violation of Section 12-13, 12-14,
14 12-14.1, or 12-16 of the Criminal Code of 1961 or a felony
15 violation of Section 12-15 of the Criminal Code of 1961, the
16 court shall provide that, upon the person's release from a
17 Department of Corrections facility, the Director of
18 Corrections shall place the person on conditional release.

19 (b) If the person was convicted for a violation or
20 attempted violation of Section 12-13, 12-14, 12-14.1, or 12-16
21 of the Criminal Code of 1961 or a felony violation of Section
22 12-15 of the Criminal Code of 1961, and was not sentenced under
23 Section 5-8B-20, the person shall be placed on conditional
24 release for 5 years, minus the time the person served on
25 mandatory supervised release.

26 (c) If the person was convicted for a violation or
27 attempted violation of Section 12-13, 12-14, 12-14.1, or 12-16
28 of the Criminal Code of 1961 or a felony violation of Section
29 12-15 of the Criminal Code of 1961 after a previous conviction
30 for a violation or attempted violation of Section 12-13, 12-14,
31 12-14.1, or 12-16 of the Criminal Code of 1961 or a felony
32 violation of Section 12-15 of the Criminal Code of 1961, the
33 person shall be placed on conditional release for 10 years,
34 minus the time the person served on mandatory supervised
35 release, unless the person was sentenced to a term of natural

1 life imprisonment under paragraph (3) of subsection (b) of
2 Section 12-13, paragraph (2) of subsection (d) of Section
3 12-14, or paragraph (1.2) or (2) of subsection (b) of Section
4 12-14.1 of the Criminal Code of 1961.

5 (d) If the person was convicted of a violation or attempted
6 violation of Section 12-13, 12-14, 12-14.1, or 12-16 of the
7 Criminal Code of 1961 or a felony violation of Section 12-15 of
8 the Criminal Code of 1961 and sentenced under Section 5-8B-20,
9 the person shall be subject to an indeterminate sentence and,
10 if released from a correctional facility of the Department of
11 Corrections, the person shall be placed on conditional release
12 for a minimum period of 30 years and a maximum period of the
13 person's natural life.

14 (730 ILCS 5/5-8B-20 new)

15 Sec. 5-8B-20. Indeterminate sentences for certain sex
16 offenses. Notwithstanding the determinate sentences for
17 felonies established in Section 5-8-1, a person convicted of a
18 violation or attempted violation of Section 12-13, 12-14,
19 12-14.1, or 12-16 of the Criminal Code of 1961 or a felony
20 violation of Section 12-15 of the Criminal Code of 1961
21 committed on or after the effective date of this amendatory Act
22 of the 94th General Assembly shall be sentenced to an
23 indeterminate sentence for which the minimum term of
24 imprisonment shall be the minimum term provided for the Class
25 of felony for which the defendant has been convicted and the
26 maximum term of imprisonment shall be the maximum term provided
27 for the Class of felony for which the defendant has been
28 convicted plus any enhanced penalties provided by the statute
29 defining the offense.

30 (730 ILCS 5/5-8B-25 new)

31 Sec. 5-8B-25. Conditions of conditional release.

32 (a) The conditions of release for a person convicted of a
33 violation or attempted violation of Section 12-13, 12-14,
34 12-14.1, or 12-16 of the Criminal Code of 1961 or a felony

1 violation of Section 12-15 of the Criminal Code of 1961
2 committed on or after the effective date of this amendatory Act
3 of the 94th General Assembly may include successful completion
4 of treatment and aftercare in a program approved by the
5 Director of Corrections, the Prisoner Review Board, and the Sex
6 Offender Management Board and satisfaction of the release
7 conditions specified by the Prisoner Review Board and Sex
8 Offender Management Board.

9 (b) Before the offender is released, the Director of
10 Corrections shall notify the sentencing court, the State's
11 Attorney in the jurisdiction where the offender was sentenced,
12 and the victim of the offender's crime, whenever possible, of
13 the terms of the offender's conditional release. If the
14 offender fails to meet any condition of release, the Director
15 of Corrections, upon the approval of the Prisoner Review Board,
16 may revoke the offender's conditional release and order that
17 the offender serve the remaining portion of the conditional
18 release term in a Department of Corrections facility. For
19 offenders subject to a conditional release period of a term of
20 years, the Director of Corrections may not dismiss the offender
21 from supervision before the conditional release term expires.
22 For offenders subject to conditional release for life, the
23 Director of Corrections may not dismiss the offender from
24 supervision.

25 (c) Conditional release under this Section is governed by
26 provisions relating to mandatory supervised release under
27 Section 3-3-7, except as otherwise provided in this Section.

28 (d) The Director of Corrections with the approval of the
29 Prisoner Review Board and the Sex Offender Management Board
30 shall develop a plan to pay the cost of treatment of a person
31 released under this Section. The plan may include various means
32 of paying for this treatment, including co-payments from
33 offenders, payment or reimbursement from third parties,
34 payments from local agencies, and funding from other sources,
35 as these sources are identified. This Section does not require
36 the Director to accept or retain an offender in a treatment

1 program.

2 (730 ILCS 5/5-8B-30 new)

3 Sec. 5-8B-30. Criteria for conditional release; report to
4 the General Assembly.

5 (a) The Prisoner Review Board in consultation with the
6 Director of Corrections and the Sex Offender Management Board
7 shall establish criteria and procedures to use in making
8 release and revocation decisions on offenders sentenced under
9 this Article. In establishing criteria and procedures, the
10 Prisoner Review Board shall seek the input of the chief
11 administrative officer of each Department of Corrections
12 facility and at each State treatment facility where sexually
13 violent persons are confined. The Board also shall seek input
14 from individuals knowledgeable in health and human services;
15 public safety; Illinois' sex offender treatment program;
16 treatment of sex offenders; crime victim issues; criminal law;
17 law enforcement; and probation, mandatory supervised release;
18 and conditional release.

19 (b) The Prisoner Review Board shall establish criteria and
20 procedures to govern the review and release of sex offenders
21 subject to indeterminate sentences by December 31, 2006. These
22 criteria and procedures will become effective on June 1, 2007,
23 unless the General Assembly takes action before that time to
24 modify or reject the criteria and procedures.

25 (c) By December 31, 2006, the Prisoner Review Board shall
26 provide the General Assembly with a written report containing
27 the criteria and procedures the Board proposes to use in
28 deciding whether to release a sex offender subject to an
29 indeterminate sentence. This report also shall include a
30 summary of the input gathered under paragraph (a).