



Sen. Kirk W. Dillard

Filed: 5/17/2007

09500HB0975sam001

LRB095 08201 RLC 36445 a

1 AMENDMENT TO HOUSE BILL 975

2 AMENDMENT NO. _____. Amend House Bill 975, by replacing
3 lines 6 through 23 on page 1 and all of pages 2 through 8 with
4 the following:

5 "(725 ILCS 120/4.5)

6 Sec. 4.5. Procedures to implement the rights of crime
7 victims. To afford crime victims their rights, law enforcement,
8 prosecutors, judges and corrections will provide information,
9 as appropriate of the following procedures:

10 (a) At the request of the crime victim, law enforcement
11 authorities investigating the case shall provide notice of the
12 status of the investigation, except where the State's Attorney
13 determines that disclosure of such information would
14 unreasonably interfere with the investigation, until such time
15 as the alleged assailant is apprehended or the investigation is
16 closed.

17 (b) The office of the State's Attorney:

1 (1) shall provide notice of the filing of information,
2 the return of an indictment by which a prosecution for any
3 violent crime is commenced, or the filing of a petition to
4 adjudicate a minor as a delinquent for a violent crime;

5 (2) shall provide notice of the date, time, and place
6 of trial;

7 (3) or victim advocate personnel shall provide
8 information of social services and financial assistance
9 available for victims of crime, including information of
10 how to apply for these services and assistance;

11 (4) shall assist in having any stolen or other personal
12 property held by law enforcement authorities for
13 evidentiary or other purposes returned as expeditiously as
14 possible, pursuant to the procedures set out in Section
15 115-9 of the Code of Criminal Procedure of 1963;

16 (5) or victim advocate personnel shall provide
17 appropriate employer intercession services to ensure that
18 employers of victims will cooperate with the criminal
19 justice system in order to minimize an employee's loss of
20 pay and other benefits resulting from court appearances;

21 (6) shall provide information whenever possible, of a
22 secure waiting area during court proceedings that does not
23 require victims to be in close proximity to defendant or
24 juveniles accused of a violent crime, and their families
25 and friends;

26 (7) shall provide notice to the crime victim of the

1 right to have a translator present at all court
2 proceedings;

3 (8) in the case of the death of a person, which death
4 occurred in the same transaction or occurrence in which
5 acts occurred for which a defendant is charged with an
6 offense, shall notify the spouse, parent, child or sibling
7 of the decedent of the date of the trial of the person or
8 persons allegedly responsible for the death;

9 (9) shall inform the victim of the right to have
10 present at all court proceedings, subject to the rules of
11 evidence, an advocate or other support person of the
12 victim's choice, and the right to retain an attorney, at
13 the victim's own expense, who, upon written notice filed
14 with the clerk of the court and State's Attorney, is to
15 receive copies of all notices, motions and court orders
16 filed thereafter in the case, in the same manner as if the
17 victim were a named party in the case; and

18 (10) at the sentencing hearing shall make a good faith
19 attempt to explain the minimum amount of time during which
20 the defendant may actually be physically imprisoned. The
21 Office of the State's Attorney shall further notify the
22 crime victim of the right to request from the Prisoner
23 Review Board information concerning the release of the
24 defendant under subparagraph (d) (1) of this Section; and

25 (11) shall request restitution at sentencing and shall
26 consider restitution in any plea negotiation, as provided

1 by law.

2 (c) At the written request of the crime victim, the office
3 of the State's Attorney shall:

4 (1) provide notice a reasonable time in advance of the
5 following court proceedings: preliminary hearing, any
6 hearing the effect of which may be the release of defendant
7 from custody, or to alter the conditions of bond and the
8 sentencing hearing. The crime victim shall also be notified
9 of the cancellation of the court proceeding in sufficient
10 time, wherever possible, to prevent an unnecessary
11 appearance in court;

12 (2) provide notice within a reasonable time after
13 receipt of notice from the custodian, of the release of the
14 defendant on bail or personal recognizance or the release
15 from detention of a minor who has been detained for a
16 violent crime;

17 (3) explain in nontechnical language the details of any
18 plea or verdict of a defendant, or any adjudication of a
19 juvenile as a delinquent for a violent crime;

20 (4) where practical, consult with the crime victim
21 before the Office of the State's Attorney makes an offer of
22 a plea bargain to the defendant or enters into negotiations
23 with the defendant concerning a possible plea agreement,
24 and shall consider the written victim impact statement, if
25 prepared prior to entering into a plea agreement;

26 (5) provide notice of the ultimate disposition of the

1 cases arising from an indictment or an information, or a
2 petition to have a juvenile adjudicated as a delinquent for
3 a violent crime;

4 (6) provide notice of any appeal taken by the defendant
5 and information on how to contact the appropriate agency
6 handling the appeal;

7 (7) provide notice of any request for post-conviction
8 review filed by the defendant under Article 122 of the Code
9 of Criminal Procedure of 1963, and of the date, time and
10 place of any hearing concerning the petition. Whenever
11 possible, notice of the hearing shall be given in advance;

12 (8) forward a copy of any statement presented under
13 Section 6 to the Prisoner Review Board to be considered by
14 the Board in making its determination under subsection (b)
15 of Section 3-3-8 of the Unified Code of Corrections.

16 (d) (1) The Prisoner Review Board shall inform a victim or
17 any other concerned citizen, upon written request, of the
18 prisoner's release on parole, mandatory supervised release,
19 electronic detention, work release, international transfer or
20 exchange, or by the custodian of the discharge of any
21 individual who was adjudicated a delinquent for a violent crime
22 from State custody and by the sheriff of the appropriate county
23 of any such person's final discharge from county custody. The
24 Prisoner Review Board, upon written request, shall provide to a
25 victim or any other concerned citizen a recent photograph of
26 any person convicted of a felony, upon his or her release from

1 custody. The Prisoner Review Board, upon written request, shall
2 inform a victim or any other concerned citizen when feasible at
3 least 7 days prior to the prisoner's release on furlough of the
4 times and dates of such furlough. Upon written request by the
5 victim or any other concerned citizen, the State's Attorney
6 shall notify the person once of the times and dates of release
7 of a prisoner sentenced to periodic imprisonment. Notification
8 shall be based on the most recent information as to victim's or
9 other concerned citizen's residence or other location
10 available to the notifying authority. For purposes of this
11 paragraph (1) of subsection (d), "concerned citizen" includes
12 relatives of the victim, friends of the victim, witnesses to
13 the crime, or any other person associated with the victim or
14 prisoner.

15 (2) When the defendant has been committed to the
16 Department of Human Services pursuant to Section 5-2-4 or
17 any other provision of the Unified Code of Corrections, the
18 victim may request to be notified by the releasing
19 authority of the defendant's discharge from State custody.

20 (3) In the event of an escape from State custody, the
21 Department of Corrections or the Department of Juvenile
22 Justice immediately shall notify the Prisoner Review Board
23 of the escape and the Prisoner Review Board shall notify
24 the victim. The notification shall be based upon the most
25 recent information as to the victim's residence or other
26 location available to the Board. When no such information

1 is available, the Board shall make all reasonable efforts
2 to obtain the information and make the notification. When
3 the escapee is apprehended, the Department of Corrections
4 or the Department of Juvenile Justice immediately shall
5 notify the Prisoner Review Board and the Board shall notify
6 the victim.

7 (4) The victim of the crime for which the prisoner has
8 been sentenced shall receive reasonable written notice not
9 less than 30 ~~15~~ days prior to the parole hearing and may
10 submit, in writing, on film, videotape or other electronic
11 means or in the form of a recording or in person at the
12 parole hearing or if a victim of a violent crime, by
13 calling the toll-free number established in subsection (f)
14 of this Section, information for consideration by the
15 Prisoner Review Board. The victim shall be notified within
16 7 business days after the prisoner has been granted parole
17 and shall be informed of the right to inspect the registry
18 of parole decisions, established under subsection (g) of
19 Section 3-3-5 of the Unified Code of Corrections. The
20 provisions of this paragraph (4) are subject to the Open
21 Parole Hearings Act. When the victim has opposed parole for
22 an inmate sentenced before February 1, 1978, the additional
23 provisions in paragraphs (5.1) through (5.3) apply.

24 (5) If a statement is presented under Section 6, the
25 Prisoner Review Board shall inform the victim of any order
26 of discharge entered by the Board pursuant to Section 3-3-8

1 of the Unified Code of Corrections.

2 (5.1) If a victim or concerned citizen has registered
3 an objection to parole of an inmate sentenced before
4 February 1, 1978, the victim or concerned citizen may
5 receive a copy of the most recent written submissions that
6 the inmate filed in requesting parole. The Prisoner Review
7 Board may satisfy this requirement by tendering these
8 documents to the State's Attorney's Office when the State's
9 Attorney's Office has submitted objections with the victim
10 or a concerned citizen or by mailing the written
11 submissions to the victims or concerned citizens who have
12 registered. Reasonable opportunity must be given to the
13 victims, concerned citizens, and the State's Attorney to
14 submit a written statement noting any errors or material
15 omissions in the inmate's submission before the final vote
16 by the Board is conducted.

17 (5.2) If the Prisoner Review Board grants parole to an
18 inmate sentenced before February 1, 1978, the victims,
19 concerned citizens, and the State's Attorney's Office who
20 opposed parole must be notified and tendered a copy of the
21 parole decision as well as the Board member affidavits
22 attesting that they reviewed all submitted material before
23 rendering the decision. The actual release of the inmate
24 shall not take place until these documents, as well as the
25 notifications in paragraphs (5.3) and (5.4), are tendered
26 to the parties registered as opposing parole.

1 (5.3) Victims and concerned citizens shall further be
2 notified of their right to seek a rehearing by submitting a
3 written request through the State's Attorney's Office
4 listing reasons as to why the parole decision was
5 erroneous. Requests for a rehearing shall be filed by the
6 7th business day after the State's Attorney has received
7 the parole decision documents.

8 (5.4) Victims and concerned citizens shall further be
9 notified of their right to suggest and request that certain
10 conditions of parole be imposed by either submitting a
11 written request through the State's Attorney or submitting
12 the requests directly to the Prisoner Review Board within 7
13 business days after receiving notification of the grant of
14 parole.

15 (6) At the written request of the victim of the crime
16 for which the prisoner was sentenced, the Prisoner Review
17 Board shall notify the victim of the death of the prisoner
18 if the prisoner died while on parole or mandatory
19 supervised release.

20 (7) When a defendant who has been committed to the
21 Department of Corrections, the Department of Juvenile
22 Justice, or the Department of Human Services is released or
23 discharged and subsequently committed to the Department of
24 Human Services as a sexually violent person and the victim
25 had requested to be notified by the releasing authority of
26 the defendant's discharge from State custody, the

1 releasing authority shall provide to the Department of
2 Human Services such information that would allow the
3 Department of Human Services to contact the victim.

4 (e) The officials named in this Section may satisfy some or
5 all of their obligations to provide notices and other
6 information through participation in a statewide victim and
7 witness notification system established by the Attorney
8 General under Section 8.5 of this Act.

9 (f) To permit a victim of a violent crime to provide
10 information to the Prisoner Review Board for consideration by
11 the Board at a parole hearing of a person who committed the
12 crime against the victim in accordance with clause (d)(4) of
13 this Section or at a proceeding to determine the conditions of
14 mandatory supervised release of a person sentenced to a
15 determinate sentence or at a hearing on revocation of mandatory
16 supervised release of a person sentenced to a determinate
17 sentence, the Board shall establish a toll-free number that may
18 be accessed by the victim of a violent crime to present that
19 information to the Board.

20 (Source: P.A. 93-235, eff. 7-22-03; 94-696, eff. 6-1-06.)

21 Section 10. The Sexually Violent Persons Commitment Act is
22 amended by changing Section 5 as follows:

23 (725 ILCS 207/5)

24 Sec. 5. Definitions. As used in this Act, the term:

1 (a) "Department" means the Department of Human Services.

2 (b) "Mental disorder" means a congenital or acquired
3 condition affecting the emotional or volitional capacity that
4 predisposes a person to engage in acts of sexual violence.

5 (c) "Secretary" means the Secretary of Human Services.

6 (d) "Sexually motivated" means that one of the purposes for
7 an act is for the actor's sexual arousal or gratification.

8 (e) "Sexually violent offense" means any of the following:

9 (1) Any crime specified in Section 11-6, 12-13, 12-14,
10 12-14.1, or 12-16 of the Criminal Code of 1961; ~~or~~

11 (1.5) Any former law of this State specified in Section
12 11-1 (rape), 11-3 (deviate sexual assault), 11-4 (indecent
13 liberties with a child) or 11-4 (aggravated indecent
14 liberties with a child) of the Criminal Code of 1961; ~~or~~

15 (2) First degree murder, if it is determined by the
16 agency with jurisdiction to have been sexually motivated;
17 ~~or~~

18 (2.5) First degree murder, if it is determined by the
19 agency with jurisdiction that a sexually violent offense
20 was committed during the same course of criminal conduct as
21 the first degree murder and that relevant and reliable
22 evidence shows that the sexually violent offense was
23 committed by the inmate or by a person for whom the inmate
24 was legally accountable if the inmate aided, encouraged, or
25 abetted the sexually violent offense for the inmate's own
26 personal sexual gratification; or

1 (3) Any solicitation, conspiracy or attempt to commit a
2 crime under paragraph (e) (1) or (e) (2) of this Section.

3 (f) "Sexually violent person" means a person who has been
4 convicted of a sexually violent offense, has been adjudicated
5 delinquent for a sexually violent offense, or has been found
6 not guilty of a sexually violent offense by reason of insanity
7 and who is dangerous because he or she suffers from a mental
8 disorder that makes it substantially probable that the person
9 will engage in acts of sexual violence.

10 (Source: P.A. 94-746, eff. 5-8-06.); and

11 on page 9, by replacing lines 1 and 2 with the following:

12 "Section 15. The Unified Code of Corrections is amended by
13 changing Sections 3-2-3.1, 3-3-2, 3-3-4, 3-3-5, and 3-3-8 as
14 follows:"; and

15 on page 9, by replacing lines 17 and 18 with the following:

16 "(730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

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

18 (a) The Parole and Pardon Board is abolished and the term
19 "Parole and Pardon Board" as used in any law of Illinois, shall
20 read "Prisoner Review Board." After the effective date of this
21 amendatory Act of 1977, the Prisoner Review Board shall provide
22 by rule for the orderly transition of all files, records, and
23 documents of the Parole and Pardon Board and for such other

1 steps as may be necessary to effect an orderly transition and
2 shall:

3 (1) hear by at least 3 members ~~one member~~ and through a
4 panel of at least 7 ~~3~~ members decide, cases of prisoners
5 who were sentenced under the law in effect prior to the
6 effective date of this amendatory Act of 1977, and who are
7 eligible for parole;

8 (2) hear by at least one member and through a panel of
9 at least 3 members decide, the conditions of parole and the
10 time of discharge from parole, impose sanctions for
11 violations of parole, and revoke parole for those sentenced
12 under the law in effect prior to this amendatory Act of
13 1977; provided that the decision to parole and the
14 conditions of parole for all prisoners who were sentenced
15 for first degree murder or who received a minimum sentence
16 of 20 years or more under the law in effect prior to
17 February 1, 1978 shall be determined by a majority vote of
18 the Prisoner Review Board after a panel of at least 3
19 members has heard presentations in support of and, if the
20 parole is opposed, in objection to the parole request;

21 (3) hear by at least one member and through a panel of
22 at least 3 members decide, the conditions of mandatory
23 supervised release and the time of discharge from mandatory
24 supervised release, impose sanctions for violations of
25 mandatory supervised release, and revoke mandatory
26 supervised release for those sentenced under the law in

1 effect after the effective date of this amendatory Act of
2 1977;

3 (3.5) hear by at least one member and through a panel
4 of at least 3 members decide, the conditions of mandatory
5 supervised release and the time of discharge from mandatory
6 supervised release, to impose sanctions for violations of
7 mandatory supervised release and revoke mandatory
8 supervised release for those serving extended supervised
9 release terms pursuant to paragraph (4) of subsection (d)
10 of Section 5-8-1;

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

1 Department's decision with respect to the loss of 30 days
2 of good conduct credit for any prisoner or to increase any
3 penalty beyond the length requested by the Department;

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

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

13 (7) comply with the requirements of the Open Parole
14 Hearings Act;

15 (8) hear by at least one member and, through a panel of
16 at least 3 members, decide cases brought by the Department
17 of Corrections against a prisoner in the custody of the
18 Department for court dismissal of a frivolous lawsuit
19 pursuant to Section 3-6-3(d) of this Code in which the
20 Department seeks to revoke up to 180 days of good conduct
21 credit, and if the prisoner has not accumulated 180 days of
22 good conduct credit at the time of the dismissal, then all
23 good conduct credit accumulated by the prisoner shall be
24 revoked; and

25 (9) hear by at least 3 members, and, through a panel of
26 at least 3 members, decide whether to grant certificates of

1 relief from disabilities or certificates of good conduct as
2 provided in Article 5.5 of Chapter V.

3 (a-5) The Prisoner Review Board, with the cooperation of
4 and in coordination with the Department of Corrections and the
5 Department of Central Management Services, shall implement a
6 pilot project in 3 correctional institutions providing for the
7 conduct of hearings under paragraphs (1) and (4) of subsection
8 (a) of this Section through interactive video conferences. The
9 project shall be implemented within 6 months after the
10 effective date of this amendatory Act of 1996. Within 6 months
11 after the implementation of the pilot project, the Prisoner
12 Review Board, with the cooperation of and in coordination with
13 the Department of Corrections and the Department of Central
14 Management Services, shall report to the Governor and the
15 General Assembly regarding the use, costs, effectiveness, and
16 future viability of interactive video conferences for Prisoner
17 Review Board hearings.

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

20 (c) The Board shall cooperate with the Department in
21 promoting an effective system of parole and mandatory
22 supervised release.

23 (d) The Board shall promulgate rules for the conduct of its
24 work, and the Chairman shall file a copy of such rules and any
25 amendments thereto with the Director and with the Secretary of
26 State.

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

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

24 In case of disobedience to a subpoena, the Board may
25 petition any circuit court of the State for an order requiring
26 the attendance and testimony of witnesses or the production of

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

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

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

26 (h) The Prisoner Review Board shall annually transmit to

1 the Director a detailed report of its work for the preceding
2 calendar year. The annual report shall also be transmitted to
3 the Governor for submission to the Legislature.

4 (Source: P.A. 93-207, eff. 1-1-04; 94-165, eff. 7-11-05.)

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

6 Sec. 3-3-4. Preparation for Parole Hearing.

7 (a) The Prisoner Review Board shall consider the parole of
8 each eligible person committed to the Adult Division at least
9 30 days prior to the date he shall first become eligible for
10 parole, and shall consider the parole of each person committed
11 to the Department of Juvenile Justice as a delinquent at least
12 30 days prior to the expiration of the first year of
13 confinement.

14 (b) A person eligible for parole shall, in advance of his
15 parole hearing, prepare a parole plan in accordance with the
16 rules of the Prisoner Review Board. The person shall be
17 assisted in preparing his parole plan by personnel of the
18 Department of Corrections, or the Department of Juvenile
19 Justice in the case of a person committed to that Department,
20 and may, for this purpose, be released on furlough under
21 Article 11 or on authorized absence under Section 3-9-4. The
22 appropriate Department shall also provide assistance in
23 obtaining information and records helpful to the individual for
24 his parole hearing.

25 (c) The members of the Board shall have access at all

1 reasonable times to any committed person and to his master
2 record file within the Department, and the Department shall
3 furnish such reports to the Board as the Board may require
4 concerning the conduct and character of any such person.

5 (d) In making its determination of parole, the Board shall
6 consider:

7 (1) material transmitted to the Department of Juvenile
8 Justice by the clerk of the committing court under Section
9 5-4-1 or Section 5-10 of the Juvenile Court Act or Section
10 5-750 of the Juvenile Court Act of 1987;

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 by
17 the Board;

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

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 sentences that the inmate would be eligible for

1 under the current sentencing statutes.

2 (e) The prosecuting State's Attorney's office shall
3 receive reasonable written notice not less than 30 ~~15~~ days
4 prior to the parole hearing and may submit relevant information
5 by oral argument or testimony of concerned citizens, or both,
6 in writing, or on film, video tape or other electronic means or
7 in the form of a recording to the Board for its consideration.
8 The State's Attorney may waive the written notice or request
9 reasonable time to procure additional information.

10 (f) The victim and any registered concerned citizens of the
11 violent crime for which the prisoner has been sentenced shall
12 receive notice of a parole hearing as provided in paragraph (4)
13 of subsection (d) of Section 4.5 of the Rights of Crime Victims
14 and Witnesses Act.

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

1 position of the victim or State's Attorney regarding the issues
2 to be considered at the parole hearing. Board members who
3 ultimately vote on the issue of parole shall sign an affidavit
4 attesting that they have personally reviewed the submissions of
5 the victim pursuant to the rights granted by the Illinois
6 Constitution and the Rights of Crime Victims and Witnesses Act.

7 (h) When an inmate who was sentenced before February 1,
8 1978 is seeking parole and has filed written submissions and
9 when the victims or the State's Attorney's Office, or both, is
10 opposing parole, a copy of the inmate's written submissions
11 shall be made available to the opposition so as to grant an
12 opportunity to review and, if desired, respond to the inmate's
13 contentions.

14 (Source: P.A. 94-696, eff. 6-1-06.)

15 (730 ILCS 5/3-3-5) (from Ch. 38, par. 1003-3-5)

16 Sec. 3-3-5. Hearing and Determination.

17 (a) The Prisoner Review Board shall meet as often as need
18 requires to consider the cases of persons eligible for parole.
19 Except as otherwise provided in paragraph (2) of subsection (a)
20 of Section 3-3-2 of this Act, the Prisoner Review Board may
21 meet and order its actions in panels of 3 or more members. The
22 action of a majority of the panel shall be the action of the
23 Board. In consideration of persons committed to the Department
24 of Juvenile Justice, the panel shall have at least a majority
25 of members experienced in juvenile matters.

1 (b) If the person under consideration for parole is in the
2 custody of the Department, at least 3 members ~~one member~~ of the
3 Board shall interview him, and a report of that interview shall
4 be available for the Board's consideration. However, in the
5 discretion of the Board, the interview need not be conducted if
6 a psychiatric examination determines that the person could not
7 meaningfully contribute to the Board's consideration. The
8 Board may in its discretion parole a person who is then outside
9 the jurisdiction on his record without an interview. The Board
10 need not hold a hearing or interview a person who is paroled
11 under paragraphs (d) or (e) of this Section or released on
12 Mandatory release under Section 3-3-10.

13 (b-1) When an inmate was sentenced before February 1, 1978,
14 3 members shall listen to opposition presented by the victim or
15 the State's Attorney, or both, and a copy of the presentation
16 or a summary prepared by the 3 Board members shall be
17 distributed to all voting Board members. If the 3-member panel
18 creates a summary of the victim's or State's Attorney's
19 presentation, or both, a copy of that summary shall be part of
20 the public record and, if parole is granted, shall be tendered
21 to the opposing parties, along with the written decision and
22 member affidavits. Voting Board members shall submit
23 affidavits attesting to the fact that they considered the
24 submissions of the inmate, the State's Attorney, concerned
25 citizens, and the victims. These affidavits shall be attached
26 to the written copy of the Board's parole decision.

1 (c) The Board shall not parole a person eligible for parole
2 if it determines that:

3 (1) there is a substantial risk that he will not
4 conform to reasonable conditions of parole; or

5 (2) his release at that time would deprecate the
6 seriousness of his offense or promote disrespect for the
7 law; or

8 (3) his release would have a substantially adverse
9 effect on institutional discipline.

10 (d) A person committed under the Juvenile Court Act or the
11 Juvenile Court Act of 1987 who has not been sooner released
12 shall be paroled on or before his 20th birthday to begin
13 serving a period of parole under Section 3-3-8.

14 (e) A person who has served the maximum term of
15 imprisonment imposed at the time of sentencing less time credit
16 for good behavior shall be released on parole to serve a period
17 of parole under Section 5-8-1.

18 (f) The Board shall render its decision within a reasonable
19 time after hearing and shall state the basis therefor both in
20 the records of the Board and in written notice to the person on
21 whose application it has acted. The Board shall also give
22 written notice to the parties opposing parole; that notice
23 shall include the written decision containing a factual summary
24 of the crime and reasons for granting parole, affidavits of
25 voting members attesting that they have reviewed submissions by
26 both sides, an explanation of the procedure to request a

1 rehearing, and an opportunity to request conditions of parole.
2 In its decision, the Board shall set the person's time for
3 parole, allowing sufficient time for notice to the opposing
4 parties of not less than 15 days, or if it denies parole it
5 shall provide for a rehearing not less frequently than once
6 every year, except that the Board may, after denying parole,
7 schedule a rehearing no later than 3 years from the date of the
8 parole denial, if the Board finds that it is not reasonable to
9 expect that parole would be granted at a hearing prior to the
10 scheduled rehearing date. If the Board shall parole a person,
11 and, if he is not released within 90 days from the effective
12 date of the order granting parole, the matter shall be returned
13 to the Board for review.

14 (g) The Board shall maintain a registry of decisions in
15 which parole has been granted, which shall include the name and
16 case number of the prisoner, the highest charge for which the
17 prisoner was sentenced, the length of sentence imposed, the
18 date of the sentence, the date of the parole, the affidavits of
19 voting Board members attesting that they reviewed submitted
20 materials, the written basis for the decision of the Board to
21 grant parole, including a summary of the facts of the crime and
22 factors considered, and the vote of the Board on any such
23 decisions. Any parties who submitted materials in opposition to
24 parole shall be notified of the Board's decision and
25 immediately sent a copy of the written basis for the Board's
26 decision, as well as materials listed in subsection (f). If

1 parole is granted, victims, concerned citizens, and the State's
2 Attorney's Office shall be given the opportunity to suggest
3 conditions and the length of parole; these suggestions must be
4 submitted in writing within 7 business days after receipt of
5 the Board's decision. The registry shall be made available for
6 public inspection and copying during business hours and shall
7 be a public record pursuant to the provisions of the Freedom of
8 Information Act.

9 (h) The Board shall promulgate rules regarding the exercise
10 of its discretion under this Section.

11 (i) The Board shall provide a rehearing procedure for the
12 victims, concerned citizens, and the State's Attorney's
13 Office, pursuant to the Rights of Crime Victims and Witnesses
14 Act, in accordance with that provided for the inmate under the
15 Illinois Administrative Code. The victims, concerned citizens,
16 or the State's Attorney's Office shall have 7 business days
17 after receipt of notice of the grant of parole to file a
18 request for rehearing. If a victim, concerned citizen, or the
19 State's Attorney's Office files a request for rehearing within
20 7 business days after receipt of notice of the grant of parole,
21 the order of release of the inmate shall be stayed pending the
22 outcome of the rehearing.

23 (Source: P.A. 94-696, eff. 6-1-06.)

24 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

25 Sec. 3-3-8. Length of parole and mandatory supervised

1 release; discharge.)

2 (a) The length of parole for a person sentenced under the
3 law in effect prior to the effective date of this amendatory
4 Act of 1977 and the length of mandatory supervised release for
5 those sentenced under the law in effect on and after such
6 effective date shall be as set out in Section 5-8-1 unless
7 sooner terminated under paragraph (b) of this Section. The
8 parole period of a juvenile committed to the Department under
9 the Juvenile Court Act or the Juvenile Court Act of 1987 shall
10 extend until he is 21 years of age unless sooner terminated
11 under paragraph (b) of this Section.

12 (b) The Prisoner Review Board may enter an order releasing
13 and discharging one from parole or mandatory supervised
14 release, and his commitment to the Department, when it
15 determines that he is likely to remain at liberty without
16 committing another offense, but only after giving notice to the
17 victim and the State's Attorney allowing a reasonable
18 opportunity to file objections to the proposed early release.

19 (c) The order of discharge shall become effective upon
20 entry of the order of the Board. The Board shall notify the
21 clerk of the committing court of the order. Upon receipt of
22 such copy, the clerk shall make an entry on the record judgment
23 that the sentence or commitment has been satisfied pursuant to
24 the order.

25 (d) Rights of the person discharged under this Section
26 shall be restored under Section 5-5-5. This Section is subject

1 to Section 5-750 of the Juvenile Court Act of 1987.
2 (Source: P.A. 90-590, eff. 1-1-99.)".