

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 Sections 3-3-2 and 5-8-1 and by adding Section 5-8-1.4
6 as follows:

7 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

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

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

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

22 (2) hear by at least one member and through a panel of
23 at least 3 members decide, the conditions of parole and the

1 time of discharge from parole, impose sanctions for
2 violations of parole, and revoke parole for those sentenced
3 under the law in effect prior to this amendatory Act of
4 1977; provided that the decision to parole and the
5 conditions of parole for all prisoners who were sentenced
6 for first degree murder or who received a minimum sentence
7 of 20 years or more under the law in effect prior to
8 February 1, 1978 shall be determined by a majority vote of
9 the Prisoner Review Board;

10 (3) hear by at least one member and through a panel of
11 at least 3 members decide, the conditions of mandatory
12 supervised release and the time of discharge from mandatory
13 supervised release, impose sanctions for violations of
14 mandatory supervised release, and revoke mandatory
15 supervised release for those sentenced under the law in
16 effect after the effective date of this amendatory Act of
17 1977;

18 (3.5) hear by at least one member and through a panel
19 of at least 3 members decide, the conditions of mandatory
20 supervised release and the time of discharge from mandatory
21 supervised release, to impose sanctions for violations of
22 mandatory supervised release and revoke mandatory
23 supervised release for those serving extended supervised
24 release terms pursuant to paragraph (4) of subsection (d)
25 of Section 5-8-1;

26 (4) hear by at least 1 member and through a panel of at

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

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

24 (6) hear by at least one member and through a panel of
25 at least 3 members decide, all requests for pardon,
26 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

1 Review Board, with the cooperation of and in coordination with
2 the Department of Corrections and the Department of Central
3 Management Services, shall report to the Governor and the
4 General Assembly regarding the use, costs, effectiveness, and
5 future viability of interactive video conferences for Prisoner
6 Review Board hearings.

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

9 (c) The Board shall cooperate with the Department in
10 promoting an effective system of parole and mandatory
11 supervised release.

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

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

19 (f) The Board or one who has allegedly violated the
20 conditions of his parole or mandatory supervised release may
21 require by subpoena the attendance and testimony of witnesses
22 and the production of documentary evidence relating to any
23 matter under investigation or hearing. The Chairman of the
24 Board may sign subpoenas which shall be served by any agent or
25 public official authorized by the Chairman of the Board, or by
26 any person lawfully authorized to serve a subpoena under the

1 laws of the State of Illinois. The attendance of witnesses, and
2 the production of documentary evidence, may be required from
3 any place in the State to a hearing location in the State
4 before the Chairman of the Board or his designated agent or
5 agents or any duly constituted Committee or Subcommittee of the
6 Board. Witnesses so summoned shall be paid the same fees and
7 mileage that are paid witnesses in the circuit courts of the
8 State, and witnesses whose depositions are taken and the
9 persons taking those depositions are each entitled to the same
10 fees as are paid for like services in actions in the circuit
11 courts of the State. Fees and mileage shall be vouchered for
12 payment when the witness is discharged from further attendance.

13 In case of disobedience to a subpoena, the Board may
14 petition any circuit court of the State for an order requiring
15 the attendance and testimony of witnesses or the production of
16 documentary evidence or both. A copy of such petition shall be
17 served by personal service or by registered or certified mail
18 upon the person who has failed to obey the subpoena, and such
19 person shall be advised in writing that a hearing upon the
20 petition will be requested in a court room to be designated in
21 such notice before the judge hearing motions or extraordinary
22 remedies at a specified time, on a specified date, not less
23 than 10 nor more than 15 days after the deposit of the copy of
24 the written notice and petition in the U.S. mails addressed to
25 the person at his last known address or after the personal
26 service of the copy of the notice and petition upon such

1 person. The court upon the filing of such a petition, may order
2 the person refusing to obey the subpoena to appear at an
3 investigation or hearing, or to there produce documentary
4 evidence, if so ordered, or to give evidence relative to the
5 subject matter of that investigation or hearing. Any failure to
6 obey such order of the circuit court may be punished by that
7 court as a contempt of court.

8 Each member of the Board and any hearing officer designated
9 by the Board shall have the power to administer oaths and to
10 take the testimony of persons under oath.

11 (g) Except under subsection (a) of this Section, a majority
12 of the members then appointed to the Prisoner Review Board
13 shall constitute a quorum for the transaction of all business
14 of the Board.

15 (h) The Prisoner Review Board shall annually transmit to
16 the Director a detailed report of its work for the preceding
17 calendar year. The annual report shall also be transmitted to
18 the Governor for submission to the Legislature.

19 (i) The Prisoner Review Board may grant participation in
20 the Elderly Rehabilitated Prisoner Program in accordance with
21 Section 5-8-1.4.

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

23 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

24 (Text of Section after amendment by P.A. 95-983)

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

1 (a) Except as otherwise provided in the statute defining
2 the offense and except as otherwise provided in Section
3 5-8-1.4, a sentence of imprisonment for a felony shall be a
4 determinate sentence set by the court under this Section,
5 according to the following limitations:

6 (1) for first degree murder,

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

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

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

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

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

1 commission of the offense, is found guilty of
2 murdering more than one victim, or

3 (iii) is found guilty of murdering a peace
4 officer, fireman, or emergency management worker
5 when the peace officer, fireman, or emergency
6 management worker was killed in the course of
7 performing his official duties, or to prevent the
8 peace officer or fireman from performing his
9 official duties, or in retaliation for the peace
10 officer, fireman, or emergency management worker
11 from performing his official duties, and the
12 defendant knew or should have known that the
13 murdered individual was a peace officer, fireman,
14 or emergency management worker, or

15 (iv) is found guilty of murdering an employee
16 of an institution or facility of the Department of
17 Corrections, or any similar local correctional
18 agency, when the employee was killed in the course
19 of performing his official duties, or to prevent
20 the employee from performing his official duties,
21 or in retaliation for the employee performing his
22 official duties, or

23 (v) is found guilty of murdering an emergency
24 medical technician - ambulance, emergency medical
25 technician - intermediate, emergency medical
26 technician - paramedic, ambulance driver or other

1 medical assistance or first aid person while
2 employed by a municipality or other governmental
3 unit when the person was killed in the course of
4 performing official duties or to prevent the
5 person from performing official duties or in
6 retaliation for performing official duties and the
7 defendant knew or should have known that the
8 murdered individual was an emergency medical
9 technician - ambulance, emergency medical
10 technician - intermediate, emergency medical
11 technician - paramedic, ambulance driver, or other
12 medical assistant or first aid personnel, or

13 (vi) is a person who, at the time of the
14 commission of the murder, had not attained the age
15 of 17, and is found guilty of murdering a person
16 under 12 years of age and the murder is committed
17 during the course of aggravated criminal sexual
18 assault, criminal sexual assault, or aggravated
19 kidnaping, or

20 (vii) is found guilty of first degree murder
21 and the murder was committed by reason of any
22 person's activity as a community policing
23 volunteer or to prevent any person from engaging in
24 activity as a community policing volunteer. For
25 the purpose of this Section, "community policing
26 volunteer" has the meaning ascribed to it in

1 Section 2-3.5 of the Criminal Code of 1961.

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

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

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

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

21 (1.5) for second degree murder, a term shall be not
22 less than 4 years and not more than 20 years;

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

26 (2.5) for a person convicted under the circumstances

1 described in paragraph (3) of subsection (b) of Section
2 12-13, paragraph (2) of subsection (d) of Section 12-14,
3 paragraph (1.2) of subsection (b) of Section 12-14.1, or
4 paragraph (2) of subsection (b) of Section 12-14.1 of the
5 Criminal Code of 1961, the sentence shall be a term of
6 natural life imprisonment;

7 (3) except as otherwise provided in the statute
8 defining the offense, for a Class X felony, the sentence
9 shall be not less than 6 years and not more than 30 years;

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

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

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

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

19 (b) The sentencing judge in each felony conviction shall
20 set forth his reasons for imposing the particular sentence he
21 enters in the case, as provided in Section 5-4-1 of this Code.
22 Those reasons may include any mitigating or aggravating factors
23 specified in this Code, or the lack of any such circumstances,
24 as well as any other such factors as the judge shall set forth
25 on the record that are consistent with the purposes and
26 principles of sentencing set out in this Code.

1 (c) A motion to reduce a sentence may be made, or the court
2 may reduce a sentence without motion, within 30 days after the
3 sentence is imposed. A defendant's challenge to the correctness
4 of a sentence or to any aspect of the sentencing hearing shall
5 be made by a written motion filed within 30 days following the
6 imposition of sentence. However, the court may not increase a
7 sentence once it is imposed.

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

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

18 A motion filed pursuant to this subsection shall not be
19 considered to have been timely filed unless it is filed with
20 the circuit court clerk within 30 days after the sentence is
21 imposed together with a notice of motion, which notice of
22 motion shall set the motion on the court's calendar on a date
23 certain within a reasonable time after the date of filing.

24 (d) Except where a term of natural life is imposed, every
25 sentence shall include as though written therein a term in
26 addition to the term of imprisonment. For those sentenced under

1 the law in effect prior to February 1, 1978, such term shall be
2 identified as a parole term. For those sentenced on or after
3 February 1, 1978, such term shall be identified as a mandatory
4 supervised release term. Subject to earlier termination under
5 Section 3-3-8, the parole or mandatory supervised release term
6 shall be as follows:

7 (1) for first degree murder or a Class X felony except
8 for the offenses of predatory criminal sexual assault of a
9 child, aggravated criminal sexual assault, and criminal
10 sexual assault if committed on or after the effective date
11 of this amendatory Act of the 94th General Assembly and
12 except for the offense of aggravated child pornography
13 under Section 11-20.3 of the Criminal Code of 1961, if
14 committed on or after January 1, 2009, 3 years;

15 (2) for a Class 1 felony or a Class 2 felony except for
16 the offense of criminal sexual assault if committed on or
17 after the effective date of this amendatory Act of the 94th
18 General Assembly and except for the offenses of manufacture
19 and dissemination of child pornography under clauses
20 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code
21 of 1961, if committed on or after January 1, 2009, 2 years;

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

23 (4) for defendants who commit the offense of predatory
24 criminal sexual assault of a child, aggravated criminal
25 sexual assault, or criminal sexual assault, on or after the
26 effective date of this amendatory Act of the 94th General

1 Assembly, or who commit the offense of aggravated child
2 pornography, manufacture of child pornography, or
3 dissemination of child pornography after January 1, 2009,
4 the term of mandatory supervised release shall range from a
5 minimum of 3 years to a maximum of the natural life of the
6 defendant;

7 (5) if the victim is under 18 years of age, for a
8 second or subsequent offense of aggravated criminal sexual
9 abuse or felony criminal sexual abuse, 4 years, at least
10 the first 2 years of which the defendant shall serve in an
11 electronic home detention program under Article 8A of
12 Chapter V of this Code.

13 (e) A defendant who has a previous and unexpired sentence
14 of imprisonment imposed by another state or by any district
15 court of the United States and who, after sentence for a crime
16 in Illinois, must return to serve the unexpired prior sentence
17 may have his sentence by the Illinois court ordered to be
18 concurrent with the prior sentence in the other state. The
19 court may order that any time served on the unexpired portion
20 of the sentence in the other state, prior to his return to
21 Illinois, shall be credited on his Illinois sentence. The other
22 state shall be furnished with a copy of the order imposing
23 sentence which shall provide that, when the offender is
24 released from confinement of the other state, whether by parole
25 or by termination of sentence, the offender shall be
26 transferred by the Sheriff of the committing county to the

1 Illinois Department of Corrections. The court shall cause the
2 Department of Corrections to be notified of such sentence at
3 the time of commitment and to be provided with copies of all
4 records regarding the sentence.

5 (f) A defendant who has a previous and unexpired sentence
6 of imprisonment imposed by an Illinois circuit court for a
7 crime in this State and who is subsequently sentenced to a term
8 of imprisonment by another state or by any district court of
9 the United States and who has served a term of imprisonment
10 imposed by the other state or district court of the United
11 States, and must return to serve the unexpired prior sentence
12 imposed by the Illinois Circuit Court may apply to the court
13 which imposed sentence to have his sentence reduced.

14 The circuit court may order that any time served on the
15 sentence imposed by the other state or district court of the
16 United States be credited on his Illinois sentence. Such
17 application for reduction of a sentence under this subsection
18 (f) shall be made within 30 days after the defendant has
19 completed the sentence imposed by the other state or district
20 court of the United States.

21 (Source: P.A. 94-165, eff. 7-11-05; 94-243, eff. 1-1-06;
22 94-715, eff. 12-13-05; 95-983, eff. 6-1-09.)

23 (730 ILCS 5/5-8-1.4 new)

24 Sec. 5-8-1.4. Elderly Rehabilitated Prisoner Program;
25 pilot program.

1 (a) A committed person as defined in subsection (c) of
2 Section 3-1-2 of this Code who is at least 50 years of age and
3 who has served at least 25 consecutive years of imprisonment in
4 a Department of Corrections institution or facility and is
5 servng a sentence other than death may petition the Prisoner
6 Review Board for participation in the Elderly Rehabilitated
7 Prisoner Program as provided in this Section. If the committed
8 person files such a petition, the families of the victims of
9 the committed person's offenses shall be notified in a timely
10 manner after the filing of the petition.

11 (b) The Prisoner Review Board may grant the petitioner
12 participation in the Elderly Rehabilitated Prisoner Program if
13 the petitioner documents and demonstrates to the Prisoner
14 Review Board the following:

15 (1) successful participation by the committed person
16 in programs designed to restore the committed person as a
17 useful and productive person in the community upon release
18 and if such programs are not available that the committed
19 person has attempted to participate in such programs;

20 (2) genuine reform and changed behavior by the
21 committed person over a period of years;

22 (3) the committed person's remorse for actions that
23 have caused pain and suffering to victims of his or her
24 offenses;

25 (4) the committed person's ability to socialize with
26 others in an acceptable manner;

1 (5) the committed person's renunciation of criminal
2 activity and gang affiliation if the committed person was a
3 member of a gang.

4 (c) The petition shall contain:

5 (1) documentation of the committed person's relevant
6 medical history, including current medical prognosis;

7 (2) the committed person's prison and criminal
8 history. The criminal history shall include any claims of
9 innocence and the degree of the committed person's
10 responsibility for his or her convictions and if such
11 claims of responsibility have impacted the committed
12 person's feeling of remorse.

13 (d) The Prisoner Review Board shall consider the petition
14 in its entirety and may not order the release of the committed
15 person if the Prisoner Review Board finds that the committed
16 person poses a threat to public safety. If the Prisoner Review
17 Board determines that a committed person is eligible for
18 participation in the Elderly Rehabilitated Prisoner Program
19 under this Section and determines that the committed person
20 should participate in the Elderly Rehabilitated Prisoner
21 Program, the Prisoner Review Board shall set the conditions for
22 the committed person's release from prison before the
23 expiration of the committed person's sentence. The Prisoner
24 Review Board when granting participation in the Elderly
25 Rehabilitated Prisoner Program shall require 10 hours of
26 community service for each year served in prison and require

1 electronic monitoring for at least 6 months.

2 (e) A petition for participation in the Elderly
3 Rehabilitated Prisoner Program under the provisions of this
4 Section shall be submitted only once unless the Prisoner Review
5 Board decides unusual circumstances warrant another hearing.

6 (f) (1) The Department of Corrections shall develop a pilot
7 program patterned after the Impact of Crime on Victims Class
8 (ICVC), including the Restorative Justice segment, used by the
9 Missouri Department of Corrections. This pilot program shall be
10 implemented in one maximum security prison for women and one
11 maximum security prison for men. The ICVC shall be made
12 available to prisoners eligible for participation in the
13 Elderly Rehabilitated Prisoner Program on a voluntary basis.

14 (2) The Department of Corrections shall promulgate rules
15 and regulations for operation of the pilot program established
16 pursuant to this subsection (f).

17 (3) Any proposed program or strategy created under this
18 subsection (f) shall be developed after identification of a
19 need in the community for such programs, through consultation
20 with representatives of the general public, judiciary, law
21 enforcement, and defense and prosecution bar.

22 (4) The Department of Corrections may staff programs
23 created under this subsection (f) with employees of the
24 Department or may contract with other public or private
25 agencies for delivery of services as otherwise provided by law.

26 (5) The pilot program shall include wrap-around victim

1 services to ensure the safety of victims upon the release of a
2 committed person under the Elderly Rehabilitated Prisoner
3 Program.

1 INDEX

2 Statutes amended in order of appearance

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

4 730 ILCS 5/5-8-1 from Ch. 38, par. 1005-8-1

5 730 ILCS 5/5-8-1.4 new