



## 96TH GENERAL ASSEMBLY

### State of Illinois

### 2009 and 2010

### HB0800

Introduced 2/9/2009, by Rep. Ronald A. Wait

#### SYNOPSIS AS INTRODUCED:

725 ILCS 120/3	from Ch. 38, par. 1403
725 ILCS 120/4.5	
730 ILCS 5/3-3-2	from Ch. 38, par. 1003-3-2
730 ILCS 5/3-3-4	from Ch. 38, par. 1003-3-4
730 ILCS 5/3-3-5	from Ch. 38, par. 1003-3-5
730 ILCS 5/3-5-1	from Ch. 38, par. 1003-5-1

Amends the Rights of Crime Victims and Witnesses Act and the Unified Code of Corrections. Provides that every parole hearing process shall be commenced by the person seeking parole filing a petition with the Prisoner Review Board. Provides that one member of the Board shall interview the person seeking parole at the penal institution where the person is confined and may receive additional testimony from the person seeking parole's attorney, family, and other persons in support of the Board granting parole. Provides thereafter that the Board shall conduct the State's Attorney's portion of the parole hearing within the county where the person seeking parole was prosecuted unless requested otherwise by the State's Attorney. At the hearing, a State's Attorney's Office representative and all victims or concerned citizens may address the Board. Provides that after the State's Attorney's portion of the parole hearing, the Board shall give all parties 15 days notice of an en banc hearing before the Board. Such hearing may be continued by the Board only if the parties are given 10 days notice of the continuance. Provides that one Board member shall make a comprehensive presentation of the person seeking parole's case to the Board. Provides that the person seeking parole's attorney and one representative of the person seeking parole may address the Board. Provides that a representative of the Office of the State's Attorney and one representative of the victims and concerned citizens may address the Board and request conditions of parole should the Board vote to parole the person seeking parole. Provides that the Board shall then deliberate and vote on parole. Effective immediately.

LRB096 03881 RLC 13916 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Rights of Crime Victims and Witnesses Act is  
5 amended by changing Sections 3 and 4.5 as follows:

6 (725 ILCS 120/3) (from Ch. 38, par. 1403)

7 Sec. 3. The terms used in this Act, unless the context  
8 clearly requires otherwise, shall have the following meanings:

9 (a) "Crime victim" and "victim" mean ~~means~~ (1) a person  
10 physically injured in this State as a result of a violent crime  
11 perpetrated or attempted against that person or (2) a person  
12 who suffers injury to or loss of property as a result of a  
13 violent crime perpetrated or attempted against that person or  
14 (3) a single representative who may be the spouse, parent,  
15 child or sibling of a person killed as a result of a violent  
16 crime perpetrated against the person killed or the spouse,  
17 parent, child or sibling of any person granted rights under  
18 this Act who is physically or mentally incapable of exercising  
19 such rights, except where the spouse, parent, child or sibling  
20 is also the defendant or prisoner or (4) any person against  
21 whom a violent crime has been committed or (5) any person who  
22 has suffered personal injury as a result of a violation of  
23 Section 11-501 of the Illinois Vehicle Code, or of a similar

1 provision of a local ordinance, or of Section 9-3 of the  
2 Criminal Code of 1961, as amended or (6) in proceedings under  
3 the Juvenile Court Act of 1987, both parents, legal guardians,  
4 foster parents, or a single adult representative of a minor or  
5 disabled person who is a crime victim.

6 (b) "Witness" means any person who personally observed the  
7 commission of a violent crime and who will testify on behalf of  
8 the State of Illinois in the criminal prosecution of the  
9 violent crime.

10 (c) "Violent Crime" means any felony in which force or  
11 threat of force was used against the victim, or any offense  
12 involving sexual exploitation, sexual conduct or sexual  
13 penetration, domestic battery, violation of an order of  
14 protection, stalking, or any misdemeanor which results in death  
15 or great bodily harm to the victim or any violation of Section  
16 9-3 of the Criminal Code of 1961, or Section 11-501 of the  
17 Illinois Vehicle Code, or a similar provision of a local  
18 ordinance, if the violation resulted in personal injury or  
19 death, and includes any action committed by a juvenile that  
20 would be a violent crime if committed by an adult. For the  
21 purposes of this paragraph, "personal injury" shall include any  
22 Type A injury as indicated on the traffic accident report  
23 completed by a law enforcement officer that requires immediate  
24 professional attention in either a doctor's office or medical  
25 facility. A type A injury shall include severely bleeding  
26 wounds, distorted extremities, and injuries that require the

1 injured party to be carried from the scene.

2 (d) "Sentencing Hearing" means any hearing where a sentence  
3 is imposed by the court on a convicted defendant and includes  
4 hearings conducted pursuant to Sections 5-6-4, 5-6-4.1, 5-7-2  
5 and 5-7-7 of the Unified Code of Corrections except those cases  
6 in which both parties have agreed to the imposition of a  
7 specific sentence.

8 (e) "Court proceedings" includes the preliminary hearing,  
9 any hearing the effect of which may be the release of the  
10 defendant from custody or to alter the conditions of bond, the  
11 trial, sentencing hearing, notice of appeal, any modification  
12 of sentence, probation revocation hearings or parole hearings.

13 (f) "Concerned citizen" includes relatives of the victim,  
14 friends of the victim, witnesses to the crime, or any other  
15 person associated with the victim or prisoner.

16 (Source: P.A. 94-271, eff. 1-1-06; 95-591, eff. 6-1-08; 95-876,  
17 eff. 8-21-08.)

18 (725 ILCS 120/4.5)

19 Sec. 4.5. Procedures to implement the rights of crime  
20 victims. To afford crime victims their rights, law enforcement,  
21 prosecutors, judges and corrections will provide information,  
22 as appropriate of the following procedures:

23 (a) At the request of the crime victim, law enforcement  
24 authorities investigating the case shall provide notice of the  
25 status of the investigation, except where the State's Attorney

1 determines that disclosure of such information would  
2 unreasonably interfere with the investigation, until such time  
3 as the alleged assailant is apprehended or the investigation is  
4 closed.

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

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

10 (2) shall provide notice of the date, time, and place  
11 of trial;

12 (3) or victim advocate personnel shall provide  
13 information of social services and financial assistance  
14 available for victims of crime, including information of  
15 how to apply for these services and assistance;

16 (4) shall assist in having any stolen or other personal  
17 property held by law enforcement authorities for  
18 evidentiary or other purposes returned as expeditiously as  
19 possible, pursuant to the procedures set out in Section  
20 115-9 of the Code of Criminal Procedure of 1963;

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

26 (6) shall provide information whenever possible, of a

1 secure waiting area during court proceedings that does not  
2 require victims to be in close proximity to defendant or  
3 juveniles accused of a violent crime, and their families  
4 and friends;

5 (7) shall provide notice to the crime victim of the  
6 right to have a translator present at all court proceedings  
7 and, in compliance with the federal Americans with  
8 Disabilities Act of 1990, the right to communications  
9 access through a sign language interpreter or by other  
10 means;

11 (8) in the case of the death of a person, which death  
12 occurred in the same transaction or occurrence in which  
13 acts occurred for which a defendant is charged with an  
14 offense, shall notify the spouse, parent, child or sibling  
15 of the decedent of the date of the trial of the person or  
16 persons allegedly responsible for the death;

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

26 (10) at the sentencing hearing shall make a good faith

1 attempt to explain the minimum amount of time during which  
2 the defendant may actually be physically imprisoned. The  
3 Office of the State's Attorney shall further notify the  
4 crime victim of the right to request from the Prisoner  
5 Review Board information concerning the release of the  
6 defendant under subparagraph (d) (1) of this Section;

7 (11) shall request restitution at sentencing and shall  
8 consider restitution in any plea negotiation, as provided  
9 by law; and

10 (12) shall, upon the court entering a verdict of not  
11 guilty by reason of insanity, inform the victim of the  
12 notification services available from the Department of  
13 Human Services, including the statewide telephone number,  
14 under subparagraph (d) (2) of this Section.

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

17 (1) provide notice a reasonable time in advance of the  
18 following court proceedings: preliminary hearing, any  
19 hearing the effect of which may be the release of defendant  
20 from custody, or to alter the conditions of bond and the  
21 sentencing hearing. The crime victim shall also be notified  
22 of the cancellation of the court proceeding in sufficient  
23 time, wherever possible, to prevent an unnecessary  
24 appearance in court;

25 (2) provide notice within a reasonable time after  
26 receipt of notice from the custodian, of the release of the

1 defendant on bail or personal recognizance or the release  
2 from detention of a minor who has been detained for a  
3 violent crime;

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

7 (4) where practical, consult with the crime victim  
8 before the Office of the State's Attorney makes an offer of  
9 a plea bargain to the defendant or enters into negotiations  
10 with the defendant concerning a possible plea agreement,  
11 and shall consider the written victim impact statement, if  
12 prepared prior to entering into a plea agreement;

13 (5) provide notice of the ultimate disposition of the  
14 cases arising from an indictment or an information, or a  
15 petition to have a juvenile adjudicated as a delinquent for  
16 a violent crime;

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

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

25 (8) forward a copy of any statement presented under  
26 Section 6 to the Prisoner Review Board to be considered by



1 the Board in making its determination under subsection (b)  
2 of Section 3-3-8 of the Unified Code of Corrections.

3 (d) (1) The Prisoner Review Board shall inform a victim or  
4 any other concerned citizen, upon written request, of the  
5 prisoner's release on parole, mandatory supervised release,  
6 electronic detention, work release, international transfer or  
7 exchange, or by the custodian of the discharge of any  
8 individual who was adjudicated a delinquent for a violent crime  
9 from State custody and by the sheriff of the appropriate county  
10 of any such person's final discharge from county custody. The  
11 Prisoner Review Board, upon written request, shall provide to a  
12 victim or any other concerned citizen a recent photograph of  
13 any person convicted of a felony, upon his or her release from  
14 custody. The Prisoner Review Board, upon written request, shall  
15 inform a victim or any other concerned citizen when feasible at  
16 least 7 days prior to the prisoner's release on furlough of the  
17 times and dates of such furlough. Upon written request by the  
18 victim or any other concerned citizen, the State's Attorney  
19 shall notify the person once of the times and dates of release  
20 of a prisoner sentenced to periodic imprisonment. Notification  
21 shall be based on the most recent information as to victim's or  
22 other concerned citizen's residence or other location  
23 available to the notifying authority. ~~For purposes of this~~  
24 ~~paragraph (1) of subsection (d), "concerned citizen" includes~~  
25 ~~relatives of the victim, friends of the victim, witnesses to~~  
26 ~~the crime, or any other person associated with the victim or~~

1 ~~prisoner.~~

2 (2) When the defendant has been committed to the  
3 Department of Human Services pursuant to Section 5-2-4 or  
4 any other provision of the Unified Code of Corrections, the  
5 victim may request to be notified by the releasing  
6 authority of the defendant's furloughs, temporary release,  
7 or final discharge from State custody. The Department of  
8 Human Services shall establish and maintain a statewide  
9 telephone number to be used by victims to make notification  
10 requests under these provisions, and shall publicize this  
11 telephone number on its website and to the State's Attorney  
12 of each county.

13 (3) In the event of an escape from State custody, the  
14 Department of Corrections or the Department of Juvenile  
15 Justice immediately shall notify the Prisoner Review Board  
16 of the escape and the Prisoner Review Board shall notify  
17 the victim. The notification shall be based upon the most  
18 recent information as to the victim's residence or other  
19 location available to the Board. When no such information  
20 is available, the Board shall make all reasonable efforts  
21 to obtain the information and make the notification. When  
22 the escapee is apprehended, the Department of Corrections  
23 or the Department of Juvenile Justice immediately shall  
24 notify the Prisoner Review Board and the Board shall notify  
25 the victim.

26 (4) The victim of the crime for which the prisoner has

1           been sentenced shall receive reasonable written notice not  
2           less than 30 ~~45~~ days prior to the parole hearing and may  
3           submit, in writing, on film, videotape or other electronic  
4           means or in the form of a recording or in person at the  
5           parole hearing or if a victim of a violent crime, by  
6           calling the toll-free number established in subsection (f)  
7           of this Section, information for consideration by the  
8           Prisoner Review Board. The victim shall be notified within  
9           7 days after the prisoner has been granted parole and shall  
10          be informed of the right to inspect the registry of parole  
11          decisions, established under subsection (g) of Section  
12          3-3-5 of the Unified Code of Corrections. The provisions of  
13          this paragraph (4) are subject to the Open Parole Hearings  
14          Act. When the victim, concerned citizens, or the State's  
15          Attorney has opposed parole for an inmate sentenced under  
16          the law in effect prior to February 1, 1978, the additional  
17          provision in paragraph (5.1) applies.

18                 (5) If a statement is presented under Section 6, the  
19                 Prisoner Review Board shall inform the victim of any order  
20                 of discharge entered by the Board pursuant to Section 3-3-8  
21                 of the Unified Code of Corrections.

22                 (5.1) If a victim or concerned citizen has registered  
23                 an objection to parole of an inmate sentenced under the law  
24                 in effect prior to February 1, 1978, the victim or  
25                 concerned citizen shall receive a copy of the most recent  
26                 written submissions that the inmate filed in requesting

1 parole. The Prisoner Review Board may satisfy this  
2 requirement by tendering these documents to the State's  
3 Attorney's Office that has submitted objections.

4 (6) At the written request of the victim of the crime  
5 for which the prisoner was sentenced or the State's  
6 Attorney of the county where the person seeking parole was  
7 prosecuted, the Prisoner Review Board shall notify the  
8 victim and the State's Attorney of the county where the  
9 person seeking parole was prosecuted of the death of the  
10 prisoner if the prisoner died while on parole or mandatory  
11 supervised release.

12 (7) When a defendant who has been committed to the  
13 Department of Corrections, the Department of Juvenile  
14 Justice, or the Department of Human Services is released or  
15 discharged and subsequently committed to the Department of  
16 Human Services as a sexually violent person and the victim  
17 had requested to be notified by the releasing authority of  
18 the defendant's discharge from State custody, the  
19 releasing authority shall provide to the Department of  
20 Human Services such information that would allow the  
21 Department of Human Services to contact the victim.

22 (8) When a defendant has been convicted of a sex  
23 offense as defined in Section 2 of the Sex Offender  
24 Registration Act and has been sentenced to the Department  
25 of Corrections or the Department of Juvenile Justice, the  
26 Prisoner Review Board shall notify the victim of the sex

1 offense of the prisoner's eligibility for release on  
2 parole, mandatory supervised release, electronic  
3 detention, work release, international transfer or  
4 exchange, or by the custodian of the discharge of any  
5 individual who was adjudicated a delinquent for a sex  
6 offense from State custody and by the sheriff of the  
7 appropriate county of any such person's final discharge  
8 from county custody. The notification shall be made to the  
9 victim at least 30 days, whenever possible, before release  
10 of the sex offender.

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

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

1 (Source: P.A. 94-696, eff. 6-1-06; 95-317, eff. 8-21-07;  
2 95-896, eff. 1-1-09; 95-897, eff. 1-1-09; 95-904, eff. 1-1-09;  
3 revised 9-25-08.)

4 Section 10. The Unified Code of Corrections is amended by  
5 changing Sections 3-3-2, 3-3-4, 3-3-5, and 3-5-1 as follows:

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

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

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

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

21 (2) hear by at least one member and through a panel of  
22 at least 3 members decide, the conditions of parole and the  
23 time of discharge from parole, impose sanctions for  
24 violations of parole, and revoke parole for those sentenced

1 under the law in effect prior to this amendatory Act of  
2 1977; provided that the decision to parole and the  
3 conditions of parole for all prisoners who were sentenced  
4 for first degree murder or who received a minimum sentence  
5 of 20 years or more under the law in effect prior to  
6 February 1, 1978 shall be determined by a majority vote of  
7 the Prisoner Review Board after the members present at the  
8 en banc hearing have heard presentations in support of and,  
9 if the parole is opposed, in objection to the parole  
10 request;

11 (3) hear by at least one member and through a panel of  
12 at least 3 members decide, the conditions of mandatory  
13 supervised release and the time of discharge from mandatory  
14 supervised release, impose sanctions for violations of  
15 mandatory supervised release, and revoke mandatory  
16 supervised release for those sentenced under the law in  
17 effect after the effective date of this amendatory Act of  
18 1977;

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

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

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

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



1           reprieve or commutation, and make confidential  
2           recommendations to the Governor;

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

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

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

19          (a-5) The Prisoner Review Board, with the cooperation of  
20          and in coordination with the Department of Corrections and the  
21          Department of Central Management Services, shall implement a  
22          pilot project in 3 correctional institutions providing for the  
23          conduct of hearings under paragraphs (1) and (4) of subsection  
24          (a) of this Section through interactive video conferences. The  
25          project shall be implemented within 6 months after the  
26          effective date of this amendatory Act of 1996. Within 6 months

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)

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

23 (a) The Prisoner Review Board shall consider the parole of  
24 each eligible person committed to the Adult Division at least  
25 30 days prior to the date he shall first become eligible for

1 parole, and shall consider the parole of each person committed  
2 to the Department of Juvenile Justice as a delinquent at least  
3 30 days prior to the expiration of the first year of  
4 confinement.

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

16 (c) The members of the Board shall have access at all  
17 reasonable times to any committed person and to his master  
18 record file within the Department, and the Department shall  
19 furnish such reports to the Board as the Board may require  
20 concerning the conduct and character of any such person.

21 (d) In making its determination of parole, the Board shall  
22 consider:

23 (1) material transmitted to the Department of Juvenile  
24 Justice by the clerk of the committing court under Section  
25 5-4-1 or Section 5-10 of the Juvenile Court Act or Section  
26 5-750 of the Juvenile Court Act of 1987;

- 1 (2) the report under Section 3-8-2 or 3-10-2;
- 2 (3) a report by the Department and any report by the  
3 chief administrative officer of the institution or  
4 facility;
- 5 (4) a parole progress report;
- 6 (5) a medical and psychological report, if requested by  
7 the Board;
- 8 (6) material in writing, or on film, video tape or  
9 other electronic means in the form of a recording submitted  
10 by the person whose parole is being considered; and
- 11 (7) material in writing, or on film, video tape or  
12 other electronic means in the form of a recording or  
13 testimony submitted by the State's Attorney and the victim  
14 or a concerned citizen pursuant to the Rights of Crime  
15 Victims and Witnesses Act.
- 16 (e) The prosecuting State's Attorney's office shall  
17 receive from the Board reasonable written notice not less than  
18 60 ~~15~~ days prior to the ~~parole~~ hearing described in paragraph  
19 (b-2) of Section 3-3-5 of this Code the names of all inmates  
20 scheduled for the hearing and may submit relevant information  
21 by oral argument or testimony of victims and concerned  
22 citizens, or both, in writing, or on film, video tape or other  
23 electronic means or in the form of a recording to the Board for  
24 its consideration. The State's Attorney may waive the written  
25 notice or request reasonable time to procure additional  
26 information.

1 (f) The victim of the violent crime for which the prisoner  
2 has been sentenced shall receive notice of a parole hearing as  
3 provided in paragraph (4) of subsection (d) of Section 4.5 of  
4 the Rights of Crime Victims and Witnesses Act.

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

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

20 (730 ILCS 5/3-3-5) (from Ch. 38, par. 1003-3-5)

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

22 (a) The Prisoner Review Board shall meet as often as need  
23 requires to consider the cases of persons eligible for parole.  
24 Except as otherwise provided in paragraph (2) of subsection (a)  
25 of Section 3-3-2 of this Act, the Prisoner Review Board may

1 meet and order its actions in panels of 3 or more members. The  
2 action of a majority of the panel shall be the action of the  
3 Board. In consideration of persons committed to the Department  
4 of Juvenile Justice, the panel shall have at least a majority  
5 of members experienced in juvenile matters.

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

18 (b-1) When an interview is conducted, the person seeking  
19 parole shall be interviewed at the penal institution where the  
20 person is confined and may receive additional testimony from  
21 the person seeking parole's attorney, family, and other persons  
22 in support of the Board granting parole. Upon the request of  
23 the State's Attorney and to the extent allowed by law, a copy  
24 of the any written submissions by the person seeking parole and  
25 copies of the reports described in paragraph (c) of Section  
26 3-3-4 of this Act, documents in the possession of the Board



1 reflecting the person seeking parole's current medical  
2 conditions and treatment, and the person seeking parole's  
3 mental health reports, shall be served upon the State's  
4 Attorney of the county that prosecuted the person by the  
5 Prisoner Review Board within 3 days of the Board's receipt of  
6 these documents. Upon the request of the State's Attorney, the  
7 Board shall make available for inspection and copying the file  
8 described in paragraph (c) of Section 3-3-4 of this Act.

9 Thereafter, the Board may upon the written request of the  
10 State's Attorney of the county where the person seeking parole  
11 was prosecuted conduct the State's Attorney's portion of the  
12 parole hearing within the county, or the judicial circuit  
13 within which the county rests. At the hearing, a State's  
14 Attorney's Office representative and all victims or concerned  
15 citizens may address the Board. These statements may be made in  
16 person, in writing, or by a recording or video recording. At  
17 least one member of the Board shall preside over this hearing.

18 (b-3) After the State's Attorney's portion of the parole  
19 hearing, the Board shall give all registered crime victims and  
20 the State's Attorney of the county where the person seeking  
21 parole was prosecuted 15 days' notice of an en banc hearing  
22 before the Board. Such hearing may be continued by the Board  
23 only if the persons objecting to and supporting parole are  
24 given 5 days' notice of any hearing continuance unless there is  
25 an emergency declared by the Chairman of the Board. One Board  
26 member shall make a comprehensive presentation of the person

1 seeking parole's case to the Board. The person seeking parole's  
2 attorney and one representative of the person seeking parole  
3 may address the Board. A representative of the Office of the  
4 State's Attorney and the victim or one representative of the  
5 victim may address the Board and request conditions of parole  
6 should the Board vote to parole the person seeking parole.  
7 Thereafter, the Board shall deliberate and vote on granting  
8 parole.

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

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

13 (2) his release at that time would deprecate the  
14 seriousness of his offense or promote disrespect for the  
15 law; or

16 (3) his release would have a substantially adverse  
17 effect on institutional discipline.

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

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

26 (f) The Board shall render its decision within a reasonable

1 time after hearing and shall state the basis therefor both in  
2 the records of the Board and in written notice to the person on  
3 whose application it has acted. In its decision, the Board  
4 shall set the person's time for parole, or if it denies parole  
5 it 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 5 ~~3~~ years from the date of  
8 the parole denial, if the Board finds that it is not reasonable  
9 to expect that parole would be granted at a hearing prior to  
10 the scheduled rehearing date. If the Board shall parole a  
11 person, and, if he is not released within 90 days from the  
12 effective date of the order granting parole, the matter shall  
13 be returned 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, and the basis for  
19 the decision of the Board to grant parole and the vote of the  
20 Board on any such decisions. The registry shall be made  
21 available for public inspection and copying during business  
22 hours and shall be a public record pursuant to the provisions  
23 of the Freedom of Information Act.

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

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

1 (730 ILCS 5/3-5-1) (from Ch. 38, par. 1003-5-1)

2 Sec. 3-5-1. Master Record File.

3 (a) The Department of Corrections and the Department of  
4 Juvenile Justice shall maintain a master record file on each  
5 person committed to it, which shall contain the following  
6 information:

7 (1) all information from the committing court;

8 (2) reception summary;

9 (3) evaluation and assignment reports and  
10 recommendations;

11 (4) reports as to program assignment and progress;

12 (5) reports of disciplinary infractions and  
13 disposition;

14 (6) any parole plan;

15 (7) any parole reports;

16 (8) the date and circumstances of final discharge; and  
17 any other pertinent data concerning the person's  
18 background, conduct, associations and family relationships  
19 as may be required by the respective Department. A current  
20 summary index shall be maintained on each file which shall  
21 include the person's known active and past gang  
22 affiliations and ranks.

23 (b) All files shall be confidential and access shall be  
24 limited to authorized personnel of the respective Department.  
25 Personnel of other correctional, welfare or law enforcement

1 agencies may have access to files under rules and regulations  
2 of the respective Department. The prosecuting State's  
3 Attorney's Office shall have access to the committed person's  
4 master record file whenever the Prisoner Review Board has  
5 scheduled a parole hearing for the committed person under  
6 Section 3-3-5 of this Code. The respective Department shall  
7 keep a record of all outside personnel who have access to  
8 files, the files reviewed, any file material copied, and the  
9 purpose of access. If the respective Department or the Prisoner  
10 Review Board makes a determination under this Code which  
11 affects the length of the period of confinement or commitment,  
12 the committed person and his counsel shall be advised of  
13 factual information relied upon by the respective Department or  
14 Board to make the determination, provided that the Department  
15 or Board shall not be required to advise a person committed to  
16 the Department of Juvenile Justice any such information which  
17 in the opinion of the Department of Juvenile Justice or Board  
18 would be detrimental to his treatment or rehabilitation.

19 (c) The master file shall be maintained at a place  
20 convenient to its use by personnel of the respective Department  
21 in charge of the person. When custody of a person is  
22 transferred from the Department to another department or  
23 agency, a summary of the file shall be forwarded to the  
24 receiving agency with such other information required by law or  
25 requested by the agency under rules and regulations of the  
26 respective Department.

1           (d) The master file of a person no longer in the custody of  
2 the respective Department shall be placed on inactive status  
3 and its use shall be restricted subject to rules and  
4 regulations of the Department.

5           (e) All public agencies may make available to the  
6 respective Department on request any factual data not otherwise  
7 privileged as a matter of law in their possession in respect to  
8 individuals committed to the respective Department.

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

10           Section 99. Effective date. This Act takes effect upon  
11 becoming law.