



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB4762

Introduced 1/11/2010, by Rep. Randy Ramey, Jr.

#### SYNOPSIS AS INTRODUCED:

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

Amends the Unified Code of Corrections. Provides that the Illinois Department of Corrections (IDOC) shall enter into a Memorandum of Understanding (MOU) with U.S. Immigration and Customs Enforcement (ICE) which authorizes the Secretary of the U.S. Department of Homeland Security to enter into written agreements with a state or any political subdivision of a state to remove an alien in the custody of that state. Provides that the purpose of the MOU is to set forth terms by which ICE and IDOC will cooperate in a Rapid Removal of Eligible Parolees Accepted for Transfer ("Rapid REPAT") program, which allows for early conditional release for deportation of removable custodial aliens to their home countries. Provides that the Prisoner Review Board shall hear by at least one member and, through a panel of at least 3 members, decide all requests for release of prisoners subject to detainers filed by ICE.

LRB096 16277 RLC 31535 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by  
5 changing Sections 3-2-2, 3-3-2, 3-3-3, and 3-3-8 as follows:

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

7 Sec. 3-2-2. Powers and Duties of the Department.

8 (1) In addition to the powers, duties and responsibilities  
9 which are otherwise provided by law, the Department shall have  
10 the following powers:

11 (a) To accept persons committed to it by the courts of  
12 this State for care, custody, treatment and  
13 rehabilitation, and to accept federal prisoners and aliens  
14 over whom the Office of the Federal Detention Trustee is  
15 authorized to exercise the federal detention function for  
16 limited purposes and periods of time.

17 (b) To develop and maintain reception and evaluation  
18 units for purposes of analyzing the custody and  
19 rehabilitation needs of persons committed to it and to  
20 assign such persons to institutions and programs under its  
21 control or transfer them to other appropriate agencies. In  
22 consultation with the Department of Alcoholism and  
23 Substance Abuse (now the Department of Human Services), the

1 Department of Corrections shall develop a master plan for  
2 the screening and evaluation of persons committed to its  
3 custody who have alcohol or drug abuse problems, and for  
4 making appropriate treatment available to such persons;  
5 the Department shall report to the General Assembly on such  
6 plan not later than April 1, 1987. The maintenance and  
7 implementation of such plan shall be contingent upon the  
8 availability of funds.

9 (b-1) To create and implement, on January 1, 2002, a  
10 pilot program to establish the effectiveness of  
11 pupillometer technology (the measurement of the pupil's  
12 reaction to light) as an alternative to a urine test for  
13 purposes of screening and evaluating persons committed to  
14 its custody who have alcohol or drug problems. The pilot  
15 program shall require the pupillometer technology to be  
16 used in at least one Department of Corrections facility.  
17 The Director may expand the pilot program to include an  
18 additional facility or facilities as he or she deems  
19 appropriate. A minimum of 4,000 tests shall be included in  
20 the pilot program. The Department must report to the  
21 General Assembly on the effectiveness of the program by  
22 January 1, 2003.

23 (b-5) To develop, in consultation with the Department  
24 of State Police, a program for tracking and evaluating each  
25 inmate from commitment through release for recording his or  
26 her gang affiliations, activities, or ranks.

1 (c) To maintain and administer all State correctional  
2 institutions and facilities under its control and to  
3 establish new ones as needed. Pursuant to its power to  
4 establish new institutions and facilities, the Department  
5 may, with the written approval of the Governor, authorize  
6 the Department of Central Management Services to enter into  
7 an agreement of the type described in subsection (d) of  
8 Section 405-300 of the Department of Central Management  
9 Services Law (20 ILCS 405/405-300). The Department shall  
10 designate those institutions which shall constitute the  
11 State Penitentiary System.

12 Pursuant to its power to establish new institutions and  
13 facilities, the Department may authorize the Department of  
14 Central Management Services to accept bids from counties  
15 and municipalities for the construction, remodeling or  
16 conversion of a structure to be leased to the Department of  
17 Corrections for the purposes of its serving as a  
18 correctional institution or facility. Such construction,  
19 remodeling or conversion may be financed with revenue bonds  
20 issued pursuant to the Industrial Building Revenue Bond Act  
21 by the municipality or county. The lease specified in a bid  
22 shall be for a term of not less than the time needed to  
23 retire any revenue bonds used to finance the project, but  
24 not to exceed 40 years. The lease may grant to the State  
25 the option to purchase the structure outright.

26 Upon receipt of the bids, the Department may certify

1 one or more of the bids and shall submit any such bids to  
2 the General Assembly for approval. Upon approval of a bid  
3 by a constitutional majority of both houses of the General  
4 Assembly, pursuant to joint resolution, the Department of  
5 Central Management Services may enter into an agreement  
6 with the county or municipality pursuant to such bid.

7 (c-5) To build and maintain regional juvenile  
8 detention centers and to charge a per diem to the counties  
9 as established by the Department to defray the costs of  
10 housing each minor in a center. In this subsection (c-5),  
11 "juvenile detention center" means a facility to house  
12 minors during pendency of trial who have been transferred  
13 from proceedings under the Juvenile Court Act of 1987 to  
14 prosecutions under the criminal laws of this State in  
15 accordance with Section 5-805 of the Juvenile Court Act of  
16 1987, whether the transfer was by operation of law or  
17 permissive under that Section. The Department shall  
18 designate the counties to be served by each regional  
19 juvenile detention center.

20 (d) To develop and maintain programs of control,  
21 rehabilitation and employment of committed persons within  
22 its institutions.

23 (d-5) To provide a pre-release job preparation program  
24 for inmates at Illinois adult correctional centers.

25 (e) To establish a system of supervision and guidance  
26 of committed persons in the community.

1           (f) To establish in cooperation with the Department of  
2           Transportation to supply a sufficient number of prisoners  
3           for use by the Department of Transportation to clean up the  
4           trash and garbage along State, county, township, or  
5           municipal highways as designated by the Department of  
6           Transportation. The Department of Corrections, at the  
7           request of the Department of Transportation, shall furnish  
8           such prisoners at least annually for a period to be agreed  
9           upon between the Director of Corrections and the Director  
10          of Transportation. The prisoners used on this program shall  
11          be selected by the Director of Corrections on whatever  
12          basis he deems proper in consideration of their term,  
13          behavior and earned eligibility to participate in such  
14          program - where they will be outside of the prison facility  
15          but still in the custody of the Department of Corrections.  
16          Prisoners convicted of first degree murder, or a Class X  
17          felony, or armed violence, or aggravated kidnapping, or  
18          criminal sexual assault, aggravated criminal sexual abuse  
19          or a subsequent conviction for criminal sexual abuse, or  
20          forcible detention, or arson, or a prisoner adjudged a  
21          Habitual Criminal shall not be eligible for selection to  
22          participate in such program. The prisoners shall remain as  
23          prisoners in the custody of the Department of Corrections  
24          and such Department shall furnish whatever security is  
25          necessary. The Department of Transportation shall furnish  
26          trucks and equipment for the highway cleanup program and

1 personnel to supervise and direct the program. Neither the  
2 Department of Corrections nor the Department of  
3 Transportation shall replace any regular employee with a  
4 prisoner.

5 (g) To maintain records of persons committed to it and  
6 to establish programs of research, statistics and  
7 planning.

8 (h) To investigate the grievances of any person  
9 committed to the Department, to inquire into any alleged  
10 misconduct by employees or committed persons, and to  
11 investigate the assets of committed persons to implement  
12 Section 3-7-6 of this Code; and for these purposes it may  
13 issue subpoenas and compel the attendance of witnesses and  
14 the production of writings and papers, and may examine  
15 under oath any witnesses who may appear before it; to also  
16 investigate alleged violations of a parolee's or  
17 releasee's conditions of parole or release; and for this  
18 purpose it may issue subpoenas and compel the attendance of  
19 witnesses and the production of documents only if there is  
20 reason to believe that such procedures would provide  
21 evidence that such violations have occurred.

22 If any person fails to obey a subpoena issued under  
23 this subsection, the Director may apply to any circuit  
24 court to secure compliance with the subpoena. The failure  
25 to comply with the order of the court issued in response  
26 thereto shall be punishable as contempt of court.

1           (i) To appoint and remove the chief administrative  
2 officers, and administer programs of training and  
3 development of personnel of the Department. Personnel  
4 assigned by the Department to be responsible for the  
5 custody and control of committed persons or to investigate  
6 the alleged misconduct of committed persons or employees or  
7 alleged violations of a parolee's or releasee's conditions  
8 of parole shall be conservators of the peace for those  
9 purposes, and shall have the full power of peace officers  
10 outside of the facilities of the Department in the  
11 protection, arrest, retaking and reconfining of committed  
12 persons or where the exercise of such power is necessary to  
13 the investigation of such misconduct or violations.

14           (j) To cooperate with other departments and agencies  
15 and with local communities for the development of standards  
16 and programs for better correctional services in this  
17 State.

18           (k) To administer all moneys and properties of the  
19 Department.

20           (l) To report annually to the Governor on the committed  
21 persons, institutions and programs of the Department.

22           (1-5) In a confidential annual report to the Governor,  
23 the Department shall identify all inmate gangs by  
24 specifying each current gang's name, population and allied  
25 gangs. The Department shall further specify the number of  
26 top leaders identified by the Department for each gang



1 during the past year, and the measures taken by the  
2 Department to segregate each leader from his or her gang  
3 and allied gangs. The Department shall further report the  
4 current status of leaders identified and segregated in  
5 previous years. All leaders described in the report shall  
6 be identified by inmate number or other designation to  
7 enable tracking, auditing, and verification without  
8 revealing the names of the leaders. Because this report  
9 contains law enforcement intelligence information  
10 collected by the Department, the report is confidential and  
11 not subject to public disclosure.

12 (m) To make all rules and regulations and exercise all  
13 powers and duties vested by law in the Department.

14 (n) To establish rules and regulations for  
15 administering a system of good conduct credits,  
16 established in accordance with Section 3-6-3, subject to  
17 review by the Prisoner Review Board.

18 (o) To administer the distribution of funds from the  
19 State Treasury to reimburse counties where State penal  
20 institutions are located for the payment of assistant  
21 state's attorneys' salaries under Section 4-2001 of the  
22 Counties Code.

23 (p) To exchange information with the Department of  
24 Human Services and the Department of Healthcare and Family  
25 Services for the purpose of verifying living arrangements  
26 and for other purposes directly connected with the

1 administration of this Code and the Illinois Public Aid  
2 Code.

3 (q) To establish a diversion program.

4 The program shall provide a structured environment for  
5 selected technical parole or mandatory supervised release  
6 violators and committed persons who have violated the rules  
7 governing their conduct while in work release. This program  
8 shall not apply to those persons who have committed a new  
9 offense while serving on parole or mandatory supervised  
10 release or while committed to work release.

11 Elements of the program shall include, but shall not be  
12 limited to, the following:

13 (1) The staff of a diversion facility shall provide  
14 supervision in accordance with required objectives set  
15 by the facility.

16 (2) Participants shall be required to maintain  
17 employment.

18 (3) Each participant shall pay for room and board  
19 at the facility on a sliding-scale basis according to  
20 the participant's income.

21 (4) Each participant shall:

22 (A) provide restitution to victims in  
23 accordance with any court order;

24 (B) provide financial support to his  
25 dependents; and

26 (C) make appropriate payments toward any other

1 court-ordered obligations.

2 (5) Each participant shall complete community  
3 service in addition to employment.

4 (6) Participants shall take part in such  
5 counseling, educational and other programs as the  
6 Department may deem appropriate.

7 (7) Participants shall submit to drug and alcohol  
8 screening.

9 (8) The Department shall promulgate rules  
10 governing the administration of the program.

11 (r) To enter into intergovernmental cooperation  
12 agreements under which persons in the custody of the  
13 Department may participate in a county impact  
14 incarceration program established under Section 3-6038 or  
15 3-15003.5 of the Counties Code.

16 (r-5) (Blank).

17 (r-10) To systematically and routinely identify with  
18 respect to each streetgang active within the correctional  
19 system: (1) each active gang; (2) every existing inter-gang  
20 affiliation or alliance; and (3) the current leaders in  
21 each gang. The Department shall promptly segregate leaders  
22 from inmates who belong to their gangs and allied gangs.  
23 "Segregate" means no physical contact and, to the extent  
24 possible under the conditions and space available at the  
25 correctional facility, prohibition of visual and sound  
26 communication. For the purposes of this paragraph (r-10),

1 "leaders" means persons who:

2 (i) are members of a criminal streetgang;

3 (ii) with respect to other individuals within the  
4 streetgang, occupy a position of organizer,  
5 supervisor, or other position of management or  
6 leadership; and

7 (iii) are actively and personally engaged in  
8 directing, ordering, authorizing, or requesting  
9 commission of criminal acts by others, which are  
10 punishable as a felony, in furtherance of streetgang  
11 related activity both within and outside of the  
12 Department of Corrections.

13 "Streetgang", "gang", and "streetgang related" have the  
14 meanings ascribed to them in Section 10 of the Illinois  
15 Streetgang Terrorism Omnibus Prevention Act.

16 (s) To operate a super-maximum security institution,  
17 in order to manage and supervise inmates who are disruptive  
18 or dangerous and provide for the safety and security of the  
19 staff and the other inmates.

20 (t) To monitor any unprivileged conversation or any  
21 unprivileged communication, whether in person or by mail,  
22 telephone, or other means, between an inmate who, before  
23 commitment to the Department, was a member of an organized  
24 gang and any other person without the need to show cause or  
25 satisfy any other requirement of law before beginning the  
26 monitoring, except as constitutionally required. The

1 monitoring may be by video, voice, or other method of  
2 recording or by any other means. As used in this  
3 subdivision (1)(t), "organized gang" has the meaning  
4 ascribed to it in Section 10 of the Illinois Streetgang  
5 Terrorism Omnibus Prevention Act.

6 As used in this subdivision (1)(t), "unprivileged  
7 conversation" or "unprivileged communication" means a  
8 conversation or communication that is not protected by any  
9 privilege recognized by law or by decision, rule, or order  
10 of the Illinois Supreme Court.

11 (u) To establish a Women's and Children's Pre-release  
12 Community Supervision Program for the purpose of providing  
13 housing and services to eligible female inmates, as  
14 determined by the Department, and their newborn and young  
15 children.

16 (v) To do all other acts necessary to carry out the  
17 provisions of this Chapter.

18 (2) The Department of Corrections shall by January 1, 1998,  
19 consider building and operating a correctional facility within  
20 100 miles of a county of over 2,000,000 inhabitants, especially  
21 a facility designed to house juvenile participants in the  
22 impact incarceration program.

23 (3) When the Department lets bids for contracts for medical  
24 services to be provided to persons committed to Department  
25 facilities by a health maintenance organization, medical  
26 service corporation, or other health care provider, the bid may

1 only be let to a health care provider that has obtained an  
2 irrevocable letter of credit or performance bond issued by a  
3 company whose bonds are rated AAA by a bond rating  
4 organization.

5 (4) When the Department lets bids for contracts for food or  
6 commissary services to be provided to Department facilities,  
7 the bid may only be let to a food or commissary services  
8 provider that has obtained an irrevocable letter of credit or  
9 performance bond issued by a company whose bonds are rated AAA  
10 by a bond rating organization.

11 (5) The Illinois Department of Corrections (IDOC) shall  
12 enter into a Memorandum of Understanding (MOU) with the U.S.  
13 Immigration and Customs Enforcement (ICE), pursuant to Section  
14 241 (a) of the Immigration and Nationality Act, codified at 8  
15 U.S.C. Section 1231 (a), as amended by the Homeland Security  
16 Act of 2002, Public Law No. 107-296 as codified at 6 U.S.C.  
17 Sections 131-134 which authorizes the Secretary of the  
18 Department of Homeland Security to enter into written  
19 agreements with a state or any political subdivision of a state  
20 to remove an alien in the custody of that state. The purpose of  
21 the MOU is to set forth terms by which ICE and IDOC will  
22 cooperate in a Rapid Removal of Eligible Parolees Accepted for  
23 Transfer ("Rapid REPAT") program, which allows for early  
24 conditional release for deportation of removable custodial  
25 aliens to their home countries.

26 (Source: P.A. 93-839, eff. 7-30-04; 94-696, eff. 6-1-06;

1 94-1067, eff. 8-1-06.)

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

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

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

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

17 (2) hear by at least one member and through a panel of  
18 at least 3 members decide, the conditions of parole and the  
19 time of discharge from parole, impose sanctions for  
20 violations of parole, and revoke parole for those sentenced  
21 under the law in effect prior to this amendatory Act of  
22 1977; provided that the decision to parole and the  
23 conditions of parole for all prisoners who were sentenced  
24 for first degree murder or who received a minimum sentence  
25 of 20 years or more under the law in effect prior to

1 February 1, 1978 shall be determined by a majority vote of  
2 the Prisoner Review Board;

3 (3) hear by at least one member and through a panel of  
4 at least 3 members decide, the conditions of mandatory  
5 supervised release and the time of discharge from mandatory  
6 supervised release, impose sanctions for violations of  
7 mandatory supervised release, and revoke mandatory  
8 supervised release for those sentenced under the law in  
9 effect after the effective date of this amendatory Act of  
10 1977;

11 (3.5) hear by at least one member and through a panel  
12 of at least 3 members decide, the conditions of mandatory  
13 supervised release and the time of discharge from mandatory  
14 supervised release, to impose sanctions for violations of  
15 mandatory supervised release and revoke mandatory  
16 supervised release for those serving extended supervised  
17 release terms pursuant to paragraph (4) of subsection (d)  
18 of Section 5-8-1;

19 (4) hear by at least 1 member and through a panel of at  
20 least 3 members, decide cases brought by the Department of  
21 Corrections against a prisoner in the custody of the  
22 Department for alleged violation of Department rules with  
23 respect to good conduct credits pursuant to Section 3-6-3  
24 of this Code in which the Department seeks to revoke good  
25 conduct credits, if the amount of time at issue exceeds 30  
26 days or when, during any 12 month period, the cumulative



1 amount of credit revoked exceeds 30 days except where the  
2 infraction is committed or discovered within 60 days of  
3 scheduled release. In such cases, the Department of  
4 Corrections may revoke up to 30 days of good conduct  
5 credit. The Board may subsequently approve the revocation  
6 of additional good conduct credit, if the Department seeks  
7 to revoke good conduct credit in excess of thirty days.  
8 However, the Board shall not be empowered to review the  
9 Department's decision with respect to the loss of 30 days  
10 of good conduct credit for any prisoner or to increase any  
11 penalty beyond the length requested by the Department;

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

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

21 (7) comply with the requirements of the Open Parole  
22 Hearings Act;

23 (8) hear by at least one member and, through a panel of  
24 at least 3 members, decide cases brought by the Department  
25 of Corrections against a prisoner in the custody of the  
26 Department for court dismissal of a frivolous lawsuit

1           pursuant to Section 3-6-3(d) of this Code in which the  
2           Department seeks to revoke up to 180 days of good conduct  
3           credit, and if the prisoner has not accumulated 180 days of  
4           good conduct credit at the time of the dismissal, then all  
5           good conduct credit accumulated by the prisoner shall be  
6           revoked; ~~and~~

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

11          (10) hear by at least one member and, through a panel  
12          of at least 3 members, decide all requests for release of  
13          prisoners subject to detainers filed by the United States  
14          Department of Homeland Security, Immigration and Customs  
15          Enforcement, or its successor.

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

1 Management Services, shall report to the Governor and the  
2 General Assembly regarding the use, costs, effectiveness, and  
3 future viability of interactive video conferences for Prisoner  
4 Review Board hearings.

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

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

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

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

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

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

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

1 investigation or hearing, or to there produce documentary  
2 evidence, if so ordered, or to give evidence relative to the  
3 subject matter of that investigation or hearing. Any failure to  
4 obey such order of the circuit court may be punished by that  
5 court as a contempt of court.

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

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

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

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

18 (730 ILCS 5/3-3-3) (from Ch. 38, par. 1003-3-3)

19 Sec. 3-3-3. Eligibility for Parole or Release.

20 (a) Except for those offenders who accept the fixed release  
21 date established by the Prisoner Review Board under Section  
22 3-3-2.1, every person serving a term of imprisonment under the  
23 law in effect prior to the effective date of this amendatory  
24 Act of 1977 shall be eligible for parole when he has served:

25 (1) the minimum term of an indeterminate sentence less

1 time credit for good behavior, or 20 years less time credit  
2 for good behavior, whichever is less; or

3 (2) 20 years of a life sentence less time credit for  
4 good behavior; or

5 (3) 20 years or one-third of a determinate sentence,  
6 whichever is less, less time credit for good behavior.

7 (b) No person sentenced under this amendatory Act of 1977  
8 or who accepts a release date under Section 3-3-2.1 shall be  
9 eligible for parole.

10 (c) Except for those sentenced to a term of natural life  
11 imprisonment, every person sentenced to imprisonment under  
12 this amendatory Act of 1977 or given a release date under  
13 Section 3-3-2.1 of this Act shall serve the full term of a  
14 determinate sentence less time credit for good behavior and  
15 shall then be released under the mandatory supervised release  
16 provisions of paragraph (d) of Section 5-8-1 of this Code.

17 (d) No person serving a term of natural life imprisonment  
18 may be paroled or released except through executive clemency.

19 (e) Every person committed to the Department of Juvenile  
20 Justice under Section 5-10 of the Juvenile Court Act or Section  
21 5-750 of the Juvenile Court Act of 1987 or Section 5-8-6 of  
22 this Code and confined in the State correctional institutions  
23 or facilities if such juvenile has not been tried as an adult  
24 shall be eligible for parole without regard to the length of  
25 time the person has been confined or whether the person has  
26 served any minimum term imposed. However, if a juvenile has

1 been tried as an adult he shall only be eligible for parole or  
2 mandatory supervised release as an adult under this Section.

3 (f) Notwithstanding any other provision of law, any  
4 offender who meets the following criteria may be released by  
5 the Prisoner Review Board to the custody of the United States  
6 Department of Homeland Security, Immigration and Customs  
7 Enforcement:

8 (1) a final order of deportation has been issued  
9 against the offender;

10 (2) the offender has less than one year remaining on  
11 his or her sentence of incarceration with the Department of  
12 Corrections; and

13 (3) the offender is not serving a sentence for a  
14 forcible felony, as defined in the Criminal Code of 1961;  
15 for any offense "directed against the person", as  
16 identified in Part B of Title III of the Criminal Code; for  
17 any offense "affecting governmental functions", as  
18 identified in Part E of Title III of the Criminal Code of  
19 1961; for any "aggravated" offense, as identified in Part F  
20 of Title III of the Criminal Code of 1961; or for an  
21 offense falling into a Class of felony other than Class 3  
22 or 4, as set out in the Criminal Code of 1961 and the  
23 Unified Code of Corrections.

24 The Board may condition the early release of an offender  
25 under this subsection on receipt of assurance from Immigration  
26 and Customs Enforcement that the order of deportation will be

1 executed promptly and that an offender released hereunder will  
2 not be released from the custody of Immigration and Customs  
3 Enforcement, unless such release is a result of deportation,  
4 without notice to the Board and an opportunity for issuance of  
5 a parole violation warrant for the retaking of the offender.

6 If an offender released under this subsection returns  
7 illegally to the United States, on notification from any  
8 federal, state, or local law enforcement authority that the  
9 offender is in custody, the Board shall revoke his parole or  
10 mandatory supervised release. Thereafter, the offender shall  
11 not be eligible for release without first having served the  
12 full remainder of his term of incarceration. In such event,  
13 though, the time spent in the custody of Immigration and  
14 Customs Enforcement shall be credited against the remainder of  
15 the term of incarceration.

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

17 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

18 Sec. 3-3-8. Length of parole and mandatory supervised  
19 release; discharge.)

20 (a) The length of parole for a person sentenced under the  
21 law in effect prior to the effective date of this amendatory  
22 Act of 1977 and the length of mandatory supervised release for  
23 those sentenced under the law in effect on and after such  
24 effective date shall be as set out in Section 5-8-1 unless  
25 sooner terminated under paragraph (b) of this Section. The



1 parole period of a juvenile committed to the Department under  
2 the Juvenile Court Act or the Juvenile Court Act of 1987 shall  
3 extend until he is 21 years of age unless sooner terminated  
4 under paragraph (b) of this Section.

5 (b) The Prisoner Review Board may enter an order releasing  
6 and discharging one from parole or mandatory supervised  
7 release, and his commitment to the Department, when it  
8 determines that he is likely to remain at liberty without  
9 committing another offense.

10 (b-1) The Prisoner Review Board may enter an order  
11 releasing and discharging an offender from parole or mandatory  
12 supervised release in accordance with the provisions for early  
13 release set out in subsection (f) of Section 3-3-3.

14 (c) The order of discharge shall become effective upon  
15 entry of the order of the Board. The Board shall notify the  
16 clerk of the committing court of the order. Upon receipt of  
17 such copy, the clerk shall make an entry on the record judgment  
18 that the sentence or commitment has been satisfied pursuant to  
19 the order.

20 (d) Rights of the person discharged under this Section  
21 shall be restored under Section 5-5-5. This Section is subject  
22 to Section 5-750 of the Juvenile Court Act of 1987.

23 (Source: P.A. 90-590, eff. 1-1-99.)