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1 AMENDMENT TO SENATE BILL 1896

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1896 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Rights of Crime Victims and Witnesses Act  
5 is 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,

1 parent, child or sibling of any person granted rights under  
2 this Act who is physically or mentally incapable of exercising  
3 such rights, except where the spouse, parent, child or sibling  
4 is also the defendant or prisoner or (4) any person against  
5 whom a violent crime has been committed or (5) any person who  
6 has suffered personal injury as a result of a violation of  
7 Section 11-501 of the Illinois Vehicle Code, or of a similar  
8 provision of a local ordinance, or of Section 9-3 of the  
9 Criminal Code of 1961, as amended or (6) in proceedings under  
10 the Juvenile Court Act of 1987, both parents, legal guardians,  
11 foster parents, or a single adult representative of a minor or  
12 disabled person who is a crime victim.

13 (b) "Witness" means any person who personally observed the  
14 commission of a violent crime and who will testify on behalf of  
15 the State of Illinois in the criminal prosecution of the  
16 violent crime.

17 (c) "Violent Crime" means any felony in which force or  
18 threat of force was used against the victim, or any offense  
19 involving sexual exploitation, sexual conduct or sexual  
20 penetration, or a violation of Section 11-20.1 or 11-20.3 of  
21 the Criminal Code of 1961, domestic battery, violation of an  
22 order of protection, stalking, or any misdemeanor which results  
23 in death or great bodily harm to the victim or any violation of  
24 Section 9-3 of the Criminal Code of 1961, or Section 11-501 of  
25 the Illinois Vehicle Code, or a similar provision of a local  
26 ordinance, if the violation resulted in personal injury or

1 death, and includes any action committed by a juvenile that  
2 would be a violent crime if committed by an adult. For the  
3 purposes of this paragraph, "personal injury" shall include any  
4 Type A injury as indicated on the traffic accident report  
5 completed by a law enforcement officer that requires immediate  
6 professional attention in either a doctor's office or medical  
7 facility. A type A injury shall include severely bleeding  
8 wounds, distorted extremities, and injuries that require the  
9 injured party to be carried from the scene.

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

16 (e) "Court proceedings" includes the preliminary hearing,  
17 any hearing the effect of which may be the release of the  
18 defendant from custody or to alter the conditions of bond, the  
19 trial, sentencing hearing, notice of appeal, any modification  
20 of sentence, probation revocation hearings or parole hearings.

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

24 (Source: P.A. 95-591, eff. 6-1-08; 95-876, eff. 8-21-08;  
25 96-292, eff. 1-1-10.)

1 (725 ILCS 120/4.5)

2 Sec. 4.5. Procedures to implement the rights of crime  
3 victims. To afford crime victims their rights, law enforcement,  
4 prosecutors, judges and corrections will provide information,  
5 as appropriate of the following procedures:

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

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

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

18 (2) shall provide notice of the date, time, and place  
19 of trial;

20 (3) or victim advocate personnel shall provide  
21 information of social services and financial assistance  
22 available for victims of crime, including information of  
23 how to apply for these services and assistance;

24 (4) shall assist in having any stolen or other personal  
25 property held by law enforcement authorities for  
26 evidentiary or other purposes returned as expeditiously as

1 possible, pursuant to the procedures set out in Section  
2 115-9 of the Code of Criminal Procedure of 1963;

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

8 (6) shall provide information whenever possible, of a  
9 secure waiting area during court proceedings that does not  
10 require victims to be in close proximity to defendant or  
11 juveniles accused of a violent crime, and their families  
12 and friends;

13 (7) shall provide notice to the crime victim of the  
14 right to have a translator present at all court proceedings  
15 and, in compliance with the federal Americans with  
16 Disabilities Act of 1990, the right to communications  
17 access through a sign language interpreter or by other  
18 means;

19 (8) in the case of the death of a person, which death  
20 occurred in the same transaction or occurrence in which  
21 acts occurred for which a defendant is charged with an  
22 offense, shall notify the spouse, parent, child or sibling  
23 of the decedent of the date of the trial of the person or  
24 persons allegedly responsible for the death;

25 (9) shall inform the victim of the right to have  
26 present at all court proceedings, subject to the rules of

1 evidence, an advocate or other support person of the  
2 victim's choice, and the right to retain an attorney, at  
3 the victim's own expense, who, upon written notice filed  
4 with the clerk of the court and State's Attorney, is to  
5 receive copies of all notices, motions and court orders  
6 filed thereafter in the case, in the same manner as if the  
7 victim were a named party in the case;

8 (10) at the sentencing hearing shall make a good faith  
9 attempt to explain the minimum amount of time during which  
10 the defendant may actually be physically imprisoned. The  
11 Office of the State's Attorney shall further notify the  
12 crime victim of the right to request from the Prisoner  
13 Review Board information concerning the release of the  
14 defendant under subparagraph (d) (1) of this Section;

15 (11) shall request restitution at sentencing and shall  
16 consider restitution in any plea negotiation, as provided  
17 by law; and

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

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

25 (1) provide notice a reasonable time in advance of the  
26 following court proceedings: preliminary hearing, any

1 hearing the effect of which may be the release of defendant  
2 from custody, or to alter the conditions of bond and the  
3 sentencing hearing. The crime victim shall also be notified  
4 of the cancellation of the court proceeding in sufficient  
5 time, wherever possible, to prevent an unnecessary  
6 appearance in court;

7 (2) provide notice within a reasonable time after  
8 receipt of notice from the custodian, of the release of the  
9 defendant on bail or personal recognizance or the release  
10 from detention of a minor who has been detained for a  
11 violent crime;

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

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

21 (5) provide notice of the ultimate disposition of the  
22 cases arising from an indictment or an information, or a  
23 petition to have a juvenile adjudicated as a delinquent for  
24 a violent crime;

25 (6) provide notice of any appeal taken by the defendant  
26 and information on how to contact the appropriate agency

1 handling the appeal;

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

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

11 (d) (1) The Prisoner Review Board shall inform a victim or  
12 any other concerned citizen, upon written request, of the  
13 prisoner's release on parole, mandatory supervised release,  
14 electronic detention, work release, international transfer or  
15 exchange, or by the custodian of the discharge of any  
16 individual who was adjudicated a delinquent for a violent crime  
17 from State custody and by the sheriff of the appropriate county  
18 of any such person's final discharge from county custody. The  
19 Prisoner Review Board, upon written request, shall provide to a  
20 victim or any other concerned citizen a recent photograph of  
21 any person convicted of a felony, upon his or her release from  
22 custody. The Prisoner Review Board, upon written request, shall  
23 inform a victim or any other concerned citizen when feasible at  
24 least 7 days prior to the prisoner's release on furlough of the  
25 times and dates of such furlough. Upon written request by the  
26 victim or any other concerned citizen, the State's Attorney



1 shall notify the person once of the times and dates of release  
2 of a prisoner sentenced to periodic imprisonment. Notification  
3 shall be based on the most recent information as to victim's or  
4 other concerned citizen's residence or other location  
5 available to the notifying authority. ~~For purposes of this~~  
6 ~~paragraph (1) of subsection (d), "concerned citizen" includes~~  
7 ~~relatives of the victim, friends of the victim, witnesses to~~  
8 ~~the crime, or any other person associated with the victim or~~  
9 ~~prisoner.~~

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

21 (3) In the event of an escape from State custody, the  
22 Department of Corrections or the Department of Juvenile  
23 Justice immediately shall notify the Prisoner Review Board  
24 of the escape and the Prisoner Review Board shall notify  
25 the victim. The notification shall be based upon the most  
26 recent information as to the victim's residence or other

1 location available to the Board. When no such information  
2 is available, the Board shall make all reasonable efforts  
3 to obtain the information and make the notification. When  
4 the escapee is apprehended, the Department of Corrections  
5 or the Department of Juvenile Justice immediately shall  
6 notify the Prisoner Review Board and the Board shall notify  
7 the victim.

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

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

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

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

19           (8) When a defendant has been convicted of a sex  
20 offense as defined in Section 2 of the Sex Offender  
21 Registration Act and has been sentenced to the Department  
22 of Corrections or the Department of Juvenile Justice, the  
23 Prisoner Review Board shall notify the victim of the sex  
24 offense of the prisoner's eligibility for release on  
25 parole, mandatory supervised release, electronic  
26 detention, work release, international transfer or

1 exchange, or by the custodian of the discharge of any  
2 individual who was adjudicated a delinquent for a sex  
3 offense from State custody and by the sheriff of the  
4 appropriate county of any such person's final discharge  
5 from county custody. The notification shall be made to the  
6 victim at least 30 days, whenever possible, before release  
7 of the sex offender.

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

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

24 (Source: P.A. 95-317, eff. 8-21-07; 95-896, eff. 1-1-09;  
25 95-897, eff. 1-1-09; 95-904, eff. 1-1-09; 96-328, eff.  
26 8-11-09.)

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

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

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

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

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

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

1 for first degree murder or who received a minimum sentence  
2 of 20 years or more under the law in effect prior to  
3 February 1, 1978 shall be determined by a majority vote of  
4 the Prisoner Review Board. One representative supporting  
5 parole and one representative opposing parole will be  
6 allowed to speak. Their comments shall be limited to making  
7 corrections and filling in omissions to the Board's  
8 presentation and discussion;

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

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

25 (4) hear by at least 1 member and through a panel of at  
26 least 3 members, decide cases brought by the Department of

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

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

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

1           (7) comply with the requirements of the Open Parole  
2 Hearings Act;

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

19 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)

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

21 (a) The Prisoner Review Board shall consider the parole of  
22 each eligible person committed to the Adult Division at least  
23 30 days prior to the date he shall first become eligible for  
24 parole, and shall consider the parole of each person committed  
25 to the Department of Juvenile Justice as a delinquent at least

1 30 days prior to the expiration of the first year of  
2 confinement.

3 (b) A person eligible for parole shall, no less than 15  
4 days in advance of his parole interview hearing, prepare a  
5 parole plan in accordance with the rules of the Prisoner Review  
6 Board. The person shall be assisted in preparing his parole  
7 plan by personnel of the Department of Corrections, or the  
8 Department of Juvenile Justice in the case of a person  
9 committed to that Department, and may, for this purpose, be  
10 released on furlough under Article 11 or on authorized absence  
11 under Section 3-9-4. The appropriate Department shall also  
12 provide assistance in obtaining information and records  
13 helpful to the individual for his parole hearing. If the person  
14 eligible for parole has a petition or any written submissions  
15 prepared on his or her behalf by an attorney or other  
16 representative, the attorney or representative for the person  
17 eligible for parole must serve by certified mail the State's  
18 Attorney of the county where he or she was prosecuted with the  
19 petition or any written submissions 15 days after his or her  
20 parole interview. The State's Attorney shall provide the  
21 attorney for the person eligible for parole with a copy of his  
22 or her letter in opposition to parole via certified mail within  
23 5 business days of the en banc hearing.

24 (c) Any member ~~The members~~ of the Board shall have access  
25 at all reasonable times to any committed person and to his  
26 master record file within the Department, and the Department

1 shall furnish such a report ~~reports~~ to the Board ~~as the Board~~  
2 ~~may require~~ concerning the conduct and character of any such  
3 person prior to his or her parole interview.

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

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

10 (2) the report under Section 3-8-2 or 3-10-2;

11 (3) a report by the Department and any report by the  
12 chief administrative officer of the institution or  
13 facility;

14 (4) a parole progress report;

15 (5) a medical and psychological report, if requested by  
16 the Board;

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

20 (7) material in writing, or on film, video tape or  
21 other electronic means in the form of a recording or  
22 testimony submitted by the State's Attorney and the victim  
23 or a concerned citizen pursuant to the Rights of Crime  
24 Victims and Witnesses Act.

25 (e) The prosecuting State's Attorney's office shall  
26 receive from the Board reasonable written notice not less than

1 30 ~~45~~ days prior to the parole interview hearing and may submit  
2 relevant information by oral argument or testimony of victims  
3 and concerned citizens, or both, in writing, or on film, video  
4 tape or other electronic means or in the form of a recording to  
5 the Board for its consideration. Upon written request of the  
6 State's Attorney's office, the Prisoner Review Board shall hear  
7 protests to parole, except in counties of 1,500,000 or more  
8 inhabitants where there shall be standing objections to all  
9 such petitions. If a State's Attorney who represents a county  
10 of less than 1,500,000 inhabitants requests a protest hearing,  
11 the inmate's counsel or other representative shall also receive  
12 notice of such request. This hearing shall take place the month  
13 following the inmate's parole interview. If the inmate's parole  
14 interview is rescheduled then the Prisoner Review Board shall  
15 promptly notify the State's Attorney of the new date. The  
16 person eligible for parole shall be heard at the next scheduled  
17 en banc hearing date. If the case is to be continued, the  
18 State's Attorney's office and the attorney or representative  
19 for the person eligible for parole will be notified of any  
20 continuance within 5 business days. The State's Attorney may  
21 waive the written notice.

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

26 (g) Any recording considered under the provisions of

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

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

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

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

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

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

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

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

17                 (2) his release at that time would deprecate the  
18 seriousness of his offense or promote disrespect for the  
19 law; or

20                 (3) his release would have a substantially adverse  
21 effect on institutional discipline.

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

26           (e) A person who has served the maximum term of



1 imprisonment imposed at the time of sentencing less time credit  
2 for good behavior shall be released on parole to serve a period  
3 of parole under Section 5-8-1.

4 (f) The Board shall render its decision within a reasonable  
5 time after hearing and shall state the basis therefor both in  
6 the records of the Board and in written notice to the person on  
7 whose application it has acted. In its decision, the Board  
8 shall set the person's time for parole, or if it denies parole  
9 it shall provide for a rehearing not less frequently than once  
10 every year, except that the Board may, after denying parole,  
11 schedule a rehearing no later than 3 years from the date of the  
12 parole denial, if the Board finds that it is not reasonable to  
13 expect that parole would be granted at a hearing prior to the  
14 scheduled rehearing date. If the Board shall parole a person,  
15 and, if he is not released within 90 days from the effective  
16 date of the order granting parole, the matter shall be returned  
17 to the Board for review.

18 (g) The Board shall maintain a registry of decisions in  
19 which parole has been granted, which shall include the name and  
20 case number of the prisoner, the highest charge for which the  
21 prisoner was sentenced, the length of sentence imposed, the  
22 date of the sentence, the date of the parole, and the basis for  
23 the decision of the Board to grant parole and the vote of the  
24 Board on any such decisions. The registry shall be made  
25 available for public inspection and copying during business  
26 hours and shall be a public record pursuant to the provisions

1 of the Freedom of Information Act.

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

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

5 Section 95. No acceleration or delay. Where this Act makes  
6 changes in a statute that is represented in this Act by text  
7 that is not yet or no longer in effect (for example, a Section  
8 represented by multiple versions), the use of that text does  
9 not accelerate or delay the taking effect of (i) the changes  
10 made by this Act or (ii) provisions derived from any other  
11 Public Act.

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law."