



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB0306

Introduced 01/31/11, 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.

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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 (u-5) To issue an order, whenever a person committed to
17 the Department absconds or absents himself or herself,
18 without authority to do so, from any facility or program to
19 which he or she is assigned. The order shall be certified
20 by the Director, the Supervisor of the Apprehension Unit,
21 or any person duly designated by the Director, with the
22 seal of the Department affixed. The order shall be directed
23 to all sheriffs, coroners, and police officers, or to any
24 particular person named in the order. Any order issued
25 pursuant to this subdivision (1) (u-5) shall be sufficient
26 warrant for the officer or person named in the order to

1 arrest and deliver the committed person to the proper
2 correctional officials and shall be executed the same as
3 criminal process.

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

6 (2) The Department of Corrections shall by January 1, 1998,
7 consider building and operating a correctional facility within
8 100 miles of a county of over 2,000,000 inhabitants, especially
9 a facility designed to house juvenile participants in the
10 impact incarceration program.

11 (3) When the Department lets bids for contracts for medical
12 services to be provided to persons committed to Department
13 facilities by a health maintenance organization, medical
14 service corporation, or other health care provider, the bid may
15 only be let to a health care provider that has obtained an
16 irrevocable letter of credit or performance bond issued by a
17 company whose bonds are rated AAA by a bond rating
18 organization.

19 (4) When the Department lets bids for contracts for food or
20 commissary services to be provided to Department facilities,
21 the bid may only be let to a food or commissary services
22 provider that has obtained an irrevocable letter of credit or
23 performance bond issued by a company whose bonds are rated AAA
24 by a bond rating organization.

25 (5) The Illinois Department of Corrections (IDOC) shall
26 enter into a Memorandum of Understanding (MOU) with the U.S.

1 Immigration and Customs Enforcement (ICE), pursuant to Section
2 241 (a) of the Immigration and Nationality Act, codified at 8
3 U.S.C. Section 1231 (a), as amended by the Homeland Security
4 Act of 2002, Public Law No. 107-296 as codified at 6 U.S.C.
5 Sections 131-134 which authorizes the Secretary of the
6 Department of Homeland Security to enter into written
7 agreements with a state or any political subdivision of a state
8 to remove an alien in the custody of that state. The purpose of
9 the MOU is to set forth terms by which ICE and IDOC will
10 cooperate in a Rapid Removal of Eligible Parolees Accepted for
11 Transfer ("Rapid REPAT") program, which allows for early
12 conditional release for deportation of removable custodial
13 aliens to their home countries.

14 (Source: P.A. 96-1265, eff. 7-26-10.)

15 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

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

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

25 (1) hear by at least one member and through a panel of

1 at least 3 members decide, cases of prisoners who were
2 sentenced under the law in effect prior to the effective
3 date of this amendatory Act of 1977, and who are eligible
4 for parole;

5 (2) hear by at least one member and through a panel of
6 at least 3 members decide, the conditions of parole and the
7 time of discharge from parole, impose sanctions for
8 violations of parole, and revoke parole for those sentenced
9 under the law in effect prior to this amendatory Act of
10 1977; provided that the decision to parole and the
11 conditions of parole for all prisoners who were sentenced
12 for first degree murder or who received a minimum sentence
13 of 20 years or more under the law in effect prior to
14 February 1, 1978 shall be determined by a majority vote of
15 the Prisoner Review Board. One representative supporting
16 parole and one representative opposing parole will be
17 allowed to speak. Their comments shall be limited to making
18 corrections and filling in omissions to the Board's
19 presentation and discussion;

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

1 1977;

2 (3.5) hear by at least one member and through a panel
3 of at least 3 members decide, the conditions of mandatory
4 supervised release and the time of discharge from mandatory
5 supervised release, to impose sanctions for violations of
6 mandatory supervised release and revoke mandatory
7 supervised release for those serving extended supervised
8 release terms pursuant to paragraph (4) of subsection (d)
9 of Section 5-8-1;

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

1 of good conduct credit for any prisoner or to increase any
2 penalty beyond the length requested by the Department;

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

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

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

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

24 (9) hear by at least 3 members, and, through a panel of
25 at least 3 members, decide whether to grant certificates of
26 relief from disabilities or certificates of good conduct as

1 provided in Article 5.5 of Chapter V.

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

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

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

24 (c) The Board shall cooperate with the Department in
25 promoting an effective system of parole and mandatory
26 supervised release.

1 (d) The Board shall promulgate rules for the conduct of its
2 work, and the Chairman shall file a copy of such rules and any
3 amendments thereto with the Director and with the Secretary of
4 State.

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

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

1 payment when the witness is discharged from further attendance.

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

23 Each member of the Board and any hearing officer designated
24 by the Board shall have the power to administer oaths and to
25 take the testimony of persons under oath.

26 (g) Except under subsection (a) of this Section, a majority

1 of the members then appointed to the Prisoner Review Board
2 shall constitute a quorum for the transaction of all business
3 of the Board.

4 (h) The Prisoner Review Board shall annually transmit to
5 the Director a detailed report of its work for the preceding
6 calendar year. The annual report shall also be transmitted to
7 the Governor for submission to the Legislature.

8 (Source: P.A. 96-875, eff. 1-22-10.)

9 (730 ILCS 5/3-3-3) (from Ch. 38, par. 1003-3-3)

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

11 (a) Except for those offenders who accept the fixed release
12 date established by the Prisoner Review Board under Section
13 3-3-2.1, every person serving a term of imprisonment under the
14 law in effect prior to the effective date of this amendatory
15 Act of 1977 shall be eligible for parole when he has served:

16 (1) the minimum term of an indeterminate sentence less
17 time credit for good behavior, or 20 years less time credit
18 for good behavior, whichever is less; or

19 (2) 20 years of a life sentence less time credit for
20 good behavior; or

21 (3) 20 years or one-third of a determinate sentence,
22 whichever is less, less time credit for good behavior.

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

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

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

10 (e) Every person committed to the Department of Juvenile
11 Justice under Section 5-10 of the Juvenile Court Act or Section
12 5-750 of the Juvenile Court Act of 1987 or Section 5-8-6 of
13 this Code and confined in the State correctional institutions
14 or facilities if such juvenile has not been tried as an adult
15 shall be eligible for parole without regard to the length of
16 time the person has been confined or whether the person has
17 served any minimum term imposed. However, if a juvenile has
18 been tried as an adult he shall only be eligible for parole or
19 mandatory supervised release as an adult under this Section.

20 (f) Notwithstanding any other provision of law, any
21 offender who meets the following criteria may be released by
22 the Prisoner Review Board to the custody of the United States
23 Department of Homeland Security, Immigration and Customs
24 Enforcement:

25 (1) a final order of deportation has been issued
26 against the offender;

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

4 (3) the offender is not serving a sentence for a
5 forcible felony, as defined in the Criminal Code of 1961;
6 for any offense "directed against the person", as
7 identified in Part B of Title III of the Criminal Code; for
8 any offense "affecting governmental functions", as
9 identified in Part E of Title III of the Criminal Code of
10 1961; for any "aggravated" offense, as identified in Part F
11 of Title III of the Criminal Code of 1961; or for an
12 offense falling into a Class of felony other than Class 3
13 or 4, as set out in the Criminal Code of 1961 and the
14 Unified Code of Corrections.

15 The Board may condition the early release of an offender
16 under this paragraph on receipt of assurance from Immigration
17 and Customs Enforcement that the order of deportation will be
18 executed promptly and that an offender released hereunder will
19 not be released from the custody of Immigration and Customs
20 Enforcement, unless such release is a result of deportation,
21 without notice to the Board and an opportunity for issuance of
22 a parole violation warrant for the retaking of the offender.

23 If an offender released under this subsection returns
24 illegally to the United States, on notification from any
25 federal, state, or local law enforcement authority that the
26 offender is in custody, the Board shall revoke his parole or

1 mandatory supervised release. Thereafter, the offender shall
2 not be eligible for release without first having served the
3 full remainder of his term of incarceration. In such event,
4 though, the time spent in the custody of Immigration and
5 Customs Enforcement shall be credited against the remainder of
6 the term of incarceration.

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

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

9 Sec. 3-3-8. Length of parole and mandatory supervised
10 release; discharge.)

11 (a) The length of parole for a person sentenced under the
12 law in effect prior to the effective date of this amendatory
13 Act of 1977 and the length of mandatory supervised release for
14 those sentenced under the law in effect on and after such
15 effective date shall be as set out in Section 5-8-1 unless
16 sooner terminated under paragraph (b) of this Section. The
17 parole period of a juvenile committed to the Department under
18 the Juvenile Court Act or the Juvenile Court Act of 1987 shall
19 extend until he is 21 years of age unless sooner terminated
20 under paragraph (b) of this Section.

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

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

5 (c) The order of discharge shall become effective upon
6 entry of the order of the Board. The Board shall notify the
7 clerk of the committing court of the order. Upon receipt of
8 such copy, the clerk shall make an entry on the record judgment
9 that the sentence or commitment has been satisfied pursuant to
10 the order.

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

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