



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1928

by Rep. Emily McAsey

SYNOPSIS AS INTRODUCED:

730 ILCS 105/5
730 ILCS 105/35

from Ch. 38, par. 1655
from Ch. 38, par. 1685

Amends the Open Parole Hearings Act. Defines "victim" to include any person legally related to the victim by blood, marriage, adoption, or guardianship, or any friend of the victim, or any concerned citizen. Provides that victim impact statements either oral, written, video-taped, tape recorded or made by other electronic means (rather than only written statements) shall not be considered public documents under provisions of the Freedom of Information Act. Effective immediately.

LRB097 09096 RLC 49231 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Open Parole Hearings Act is amended by
5 changing Sections 5 and 35 as follows:

6 (730 ILCS 105/5) (from Ch. 38, par. 1655)

7 Sec. 5. Definitions. As used in this Act:

8 (a) "Applicant" means an inmate who is being considered for
9 parole by the Prisoner Review Board.

10 (b) "Board" means the Prisoner Review Board as established
11 in Section 3-3-1 of the Unified Code of Corrections.

12 (c) "Parolee" means a person subject to parole revocation
13 proceedings.

14 (d) "Parole hearing" means the formal hearing and
15 determination of an inmate being considered for release from
16 incarceration on community supervision.

17 (e) "Parole or mandatory supervised release revocation
18 hearing" means the formal hearing and determination of
19 allegations that a parolee or mandatory supervised releasee has
20 violated the conditions of his or her release agreement.

21 (f) "Victim" means a victim or witness of a violent crime
22 as defined in subsection (a) of Section 3 of the Bill of Rights
23 for Victims and Witnesses of Violent Crime Act, or any person

1 legally related to the victim by blood, marriage, adoption, or
2 guardianship, or any friend of the victim, or any concerned
3 citizen.

4 (g) "Violent crime" means a crime defined in subsection (c)
5 of Section 3 of the Bill of Rights for Victims and Witnesses of
6 Violent Crime Act.

7 (Source: P.A. 87-224.)

8 (730 ILCS 105/35) (from Ch. 38, par. 1685)

9 Sec. 35. Victim impact statements.

10 (a) The Board shall receive and consider victim impact
11 statements.

12 (b) Victim ~~Written victim~~ impact statements either oral,
13 written, video-taped, tape recorded or made by other electronic
14 means shall not be considered public documents under provisions
15 of the Freedom of Information Act.

16 (c) The inmate or his attorney shall be informed of the
17 existence of a victim impact statement and its contents under
18 provisions of Board rules. This shall not be construed to
19 permit disclosure to an inmate of any information which might
20 result in the risk of threats or physical harm to a victim or
21 complaining witness.

22 (d) The inmate shall be given the opportunity to answer a
23 victim impact statement, either orally or in writing.

24 (e) All written victim impact statements shall be part of
25 the applicant's or parolee's parole file.

1 (Source: P.A. 87-224.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.