



Rep. Edward J. Acevedo

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09700HB3233ham001

LRB097 10923 RLC 67148 a

1 AMENDMENT TO HOUSE BILL 3233

2 AMENDMENT NO. _____. Amend House Bill 3233 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by
5 changing Section 3-3-13 as follows:

6 (730 ILCS 5/3-3-13) (from Ch. 38, par. 1003-3-13)

7 Sec. 3-3-13. Procedure for Executive Clemency.

8 (a) Petitions seeking pardon, commutation, or reprieve
9 shall be addressed to the Governor and filed with the Prisoner
10 Review Board. The petition shall be in writing and signed by
11 the person under conviction or by a person on his behalf. It
12 shall contain a brief history of the case, the reasons for
13 seeking executive clemency, and other relevant information the
14 Board may require.

15 (a-5) After a petition has been denied by the Governor, the
16 Board may not accept a repeat petition for executive clemency

1 for the same person until 4 years have ~~one full year has~~
2 elapsed from the date of the denial. The Chairman of the Board
3 may waive the 4-year ~~one-year~~ requirement if the petitioner
4 offers in writing new information that was unavailable to the
5 petitioner at the time of the filing of the prior petition and
6 which the Chairman determines to be significant. The Chairman
7 also may waive the 4-year ~~one-year~~ waiting period if the
8 petitioner can show that a change in circumstances of a
9 compelling humanitarian nature has arisen since the denial of
10 the prior petition.

11 (b) Notice of the proposed application shall be given by
12 the Board to the committing court and the state's attorney of
13 the county where the conviction was had.

14 (c) The Board shall, if requested and upon due notice, give
15 a hearing to each application, allowing representation by
16 counsel, if desired, after which it shall confidentially advise
17 the Governor by a written report of its recommendations which
18 shall be determined by majority vote. The Board shall meet to
19 consider such petitions no less than 4 times each year.

20 Application for executive clemency under this Section may
21 not be commenced on behalf of a person who has been sentenced
22 to death without the written consent of the defendant, unless
23 the defendant, because of a mental or physical condition, is
24 incapable of asserting his or her own claim.

25 (d) The Governor shall decide each application and
26 communicate his decision to the Board which shall notify the

1 petitioner.

2 In the event a petitioner who has been convicted of a Class
3 X felony is granted a release, after the Governor has
4 communicated such decision to the Board, the Board shall give
5 written notice to the Sheriff of the county from which the
6 offender was sentenced if such sheriff has requested that such
7 notice be given on a continuing basis. In cases where arrest of
8 the offender or the commission of the offense took place in any
9 municipality with a population of more than 10,000 persons, the
10 Board shall also give written notice to the proper law
11 enforcement agency for said municipality which has requested
12 notice on a continuing basis.

13 (e) Nothing in this Section shall be construed to limit the
14 power of the Governor under the constitution to grant a
15 reprieve, commutation of sentence, or pardon.

16 (Source: P.A. 89-112, eff. 7-7-95; 89-684, eff. 6-1-97.)".