

# SB2306



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB2306

Introduced 2/15/2011, by Sen. Thomas Johnson

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-5

from Ch. 38, par. 1003-3-5

Amends the Unified Code of Corrections. Provides that the Prisoner Review Board may, after denying parole, schedule a rehearing no later than 5 (rather than 3) years from the date of the parole denial, if the Board finds that it is not reasonable to expect that parole would be granted at a hearing prior to the scheduled rehearing date.

LRB097 08598 RLC 48725 b

A BILL FOR

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 Section 3-3-5 as follows:

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

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

8 (a) The Prisoner Review Board shall meet as often as need  
9 requires to consider the cases of persons eligible for parole.  
10 Except as otherwise provided in paragraph (2) of subsection (a)  
11 of Section 3-3-2 of this Act, the Prisoner Review Board may  
12 meet and order its actions in panels of 3 or more members. The  
13 action of a majority of the panel shall be the action of the  
14 Board. In consideration of persons committed to the Department  
15 of Juvenile Justice, the panel shall have at least a majority  
16 of members experienced in juvenile matters.

17 (b) If the person under consideration for parole is in the  
18 custody of the Department, at least one member of the Board  
19 shall interview him, and a report of that interview shall be  
20 available for the Board's consideration. However, in the  
21 discretion of the Board, the interview need not be conducted if  
22 a psychiatric examination determines that the person could not  
23 meaningfully contribute to the Board's consideration. The

1 Board may in its discretion parole a person who is then outside  
2 the jurisdiction on his record without an interview. The Board  
3 need not hold a hearing or interview a person who is paroled  
4 under paragraphs (d) or (e) of this Section or released on  
5 Mandatory release under Section 3-3-10.

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

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

10 (2) his release at that time would deprecate the  
11 seriousness of his offense or promote disrespect for the  
12 law; or

13 (3) his release would have a substantially adverse  
14 effect on institutional discipline.

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

19 (e) A person who has served the maximum term of  
20 imprisonment imposed at the time of sentencing less time credit  
21 for good behavior shall be released on parole to serve a period  
22 of parole under Section 5-8-1.

23 (f) The Board shall render its decision within a reasonable  
24 time after hearing and shall state the basis therefor both in  
25 the records of the Board and in written notice to the person on  
26 whose application it has acted. In its decision, the Board

1 shall set the person's time for parole, or if it denies parole  
2 it shall provide for a rehearing not less frequently than once  
3 every year, except that the Board may, after denying parole,  
4 schedule a rehearing no later than 5 ~~3~~ years from the date of  
5 the parole denial, if the Board finds that it is not reasonable  
6 to expect that parole would be granted at a hearing prior to  
7 the scheduled rehearing date. If the Board shall parole a  
8 person, and, if he is not released within 90 days from the  
9 effective date of the order granting parole, the matter shall  
10 be returned to the Board for review.

11 (g) The Board shall maintain a registry of decisions in  
12 which parole has been granted, which shall include the name and  
13 case number of the prisoner, the highest charge for which the  
14 prisoner was sentenced, the length of sentence imposed, the  
15 date of the sentence, the date of the parole, and the basis for  
16 the decision of the Board to grant parole and the vote of the  
17 Board on any such decisions. The registry shall be made  
18 available for public inspection and copying during business  
19 hours and shall be a public record pursuant to the provisions  
20 of the Freedom of Information Act.

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

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