

# HB2727



## 98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2727

Introduced 2/21/2013, by Rep. Dennis M. Reboletti

### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-9

from Ch. 38, par. 1003-3-9

Amends the Unified Code of Corrections. Makes a technical change in a Section concerning violations of conditions of parole or mandatory supervised release.

LRB098 07697 RLC 37770 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 3-3-9 as follows:

6 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

7 Sec. 3-3-9. Violations; changes of conditions; preliminary  
8 hearing; revocation of parole or mandatory supervised release;  
9 revocation hearing.

10 (a) If prior to expiration or termination of the ~~the~~ term  
11 of parole or mandatory supervised release, a person violates a  
12 condition set by the Prisoner Review Board or a condition of  
13 parole or mandatory supervised release under Section 3-3-7 of  
14 this Code to govern that term, the Board may:

15 (1) continue the existing term, with or without  
16 modifying or enlarging the conditions; or

17 (2) parole or release the person to a half-way house;  
18 or

19 (3) revoke the parole or mandatory supervised release  
20 and reconfine the person for a term computed in the  
21 following manner:

22 (i) (A) For those sentenced under the law in effect  
23 prior to this amendatory Act of 1977, the recommitment

1 shall be for any portion of the imposed maximum term of  
2 imprisonment or confinement which had not been served  
3 at the time of parole and the parole term, less the  
4 time elapsed between the parole of the person and the  
5 commission of the violation for which parole was  
6 revoked;

7 (B) Except as set forth in paragraph (C), for those  
8 subject to mandatory supervised release under  
9 paragraph (d) of Section 5-8-1 of this Code, the  
10 recommitment shall be for the total mandatory  
11 supervised release term, less the time elapsed between  
12 the release of the person and the commission of the  
13 violation for which mandatory supervised release is  
14 revoked. The Board may also order that a prisoner serve  
15 up to one year of the sentence imposed by the court  
16 which was not served due to the accumulation of  
17 sentence credit;

18 (C) For those subject to sex offender supervision  
19 under clause (d)(4) of Section 5-8-1 of this Code, the  
20 reconfinement period for violations of clauses (a)(3)  
21 through (b-1)(15) of Section 3-3-7 shall not exceed 2  
22 years from the date of reconfinement~~;~~

23 (ii) the person shall be given credit against the  
24 term of reimprisonment or reconfinement for time spent  
25 in custody since he was paroled or released which has  
26 not been credited against another sentence or period of

1 confinement;

2 (iii) persons committed under the Juvenile Court  
3 Act or the Juvenile Court Act of 1987 may be continued  
4 under the existing term of parole with or without  
5 modifying the conditions of parole, paroled or  
6 released to a group home or other residential facility,  
7 or recommitted until the age of 21 unless sooner  
8 terminated;

9 (iv) this Section is subject to the release under  
10 supervision and the reparole and rerelease provisions  
11 of Section 3-3-10.

12 (b) The Board may revoke parole or mandatory supervised  
13 release for violation of a condition for the duration of the  
14 term and for any further period which is reasonably necessary  
15 for the adjudication of matters arising before its expiration.  
16 The issuance of a warrant of arrest for an alleged violation of  
17 the conditions of parole or mandatory supervised release shall  
18 toll the running of the term until the final determination of  
19 the charge. When parole or mandatory supervised release is not  
20 revoked that period shall be credited to the term, unless a  
21 community-based sanction is imposed as an alternative to  
22 revocation and reincarceration, including a diversion  
23 established by the Illinois Department of Corrections Parole  
24 Services Unit prior to the holding of a preliminary parole  
25 revocation hearing. Parolees who are diverted to a  
26 community-based sanction shall serve the entire term of parole

1 or mandatory supervised release, if otherwise appropriate.

2 (b-5) The Board shall revoke parole or mandatory supervised  
3 release for violation of the conditions prescribed in paragraph  
4 (7.6) of subsection (a) of Section 3-3-7.

5 (c) A person charged with violating a condition of parole  
6 or mandatory supervised release shall have a preliminary  
7 hearing before a hearing officer designated by the Board to  
8 determine if there is cause to hold the person for a revocation  
9 hearing. However, no preliminary hearing need be held when  
10 revocation is based upon new criminal charges and a court finds  
11 probable cause on the new criminal charges or when the  
12 revocation is based upon a new criminal conviction and a  
13 certified copy of that conviction is available.

14 (d) Parole or mandatory supervised release shall not be  
15 revoked without written notice to the offender setting forth  
16 the violation of parole or mandatory supervised release charged  
17 against him.

18 (e) A hearing on revocation shall be conducted before at  
19 least one member of the Prisoner Review Board. The Board may  
20 meet and order its actions in panels of 3 or more members. The  
21 action of a majority of the panel shall be the action of the  
22 Board. In consideration of persons committed to the Department  
23 of Juvenile Justice, the member hearing the matter and at least  
24 a majority of the panel shall be experienced in juvenile  
25 matters. A record of the hearing shall be made. At the hearing  
26 the offender shall be permitted to:

1 (1) appear and answer the charge; and

2 (2) bring witnesses on his behalf.

3 (f) The Board shall either revoke parole or mandatory  
4 supervised release or order the person's term continued with or  
5 without modification or enlargement of the conditions.

6 (g) Parole or mandatory supervised release shall not be  
7 revoked for failure to make payments under the conditions of  
8 parole or release unless the Board determines that such failure  
9 is due to the offender's willful refusal to pay.

10 (Source: P.A. 96-1271, eff. 1-1-11; 97-697, eff. 6-22-12;  
11 revised 8-3-12.)