



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2732

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

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. Provides that the Memorandum of Understanding (MOU) with U.S. Immigration and Customs Enforcement shall provide that a person may take part in the Rapid REPAT program only if a final order of deportation has been issued against the person, provided that prior to the issuance of the order: (A) the person has been advised of and given a full and fair opportunity to exercise his or her rights under federal immigration law to a hearing before an immigration judge to contest his or her removal from the United States, including but not limited to the right to seek and consult with legal counsel and to be represented by counsel at the hearing, to present evidence in support of any applicable defense to a removal proceeding or claim for relief from removal, and to seek review of an adverse decision by the judge; (B) the person has been informed of available legal referral services and of law firms and not-for-profit organizations that provide free or low-cost legal assistance; and (C) the information has been provided verbally and in writing in English and in the person's native language.

LRB098 08717 RLC 38841 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 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) (Blank).

23 (m) To make all rules and regulations and exercise all
24 powers and duties vested by law in the Department.

25 (n) To establish rules and regulations for
26 administering a system of sentence credits, established in

1 accordance with Section 3-6-3, subject to review by the
2 Prisoner Review Board.

3 (o) To administer the distribution of funds from the
4 State Treasury to reimburse counties where State penal
5 institutions are located for the payment of assistant
6 state's attorneys' salaries under Section 4-2001 of the
7 Counties Code.

8 (p) To exchange information with the Department of
9 Human Services and the Department of Healthcare and Family
10 Services for the purpose of verifying living arrangements
11 and for other purposes directly connected with the
12 administration of this Code and the Illinois Public Aid
13 Code.

14 (q) To establish a diversion program.

15 The program shall provide a structured environment for
16 selected technical parole or mandatory supervised release
17 violators and committed persons who have violated the rules
18 governing their conduct while in work release. This program
19 shall not apply to those persons who have committed a new
20 offense while serving on parole or mandatory supervised
21 release or while committed to work release.

22 Elements of the program shall include, but shall not be
23 limited to, the following:

24 (1) The staff of a diversion facility shall provide
25 supervision in accordance with required objectives set
26 by the facility.

1 (2) Participants shall be required to maintain
2 employment.

3 (3) Each participant shall pay for room and board
4 at the facility on a sliding-scale basis according to
5 the participant's income.

6 (4) Each participant shall:

7 (A) provide restitution to victims in
8 accordance with any court order;

9 (B) provide financial support to his
10 dependents; and

11 (C) make appropriate payments toward any other
12 court-ordered obligations.

13 (5) Each participant shall complete community
14 service in addition to employment.

15 (6) Participants shall take part in such
16 counseling, educational and other programs as the
17 Department may deem appropriate.

18 (7) Participants shall submit to drug and alcohol
19 screening.

20 (8) The Department shall promulgate rules
21 governing the administration of the program.

22 (r) To enter into intergovernmental cooperation
23 agreements under which persons in the custody of the
24 Department may participate in a county impact
25 incarceration program established under Section 3-6038 or
26 3-15003.5 of the Counties Code.

1 (r-5) (Blank).

2 (r-10) To systematically and routinely identify with
3 respect to each streetgang active within the correctional
4 system: (1) each active gang; (2) every existing inter-gang
5 affiliation or alliance; and (3) the current leaders in
6 each gang. The Department shall promptly segregate leaders
7 from inmates who belong to their gangs and allied gangs.
8 "Segregate" means no physical contact and, to the extent
9 possible under the conditions and space available at the
10 correctional facility, prohibition of visual and sound
11 communication. For the purposes of this paragraph (r-10),
12 "leaders" means persons who:

13 (i) are members of a criminal streetgang;

14 (ii) with respect to other individuals within the
15 streetgang, occupy a position of organizer,
16 supervisor, or other position of management or
17 leadership; and

18 (iii) are actively and personally engaged in
19 directing, ordering, authorizing, or requesting
20 commission of criminal acts by others, which are
21 punishable as a felony, in furtherance of streetgang
22 related activity both within and outside of the
23 Department of Corrections.

24 "Streetgang", "gang", and "streetgang related" have the
25 meanings ascribed to them in Section 10 of the Illinois
26 Streetgang Terrorism Omnibus Prevention Act.

1 (s) To operate a super-maximum security institution,
2 in order to manage and supervise inmates who are disruptive
3 or dangerous and provide for the safety and security of the
4 staff and the other inmates.

5 (t) To monitor any unprivileged conversation or any
6 unprivileged communication, whether in person or by mail,
7 telephone, or other means, between an inmate who, before
8 commitment to the Department, was a member of an organized
9 gang and any other person without the need to show cause or
10 satisfy any other requirement of law before beginning the
11 monitoring, except as constitutionally required. The
12 monitoring may be by video, voice, or other method of
13 recording or by any other means. As used in this
14 subdivision (1)(t), "organized gang" has the meaning
15 ascribed to it in Section 10 of the Illinois Streetgang
16 Terrorism Omnibus Prevention Act.

17 As used in this subdivision (1)(t), "unprivileged
18 conversation" or "unprivileged communication" means a
19 conversation or communication that is not protected by any
20 privilege recognized by law or by decision, rule, or order
21 of the Illinois Supreme Court.

22 (u) To establish a Women's and Children's Pre-release
23 Community Supervision Program for the purpose of providing
24 housing and services to eligible female inmates, as
25 determined by the Department, and their newborn and young
26 children.

1 (u-5) To issue an order, whenever a person committed to
2 the Department absconds or absents himself or herself,
3 without authority to do so, from any facility or program to
4 which he or she is assigned. The order shall be certified
5 by the Director, the Supervisor of the Apprehension Unit,
6 or any person duly designated by the Director, with the
7 seal of the Department affixed. The order shall be directed
8 to all sheriffs, coroners, and police officers, or to any
9 particular person named in the order. Any order issued
10 pursuant to this subdivision (1) (u-5) shall be sufficient
11 warrant for the officer or person named in the order to
12 arrest and deliver the committed person to the proper
13 correctional officials and shall be executed the same as
14 criminal process.

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

17 (2) The Department of Corrections shall by January 1, 1998,
18 consider building and operating a correctional facility within
19 100 miles of a county of over 2,000,000 inhabitants, especially
20 a facility designed to house juvenile participants in the
21 impact incarceration program.

22 (3) When the Department lets bids for contracts for medical
23 services to be provided to persons committed to Department
24 facilities by a health maintenance organization, medical
25 service corporation, or other health care provider, the bid may
26 only be let to a health care provider that has obtained an

1 irrevocable letter of credit or performance bond issued by a
2 company whose bonds have an investment grade or higher rating
3 by a bond rating organization.

4 (4) When the Department lets bids for contracts for food or
5 commissary services to be provided to Department facilities,
6 the bid may only be let to a food or commissary services
7 provider that has obtained an irrevocable letter of credit or
8 performance bond issued by a company whose bonds have an
9 investment grade or higher rating by a bond rating
10 organization.

11 (5) The Illinois Department of Corrections (IDOC) shall
12 enter into a Memorandum of Understanding (MOU) with U.S.
13 Immigration and Customs Enforcement (ICE), pursuant to Section
14 241(a) of the Immigration and Nationality Act, codified at 8
15 U.S.C. Section 1231(a), as amended by the Homeland Security Act
16 of 2002, Public Law No. 107-296 as codified at 8 U.S.C.
17 Sections 131-134 which authorizes the Secretary of the
18 Department of Homeland Security to enter into written
19 agreements with a state or any political subdivision of a state
20 to remove certain non-United States citizens in the custody of
21 that state. The purpose of the MOU is to set forth terms by
22 which ICE and IDOC will cooperate in a Rapid Removal of
23 Eligible Parolees Accepted for Transfer ("Rapid REPAT")
24 program, which allows for early conditional release for
25 deportation of the noncitizens to their home countries. The MOU
26 shall provide that a person may take part in this program only

1 if a final order of deportation has been issued against the
2 person, provided that prior to the issuance of the order:

3 (A) the person has been advised of and given a full and
4 fair opportunity to exercise his or her rights under
5 federal immigration law to a hearing before an immigration
6 judge to contest his or her removal from the United States,
7 including but not limited to the right to seek and consult
8 with legal counsel and to be represented by counsel at the
9 hearing, to present evidence in support of any applicable
10 defense to a removal proceeding or claim for relief from
11 removal, and to seek review of an adverse decision by the
12 judge;

13 (B) the person has been informed of available legal
14 referral services and of law firms and not-for-profit
15 organizations that provide free or low-cost legal
16 assistance; and

17 (C) the information described in subparagraphs (A) and
18 (B) has been provided verbally and in writing in English
19 and in the person's native language.

20 (Source: P.A. 96-1265, eff. 7-26-10; 97-697, eff. 6-22-12;
21 97-800, eff. 7-13-12; 97-802, eff. 7-13-12; revised 7-23-12.)

22 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

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

24 (a) The Parole and Pardon Board is abolished and the term
25 "Parole and Pardon Board" as used in any law of Illinois, shall

1 read "Prisoner Review Board." After the effective date of this
2 amendatory Act of 1977, the Prisoner Review Board shall provide
3 by rule for the orderly transition of all files, records, and
4 documents of the Parole and Pardon Board and for such other
5 steps as may be necessary to effect an orderly transition and
6 shall:

7 (1) hear by at least one member and through a panel of
8 at least 3 members decide, cases of prisoners who were
9 sentenced under the law in effect prior to the effective
10 date of this amendatory Act of 1977, and who are eligible
11 for parole;

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

1 (3) hear by at least one member and through a panel of
2 at least 3 members decide, the conditions of mandatory
3 supervised release and the time of discharge from mandatory
4 supervised release, impose sanctions for violations of
5 mandatory supervised release, and revoke mandatory
6 supervised release for those sentenced under the law in
7 effect after the effective date of this amendatory Act of
8 1977;

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

17 (4) hear by at least one member and through a panel of
18 at least 3 members, decide cases brought by the Department
19 of Corrections against a prisoner in the custody of the
20 Department for alleged violation of Department rules with
21 respect to sentence credits under Section 3-6-3 of this
22 Code in which the Department seeks to revoke sentence
23 credits, if the amount of time at issue exceeds 30 days or
24 when, during any 12 month period, the cumulative amount of
25 credit revoked exceeds 30 days except where the infraction
26 is committed or discovered within 60 days of scheduled

1 release. In such cases, the Department of Corrections may
2 revoke up to 30 days of sentence credit. The Board may
3 subsequently approve the revocation of additional sentence
4 credit, if the Department seeks to revoke sentence credit
5 in excess of thirty days. However, the Board shall not be
6 empowered to review the Department's decision with respect
7 to the loss of 30 days of sentence credit for any prisoner
8 or to increase any penalty beyond the length requested by
9 the Department;

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

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

19 (7) comply with the requirements of the Open Parole
20 Hearings Act;

21 (8) hear by at least one member and, through a panel of
22 at least 3 members, decide cases brought by the Department
23 of Corrections against a prisoner in the custody of the
24 Department for court dismissal of a frivolous lawsuit
25 pursuant to Section 3-6-3(d) of this Code in which the
26 Department seeks to revoke up to 180 days of sentence

1 credit, and if the prisoner has not accumulated 180 days of
2 sentence credit at the time of the dismissal, then all
3 sentence credit accumulated by the prisoner shall be
4 revoked;

5 (9) hear by at least 3 members, and, through a panel of
6 at least 3 members, decide whether to grant certificates of
7 relief from disabilities or certificates of good conduct as
8 provided in Article 5.5 of Chapter V; ~~and~~

9 (10) upon a petition by a person who has been convicted
10 of a Class 3 or Class 4 felony and who meets the
11 requirements of this paragraph, hear by at least 3 members
12 and, with the unanimous vote of a panel of 3 members, issue
13 a certificate of eligibility for sealing recommending that
14 the court order the sealing of all official records of the
15 arresting authority, the circuit court clerk, and the
16 Department of State Police concerning the arrest and
17 conviction for the Class 3 or 4 felony. A person may not
18 apply to the Board for a certificate of eligibility for
19 sealing:

20 (A) until 5 years have elapsed since the expiration
21 of his or her sentence;

22 (B) until 5 years have elapsed since any arrests or
23 detentions by a law enforcement officer for an alleged
24 violation of law, other than a petty offense, traffic
25 offense, conservation offense, or local ordinance
26 offense;

1 (C) if convicted of a violation of the Cannabis
2 Control Act, Illinois Controlled Substances Act, the
3 Methamphetamine Control and Community Protection Act,
4 the Methamphetamine Precursor Control Act, or the
5 Methamphetamine Precursor Tracking Act unless the
6 petitioner has completed a drug abuse program for the
7 offense on which sealing is sought and provides proof
8 that he or she has completed the program successfully;

9 (D) if convicted of:

10 (i) a sex offense described in Article 11 or
11 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
12 the Criminal Code of 1961 or the Criminal Code of
13 2012;

14 (ii) aggravated assault;

15 (iii) aggravated battery;

16 (iv) domestic battery;

17 (v) aggravated domestic battery;

18 (vi) violation of an order of protection;

19 (vii) an offense under the Criminal Code of
20 1961 or the Criminal Code of 2012 involving a
21 firearm;

22 (viii) driving while under the influence of
23 alcohol, other drug or drugs, intoxicating
24 compound or compounds or any combination thereof;

25 (ix) aggravated driving while under the
26 influence of alcohol, other drug or drugs,

1 intoxicating compound or compounds or any
2 combination thereof; or

3 (x) any crime defined as a crime of violence
4 under Section 2 of the Crime Victims Compensation
5 Act.

6 If a person has applied to the Board for a certificate of
7 eligibility for sealing and the Board denies the certificate,
8 the person must wait at least 4 years before filing again or
9 filing for pardon from the Governor unless the Chairman of the
10 Prisoner Review Board grants a waiver.

11 The decision to issue or refrain from issuing a certificate
12 of eligibility for sealing shall be at the Board's sole
13 discretion, and shall not give rise to any cause of action
14 against either the Board or its members.

15 The Board may only authorize the sealing of Class 3 and 4
16 felony convictions of the petitioner from one information or
17 indictment under this paragraph (10). A petitioner may only
18 receive one certificate of eligibility for sealing under this
19 provision for life; and -

20 (11) hear by at least one member and, through a panel
21 of at least 3 members, decide all requests for early
22 conditional release under the Rapid REPAT program
23 described in subsection (5) of Section 3-2-2 of this Code.

24 (a-5) The Prisoner Review Board, with the cooperation of
25 and in coordination with the Department of Corrections and the
26 Department of Central Management Services, shall implement a

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

13 (b) Upon recommendation of the Department the Board may
14 restore sentence credit previously revoked.

15 (c) The Board shall cooperate with the Department in
16 promoting an effective system of parole and mandatory
17 supervised release.

18 (d) The Board shall promulgate rules for the conduct of its
19 work, and the Chairman shall file a copy of such rules and any
20 amendments thereto with the Director and with the Secretary of
21 State.

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

25 (f) The Board or one who has allegedly violated the
26 conditions of his parole or mandatory supervised release may

1 require by subpoena the attendance and testimony of witnesses
2 and the production of documentary evidence relating to any
3 matter under investigation or hearing. The Chairman of the
4 Board may sign subpoenas which shall be served by any agent or
5 public official authorized by the Chairman of the Board, or by
6 any person lawfully authorized to serve a subpoena under the
7 laws of the State of Illinois. The attendance of witnesses, and
8 the production of documentary evidence, may be required from
9 any place in the State to a hearing location in the State
10 before the Chairman of the Board or his designated agent or
11 agents or any duly constituted Committee or Subcommittee of the
12 Board. Witnesses so summoned shall be paid the same fees and
13 mileage that are paid witnesses in the circuit courts of the
14 State, and witnesses whose depositions are taken and the
15 persons taking those depositions are each entitled to the same
16 fees as are paid for like services in actions in the circuit
17 courts of the State. Fees and mileage shall be vouchered for
18 payment when the witness is discharged from further attendance.

19 In case of disobedience to a subpoena, the Board may
20 petition any circuit court of the State for an order requiring
21 the attendance and testimony of witnesses or the production of
22 documentary evidence or both. A copy of such petition shall be
23 served by personal service or by registered or certified mail
24 upon the person who has failed to obey the subpoena, and such
25 person shall be advised in writing that a hearing upon the
26 petition will be requested in a court room to be designated in

1 such notice before the judge hearing motions or extraordinary
2 remedies at a specified time, on a specified date, not less
3 than 10 nor more than 15 days after the deposit of the copy of
4 the written notice and petition in the U.S. mails addressed to
5 the person at his last known address or after the personal
6 service of the copy of the notice and petition upon such
7 person. The court upon the filing of such a petition, may order
8 the person refusing to obey the subpoena to appear at an
9 investigation or hearing, or to there produce documentary
10 evidence, if so ordered, or to give evidence relative to the
11 subject matter of that investigation or hearing. Any failure to
12 obey such order of the circuit court may be punished by that
13 court as a contempt of court.

14 Each member of the Board and any hearing officer designated
15 by the Board shall have the power to administer oaths and to
16 take the testimony of persons under oath.

17 (g) Except under subsection (a) of this Section, a majority
18 of the members then appointed to the Prisoner Review Board
19 shall constitute a quorum for the transaction of all business
20 of the Board.

21 (h) The Prisoner Review Board shall annually transmit to
22 the Director a detailed report of its work for the preceding
23 calendar year. The annual report shall also be transmitted to
24 the Governor for submission to the Legislature.

25 (Source: P.A. 96-875, eff. 1-22-10; 97-697, eff. 6-22-12;
26 97-1120, eff. 1-1-13; 97-1150, eff. 1-25-13.)

1 (730 ILCS 5/3-3-3) (from Ch. 38, par. 1003-3-3)

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

3 (a) Except for those offenders who accept the fixed release
4 date established by the Prisoner Review Board under Section
5 3-3-2.1, every person serving a term of imprisonment under the
6 law in effect prior to the effective date of this amendatory
7 Act of 1977 shall be eligible for parole when he has served:

8 (1) the minimum term of an indeterminate sentence less
9 time credit for good behavior, or 20 years less time credit
10 for good behavior, whichever is less; or

11 (2) 20 years of a life sentence less time credit for
12 good behavior; or

13 (3) 20 years or one-third of a determinate sentence,
14 whichever is less, less time credit for good behavior.

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

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

25 (d) No person serving a term of natural life imprisonment

1 may be paroled or released except through executive clemency.

2 (e) Every person committed to the Department of Juvenile
3 Justice under Section 5-10 of the Juvenile Court Act or Section
4 5-750 of the Juvenile Court Act of 1987 or Section 5-8-6 of
5 this Code and confined in the State correctional institutions
6 or facilities if such juvenile has not been tried as an adult
7 shall be eligible for parole without regard to the length of
8 time the person has been confined or whether the person has
9 served any minimum term imposed. However, if a juvenile has
10 been tried as an adult he shall only be eligible for parole or
11 mandatory supervised release as an adult under this Section.

12 (f) Notwithstanding any other provision of law, any person
13 in the custody of IDOC who is not a citizen of the United
14 States who meets the following criteria may be released by the
15 Prisoner Review Board to the custody of the United States
16 Department of Homeland Security, Immigration and Customs
17 Enforcement under the Rapid REPAT program described in
18 subsection (5) of Section 3-2-2 of this Code:

19 (1) the person has requested the release voluntarily,
20 but only after:

21 (A) IDOC has identified the person as potentially
22 eligible for the Rapid REPAT program based on the
23 person having fulfilled the requirements in paragraphs
24 (2), (3), and (4) of this subsection (f);

25 (B) subsequent to the identification described in
26 subparagraph (A) of this paragraph (1), IDOC has fully

1 informed the person, both verbally and in writing in
2 English and in the person's native language, about the
3 Rapid REPAT program, including the program
4 requirements for transfer to Immigration and Customs
5 Enforcement and removal from the United States and the
6 consequences of returning to the United States
7 illegally subsequent to removal; and

8 (C) IDOC has provided the person with a written
9 list of names and phone numbers of legal resources with
10 which the person may seek legal consultation,
11 including legal referral services, law firms, and
12 not-for-profit organizations that provide free or
13 low-cost legal assistance;

14 (2) a final order of deportation has been issued
15 against the person, provided that prior to the issuance of
16 the order, the person has been provided the information
17 described in the last sentence of subsection (5) of Section
18 3-2-2 of this Code, and provided further that Immigration
19 and Customs Enforcement has notified IDOC that the person
20 has exhausted or voluntarily waived in writing any further
21 rights to seek review of the order;

22 (3) the person has less than one year remaining on his
23 or her sentence of incarceration with the Department of
24 Corrections; and

25 (4) the person is not serving a sentence for a forcible
26 felony, as defined in the Criminal Code of 2012; for any

1 offense "directed against the person", as identified in
2 Part B of Title III of the Criminal Code of 2012; for any
3 offense "affecting governmental functions", as identified
4 in Part E of Title III of the Criminal Code of 2012; for
5 any "aggravated" offense, as identified in Part F of Title
6 III of the Criminal Code of 2012; or for an offense falling
7 into a Class of felony other than Class 3 or 4, as set out
8 in the Criminal Code of 2012 and the Unified Code of
9 Corrections.

10 The Board may condition the early conditional release of a
11 person under this paragraph on receipt of assurance from
12 Immigration and Customs Enforcement that the order of
13 deportation will be executed promptly and that a person
14 released hereunder will not be released from the custody of
15 Immigration and Customs Enforcement, unless the release is a
16 result of deportation, without notice to the Board and an
17 opportunity for issuance of a parole violation warrant for the
18 retaking of the person.

19 If a person released under this subsection returns
20 illegally to the United States, on notification from any
21 federal, state, or local law enforcement authority that the
22 person is in custody, the Board shall revoke his or her early
23 conditional release. Thereafter, the person shall not be
24 eligible for release without first having served the full
25 remainder of his or her term of incarceration. In that event,
26 though, the time spent in the custody of Immigration and

1 Customs Enforcement shall be credited against the remainder of
2 the term of incarceration.

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

4 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

5 Sec. 3-3-8. Length of parole and mandatory supervised
6 release; discharge.)

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

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

22 (b-1) Provided that the subject is in compliance with the
23 terms and conditions of his or her parole or mandatory
24 supervised release, the Prisoner Review Board may reduce the
25 period of a parolee or releasee's parole or mandatory

1 supervised release by 90 days upon the parolee or releasee
2 receiving a high school diploma or upon passage of the high
3 school level Test of General Educational Development during the
4 period of his or her parole or mandatory supervised release.
5 This reduction in the period of a subject's term of parole or
6 mandatory supervised release shall be available only to
7 subjects who have not previously earned a high school diploma
8 or who have not previously passed the high school level Test of
9 General Educational Development.

10 (b-2) The Prisoner Review Board may enter an order granting
11 early conditional release under the Rapid REPAT program
12 described in subsection (5) of Section 3-2-2 of this Code in
13 accordance with subsection (f) of Section 3-3-3 of this Code.

14 (c) The order of discharge shall become effective upon
15 entry of the order of the Board. The Board shall notify the
16 clerk of the committing court of the order. Upon receipt of
17 such copy, the clerk shall make an entry on the record judgment
18 that the sentence or commitment has been satisfied pursuant to
19 the order.

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

23 (Source: P.A. 97-531, eff. 1-1-12.)