



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3668

by Rep. Arthur Turner

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-2	from Ch. 38, par. 1003-3-2
730 ILCS 5/5-8-1	from Ch. 38, par. 1005-8-1
730 ILCS 5/5-8-1.4 new	

Amends the Unified Code of Corrections. Provides that a committed person who is at least 50 years of age and who has served at least 25 consecutive years of imprisonment in a Department of Corrections institution or facility may petition the Prisoner Review Board for participation in the Elderly Rehabilitated Prisoner Sentence Modification Program. Provides that if the committed person files the petition, the victims and the families of the victims of the committed person's offenses shall be notified in a timely manner after the filing of the petition. Provides that the Board shall consider the petition in its entirety and shall not order the release of the committed person if it finds that the committed person poses a threat to public safety. Provides that if the Board determines that a committed person is eligible for participation in the Program and that the committed person should participate in the Program, the Board shall set the conditions for the committed person's release from prison before the expiration of his or her sentence. Provides that when granting participation in the Program, the Board may require the committed person, for a period of time upon release, to participate in community service or to wear an electronic monitoring device, or both.

LRB098 13499 RLC 48022 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 3-3-2 and 5-8-1 and by adding Section 5-8-1.4
6 as follows:

7 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

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

9 (a) The Parole and Pardon Board is abolished and the term
10 "Parole and Pardon Board" as used in any law of Illinois, shall
11 read "Prisoner Review Board." After the effective date of this
12 amendatory Act of 1977, the Prisoner Review Board shall provide
13 by rule for the orderly transition of all files, records, and
14 documents of the Parole and Pardon Board and for such other
15 steps as may be necessary to effect an orderly transition and
16 shall:

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

22 (2) hear by at least one member and through a panel of
23 at least 3 members decide, the conditions of parole and the

1 time of discharge from parole, impose sanctions for
2 violations of parole, and revoke parole for those sentenced
3 under the law in effect prior to this amendatory Act of
4 1977; provided that the decision to parole and the
5 conditions of parole for all prisoners who were sentenced
6 for first degree murder or who received a minimum sentence
7 of 20 years or more under the law in effect prior to
8 February 1, 1978 shall be determined by a majority vote of
9 the Prisoner Review Board. One representative supporting
10 parole and one representative opposing parole will be
11 allowed to speak. Their comments shall be limited to making
12 corrections and filling in omissions to the Board's
13 presentation and discussion;

14 (3) hear by at least one member and through a panel of
15 at least 3 members decide, the conditions of mandatory
16 supervised release and the time of discharge from mandatory
17 supervised release, impose sanctions for violations of
18 mandatory supervised release, and revoke mandatory
19 supervised release for those sentenced under the law in
20 effect after the effective date of this amendatory Act of
21 1977;

22 (3.5) hear by at least one member and through a panel
23 of at least 3 members decide, the conditions of mandatory
24 supervised release and the time of discharge from mandatory
25 supervised release, to impose sanctions for violations of
26 mandatory supervised release and revoke mandatory

1 supervised release for those serving extended supervised
2 release terms pursuant to paragraph (4) of subsection (d)
3 of Section 5-8-1;

4 (3.6) hear by at least one member and through a panel
5 of at least 3 members decide, the time of aftercare
6 release, the conditions of aftercare release and the time
7 of discharge from aftercare release, impose sanctions for
8 violations of aftercare release, and revoke aftercare
9 release for those adjudicated delinquent under the
10 Juvenile Court Act of 1987;

11 (4) hear by at least one member and through a panel of
12 at least 3 members, decide cases brought by the Department
13 of Corrections against a prisoner in the custody of the
14 Department for alleged violation of Department rules with
15 respect to sentence credits under Section 3-6-3 of this
16 Code in which the Department seeks to revoke sentence
17 credits, if the amount of time at issue exceeds 30 days or
18 when, during any 12 month period, the cumulative amount of
19 credit revoked exceeds 30 days except where the infraction
20 is committed or discovered within 60 days of scheduled
21 release. In such cases, the Department of Corrections may
22 revoke up to 30 days of sentence credit. The Board may
23 subsequently approve the revocation of additional sentence
24 credit, if the Department seeks to revoke sentence credit
25 in excess of thirty days. However, the Board shall not be
26 empowered to review the Department's decision with respect

1 to the loss of 30 days of sentence credit for any prisoner
2 or to increase any penalty beyond the length requested by
3 the Department;

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

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

13 (7) comply with the requirements of the Open Parole
14 Hearings Act;

15 (8) hear by at least one member and, through a panel of
16 at least 3 members, decide cases brought by the Department
17 of Corrections against a prisoner in the custody of the
18 Department for court dismissal of a frivolous lawsuit
19 pursuant to Section 3-6-3(d) of this Code in which the
20 Department seeks to revoke up to 180 days of sentence
21 credit, and if the prisoner has not accumulated 180 days of
22 sentence credit at the time of the dismissal, then all
23 sentence credit accumulated by the prisoner shall be
24 revoked;

25 (9) hear by at least 3 members, and, through a panel of
26 at least 3 members, decide whether to grant certificates of

1 relief from disabilities or certificates of good conduct as
2 provided in Article 5.5 of Chapter V;

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

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

16 (B) until 5 years have elapsed since any arrests or
17 detentions by a law enforcement officer for an alleged
18 violation of law, other than a petty offense, traffic
19 offense, conservation offense, or local ordinance
20 offense;

21 (C) if convicted of a violation of the Cannabis
22 Control Act, Illinois Controlled Substances Act, the
23 Methamphetamine Control and Community Protection Act,
24 the Methamphetamine Precursor Control Act, or the
25 Methamphetamine Precursor Tracking Act unless the
26 petitioner has completed a drug abuse program for the

1 offense on which sealing is sought and provides proof
2 that he or she has completed the program successfully;

3 (D) if convicted of:

4 (i) a sex offense described in Article 11 or
5 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
6 the Criminal Code of 1961 or the Criminal Code of
7 2012;

8 (ii) aggravated assault;

9 (iii) aggravated battery;

10 (iv) domestic battery;

11 (v) aggravated domestic battery;

12 (vi) violation of an order of protection;

13 (vii) an offense under the Criminal Code of
14 1961 or the Criminal Code of 2012 involving a
15 firearm;

16 (viii) driving while under the influence of
17 alcohol, other drug or drugs, intoxicating
18 compound or compounds or any combination thereof;

19 (ix) aggravated driving while under the
20 influence of alcohol, other drug or drugs,
21 intoxicating compound or compounds or any
22 combination thereof; or

23 (x) any crime defined as a crime of violence
24 under Section 2 of the Crime Victims Compensation
25 Act.

26 If a person has applied to the Board for a certificate

1 of eligibility for sealing and the Board denies the
2 certificate, the person must wait at least 4 years before
3 filing again or filing for pardon from the Governor unless
4 the Chairman of the Prisoner Review Board grants a waiver.

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

9 The Board may only authorize the sealing of Class 3 and
10 4 felony convictions of the petitioner from one information
11 or indictment under this paragraph (10). A petitioner may
12 only receive one certificate of eligibility for sealing
13 under this provision for life; and

14 (11) upon a petition by a person who after having been
15 convicted of a Class 3 or Class 4 felony thereafter served
16 in the United States Armed Forces or National Guard of this
17 or any other state and had received an honorable discharge
18 from the United States Armed Forces or National Guard or
19 who at the time of filing the petition is enlisted in the
20 United States Armed Forces or National Guard of this or any
21 other state and served one tour of duty and who meets the
22 requirements of this paragraph, hear by at least 3 members
23 and, with the unanimous vote of a panel of 3 members, issue
24 a certificate of eligibility for expungement recommending
25 that the court order the expungement of all official
26 records of the arresting authority, the circuit court

1 clerk, and the Department of State Police concerning the
2 arrest and conviction for the Class 3 or 4 felony. A person
3 may not apply to the Board for a certificate of eligibility
4 for expungement:

5 (A) if convicted of:

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

9 (ii) an offense under the Criminal Code of 1961
10 or Criminal Code of 2012 involving a firearm; or

11 (iii) a crime of violence as defined in Section
12 2 of the Crime Victims Compensation Act; or

13 (B) if the person has not served in the United
14 States Armed Forces or National Guard of this or any
15 other state or has not received an honorable discharge
16 from the United States Armed Forces or National Guard
17 of this or any other state or who at the time of the
18 filing of the petition is serving in the United States
19 Armed Forces or National Guard of this or any other
20 state and has not completed one tour of duty.

21 If a person has applied to the Board for a certificate
22 of eligibility for expungement and the Board denies the
23 certificate, the person must wait at least 4 years before
24 filing again or filing for a pardon with authorization for
25 expungement from the Governor unless the Governor or
26 Chairman of the Prisoner Review Board grants a waiver.

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

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

18 (c) The Board shall cooperate with the Department in
19 promoting an effective system of parole, aftercare release, and
20 mandatory supervised release.

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

25 (e) The Board shall keep records of all of its official
26 actions and shall make them accessible in accordance with law

1 and the rules of the Board.

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

23 In case of disobedience to a subpoena, the Board may
24 petition any circuit court of the State for an order requiring
25 the attendance and testimony of witnesses or the production of
26 documentary evidence or both. A copy of such petition shall be

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

18 Each member of the Board and any hearing officer designated
19 by the Board shall have the power to administer oaths and to
20 take the testimony of persons under oath.

21 (g) Except under subsection (a) of this Section, a majority
22 of the members then appointed to the Prisoner Review Board
23 shall constitute a quorum for the transaction of all business
24 of the Board.

25 (h) The Prisoner Review Board shall annually transmit to
26 the Director a detailed report of its work for the preceding

1 calendar year. The annual report shall also be transmitted to
2 the Governor for submission to the Legislature.

3 (i) The Prisoner Review Board may grant participation in
4 the Elderly Rehabilitated Prisoner Sentence Modification
5 Program in accordance with Section 5-8-1.4.

6 (Source: P.A. 97-697, eff. 6-22-12; 97-1120, eff. 1-1-13;
7 97-1150, eff. 1-25-13; 98-399, eff. 8-16-13; 98-558, eff.
8 1-1-14; revised 8-28-13.)

9 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

10 Sec. 5-8-1. Natural life imprisonment; enhancements for
11 use of a firearm; mandatory supervised release terms.

12 (a) Except as otherwise provided in the statute defining
13 the offense or in Article 4.5 of Chapter V and except as
14 otherwise provided in Section 5-8-1.4, a sentence of
15 imprisonment for a felony shall be a determinate sentence set
16 by the court under this Section, according to the following
17 limitations:

18 (1) for first degree murder,

19 (a) (blank),

20 (b) if a trier of fact finds beyond a reasonable
21 doubt that the murder was accompanied by exceptionally
22 brutal or heinous behavior indicative of wanton
23 cruelty or, except as set forth in subsection (a)(1)(c)
24 of this Section, that any of the aggravating factors
25 listed in subsection (b) or (b-5) of Section 9-1 of the

1 Criminal Code of 1961 or the Criminal Code of 2012 are
2 present, the court may sentence the defendant to a term
3 of natural life imprisonment, or

4 (c) the court shall sentence the defendant to a
5 term of natural life imprisonment when the death
6 penalty is not imposed if the defendant,

7 (i) has previously been convicted of first
8 degree murder under any state or federal law, or

9 (ii) is a person who, at the time of the
10 commission of the murder, had attained the age of
11 17 or more and is found guilty of murdering an
12 individual under 12 years of age; or, irrespective
13 of the defendant's age at the time of the
14 commission of the offense, is found guilty of
15 murdering more than one victim, or

16 (iii) is found guilty of murdering a peace
17 officer, fireman, or emergency management worker
18 when the peace officer, fireman, or emergency
19 management worker was killed in the course of
20 performing his official duties, or to prevent the
21 peace officer or fireman from performing his
22 official duties, or in retaliation for the peace
23 officer, fireman, or emergency management worker
24 from performing his official duties, and the
25 defendant knew or should have known that the
26 murdered individual was a peace officer, fireman,

1 or emergency management worker, or

2 (iv) is found guilty of murdering an employee
3 of an institution or facility of the Department of
4 Corrections, or any similar local correctional
5 agency, when the employee was killed in the course
6 of performing his official duties, or to prevent
7 the employee from performing his official duties,
8 or in retaliation for the employee performing his
9 official duties, or

10 (v) is found guilty of murdering an emergency
11 medical technician - ambulance, emergency medical
12 technician - intermediate, emergency medical
13 technician - paramedic, ambulance driver or other
14 medical assistance or first aid person while
15 employed by a municipality or other governmental
16 unit when the person was killed in the course of
17 performing official duties or to prevent the
18 person from performing official duties or in
19 retaliation for performing official duties and the
20 defendant knew or should have known that the
21 murdered individual was an emergency medical
22 technician - ambulance, emergency medical
23 technician - intermediate, emergency medical
24 technician - paramedic, ambulance driver, or other
25 medical assistant or first aid personnel, or

26 (vi) is a person who, at the time of the

1 commission of the murder, had not attained the age
2 of 17, and is found guilty of murdering a person
3 under 12 years of age and the murder is committed
4 during the course of aggravated criminal sexual
5 assault, criminal sexual assault, or aggravated
6 kidnaping, or

7 (vii) is found guilty of first degree murder
8 and the murder was committed by reason of any
9 person's activity as a community policing
10 volunteer or to prevent any person from engaging in
11 activity as a community policing volunteer. For
12 the purpose of this Section, "community policing
13 volunteer" has the meaning ascribed to it in
14 Section 2-3.5 of the Criminal Code of 2012.

15 For purposes of clause (v), "emergency medical
16 technician - ambulance", "emergency medical technician
17 - intermediate", "emergency medical technician -
18 paramedic", have the meanings ascribed to them in the
19 Emergency Medical Services (EMS) Systems Act.

20 (d) (i) if the person committed the offense while
21 armed with a firearm, 15 years shall be added to
22 the term of imprisonment imposed by the court;

23 (ii) if, during the commission of the offense,
24 the person personally discharged a firearm, 20
25 years shall be added to the term of imprisonment
26 imposed by the court;

1 (iii) if, during the commission of the
2 offense, the person personally discharged a
3 firearm that proximately caused great bodily harm,
4 permanent disability, permanent disfigurement, or
5 death to another person, 25 years or up to a term
6 of natural life shall be added to the term of
7 imprisonment imposed by the court.

8 (2) (blank);

9 (2.5) for a person convicted under the circumstances
10 described in subdivision (b)(1)(B) of Section 11-1.20 or
11 paragraph (3) of subsection (b) of Section 12-13,
12 subdivision (d)(2) of Section 11-1.30 or paragraph (2) of
13 subsection (d) of Section 12-14, subdivision (b)(1.2) of
14 Section 11-1.40 or paragraph (1.2) of subsection (b) of
15 Section 12-14.1, subdivision (b)(2) of Section 11-1.40 or
16 paragraph (2) of subsection (b) of Section 12-14.1 of the
17 Criminal Code of 1961 or the Criminal Code of 2012, the
18 sentence shall be a term of natural life imprisonment.

19 (b) (Blank).

20 (c) (Blank).

21 (d) Subject to earlier termination under Section 3-3-8, the
22 parole or mandatory supervised release term shall be written as
23 part of the sentencing order and shall be as follows:

24 (1) for first degree murder or a Class X felony except
25 for the offenses of predatory criminal sexual assault of a
26 child, aggravated criminal sexual assault, and criminal

1 sexual assault if committed on or after the effective date
2 of this amendatory Act of the 94th General Assembly and
3 except for the offense of aggravated child pornography
4 under Section 11-20.1B, 11-20.3, or 11-20.1 with
5 sentencing under subsection (c-5) of Section 11-20.1 of the
6 Criminal Code of 1961 or the Criminal Code of 2012, if
7 committed on or after January 1, 2009, 3 years;

8 (2) for a Class 1 felony or a Class 2 felony except for
9 the offense of criminal sexual assault if committed on or
10 after the effective date of this amendatory Act of the 94th
11 General Assembly and except for the offenses of manufacture
12 and dissemination of child pornography under clauses
13 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code
14 of 1961 or the Criminal Code of 2012, if committed on or
15 after January 1, 2009, 2 years;

16 (3) for a Class 3 felony or a Class 4 felony, 1 year;

17 (4) for defendants who commit the offense of predatory
18 criminal sexual assault of a child, aggravated criminal
19 sexual assault, or criminal sexual assault, on or after the
20 effective date of this amendatory Act of the 94th General
21 Assembly, or who commit the offense of aggravated child
22 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
23 with sentencing under subsection (c-5) of Section 11-20.1
24 of the Criminal Code of 1961 or the Criminal Code of 2012,
25 manufacture of child pornography, or dissemination of
26 child pornography after January 1, 2009, the term of

1 mandatory supervised release shall range from a minimum of
2 3 years to a maximum of the natural life of the defendant;

3 (5) if the victim is under 18 years of age, for a
4 second or subsequent offense of aggravated criminal sexual
5 abuse or felony criminal sexual abuse, 4 years, at least
6 the first 2 years of which the defendant shall serve in an
7 electronic home detention program under Article 8A of
8 Chapter V of this Code;

9 (6) for a felony domestic battery, aggravated domestic
10 battery, stalking, aggravated stalking, and a felony
11 violation of an order of protection, 4 years.

12 (e) (Blank).

13 (f) (Blank).

14 (Source: P.A. 96-282, eff. 1-1-10; 96-1000, eff. 7-2-10;
15 96-1200, eff. 7-22-10; 96-1475, eff. 1-1-11; 96-1551, eff.
16 7-1-11; 97-333, eff. 8-12-11; 97-531, eff. 1-1-12; 97-1109,
17 eff. 1-1-13; 97-1150, eff. 1-25-13.)

18 (730 ILCS 5/5-8-1.4 new)

19 Sec. 5-8-1.4. Elderly Rehabilitated Prisoner Sentence
20 Modification Program.

21 (a) A committed person as defined in subsection (c) of
22 Section 3-1-2 of this Code who is at least 50 years of age and
23 who has served at least 25 consecutive years of imprisonment in
24 a Department of Corrections institution or facility may
25 petition the Prisoner Review Board ("Board") for participation

1 in the Elderly Rehabilitated Prisoner Sentence Modification
2 Program ("Program") as provided in this Section. If the
3 committed person files the petition, the victims and the
4 families of the victims of the committed person's offenses
5 shall be notified in a timely manner after the filing of the
6 petition.

7 (b) The petition shall contain:

8 (1) a statement by the committed person explaining why
9 he or she is entitled to participate in the Program;

10 (2) documentation of the committed person's relevant
11 medical history, including current medical prognosis;

12 (3) the committed person's prison and criminal
13 history. The criminal history shall include any claims of
14 innocence and the degree of the committed person's
15 responsibility for his or her convictions and if the claims
16 of responsibility have impacted the committed person's
17 feeling of remorse;

18 (4) documentation of the committed person's
19 participation in prison programs and jobs; and

20 (5) the committed person's plans for reentry,
21 including information about where the person will live, how
22 the person will be supported financially, and any plans for
23 the person's ongoing medical care if the care is necessary.

24 (c) The Board shall render its decision about the committed
25 person's petition within a reasonable time after the petition
26 has been filed. In deciding whether to grant or deny the

1 petitioner participation in the Program, the Board shall
2 consider whether the petitioner documents and demonstrates the
3 following:

4 (1) successful participation in programs designed to
5 restore the committed person to a useful and productive
6 life upon release (including educational programs and
7 programs designed to deal with substance abuse or other
8 issues) and, if those programs are not available,
9 information demonstrating that the committed person has
10 attempted to participate in those programs or has engaged
11 in self-education programs, correspondence courses, or
12 other self-improvement efforts;

13 (2) the genuine reform and changed behavior the
14 committed person has demonstrated over a period of years;

15 (3) the committed person's remorse for actions that
16 have caused pain and suffering to victims of his or her
17 offenses;

18 (4) the committed person's ability to socialize with
19 others in an acceptable manner;

20 (5) the committed person's renunciation of criminal
21 activity and gang affiliation if the committed person was a
22 member of a gang; and

23 (6) an appropriate plan for living arrangements,
24 financial support, and any medical care that will be needed
25 when the committed person returns to society.

26 (d) The Board shall consider the petition in its entirety

1 and shall not order the release of the committed person if it
2 finds that the committed person poses a threat to public
3 safety. If the Board determines that a committed person is
4 eligible for participation in the Program and that the
5 committed person should participate in the Program, the Board
6 shall set the conditions for the committed person's release
7 from prison before the expiration of his or her sentence. When
8 granting participation in the Program, the Board may require
9 the committed person, for a period of time upon release, to
10 participate in community service or to wear an electronic
11 monitoring device, or both.

12 (e) A petition for participation in the Program under the
13 provisions of this Section may be submitted annually, except
14 that if the Board denies a petition, it may order that the
15 committed person may not file a new petition for up to 3 years
16 from the date of denial, if the Board finds that it is not
17 reasonable to expect that it would grant a petition filed
18 earlier.

19 (f) The action of a majority of the Board members voting on
20 the petition shall be the action of the Board.