

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, 3-3-3, and 5-8-1 and by adding
6 Sections 5-8-1.4 and 5-8-1.5 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 Sentence Modification Program in accordance with Section
5 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 5/3-3-3) (from Ch. 38, par. 1003-3-3)

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

11 (a) (Blank). ~~Except for those offenders who accept the~~
12 ~~fixed release date established by the Prisoner Review Board~~
13 ~~under Section 3-3-2.1, every person serving a term of~~
14 ~~imprisonment under the law in effect prior to the effective~~
15 ~~date of this amendatory Act of 1977 shall be eligible for~~
16 ~~parole when he or she has served:~~

17 ~~(1) the minimum term of an indeterminate sentence less~~
18 ~~time credit for good behavior, or 20 years less time credit~~
19 ~~for good behavior, whichever is less; or~~

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

22 ~~(3) 20 years or one third of a determinate sentence,~~
23 ~~whichever is less, less time credit for good behavior.~~

24 (b) No person sentenced under this amendatory Act of 1977
25 or who accepts a release date under Section 3-3-2.1 shall be

1 eligible for parole.

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

9 (d) No person serving a term of natural life imprisonment
10 may be paroled or released except through executive clemency.

11 (e) Every person committed to the Department of Juvenile
12 Justice under Section 5-10 of the Juvenile Court Act or Section
13 5-750 of the Juvenile Court Act of 1987 or Section 5-8-6 of
14 this Code and confined in the State correctional institutions
15 or facilities if such juvenile has not been tried as an adult
16 shall be eligible for aftercare release without regard to the
17 length of time the person has been confined or whether the
18 person has served any minimum term imposed. However, if a
19 juvenile has been tried as an adult he or she shall only be
20 eligible for parole or mandatory supervised release as an adult
21 under this Section.

22 (Source: P.A. 98-558, eff. 1-1-14.)

23 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

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

1 (a) Except as otherwise provided in the statute defining
2 the offense or in Article 4.5 of Chapter V and except as
3 otherwise provided in Sections 5-8-1.4 and 5-8-1.5, a sentence
4 of imprisonment for a felony shall be a determinate sentence
5 set by the court under this Section, according to the following
6 limitations:

7 (1) for first degree murder,

8 (a) (blank),

9 (b) if a trier of fact finds beyond a reasonable
10 doubt that the murder was accompanied by exceptionally
11 brutal or heinous behavior indicative of wanton
12 cruelty or, except as set forth in subsection (a) (1) (c)
13 of this Section, that any of the aggravating factors
14 listed in subsection (b) or (b-5) of Section 9-1 of the
15 Criminal Code of 1961 or the Criminal Code of 2012 are
16 present, the court may sentence the defendant to a term
17 of natural life imprisonment, or

18 (c) the court shall sentence the defendant to a
19 term of natural life imprisonment when the death
20 penalty is not imposed if the defendant,

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

23 (ii) is a person who, at the time of the
24 commission of the murder, had attained the age of
25 17 or more and is found guilty of murdering an
26 individual under 12 years of age; or, irrespective

1 of the defendant's age at the time of the
2 commission of the offense, is found guilty of
3 murdering more than one victim, or

4 (iii) is found guilty of murdering a peace
5 officer, fireman, or emergency management worker
6 when the peace officer, fireman, or emergency
7 management worker was killed in the course of
8 performing his official duties, or to prevent the
9 peace officer or fireman from performing his
10 official duties, or in retaliation for the peace
11 officer, fireman, or emergency management worker
12 from performing his official duties, and the
13 defendant knew or should have known that the
14 murdered individual was a peace officer, fireman,
15 or emergency management worker, or

16 (iv) is found guilty of murdering an employee
17 of an institution or facility of the Department of
18 Corrections, or any similar local correctional
19 agency, when the employee was killed in the course
20 of performing his official duties, or to prevent
21 the employee from performing his official duties,
22 or in retaliation for the employee performing his
23 official duties, or

24 (v) is found guilty of murdering an emergency
25 medical technician - ambulance, emergency medical
26 technician - intermediate, emergency medical

1 technician - paramedic, ambulance driver or other
2 medical assistance or first aid person while
3 employed by a municipality or other governmental
4 unit when the person was killed in the course of
5 performing official duties or to prevent the
6 person from performing official duties or in
7 retaliation for performing official duties and the
8 defendant knew or should have known that the
9 murdered individual was an emergency medical
10 technician - ambulance, emergency medical
11 technician - intermediate, emergency medical
12 technician - paramedic, ambulance driver, or other
13 medical assistant or first aid personnel, or

14 (vi) is a person who, at the time of the
15 commission of the murder, had not attained the age
16 of 17, and is found guilty of murdering a person
17 under 12 years of age and the murder is committed
18 during the course of aggravated criminal sexual
19 assault, criminal sexual assault, or aggravated
20 kidnaping, or

21 (vii) is found guilty of first degree murder
22 and the murder was committed by reason of any
23 person's activity as a community policing
24 volunteer or to prevent any person from engaging in
25 activity as a community policing volunteer. For
26 the purpose of this Section, "community policing

1 volunteer" has the meaning ascribed to it in
2 Section 2-3.5 of the Criminal Code of 2012.

3 For purposes of clause (v), "emergency medical
4 technician - ambulance", "emergency medical technician
5 - intermediate", "emergency medical technician -
6 paramedic", have the meanings ascribed to them in the
7 Emergency Medical Services (EMS) Systems Act.

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

11 (ii) if, during the commission of the offense,
12 the person personally discharged a firearm, 20
13 years shall be added to the term of imprisonment
14 imposed by the court;

15 (iii) if, during the commission of the
16 offense, the person personally discharged a
17 firearm that proximately caused great bodily harm,
18 permanent disability, permanent disfigurement, or
19 death to another person, 25 years or up to a term
20 of natural life shall be added to the term of
21 imprisonment imposed by the court.

22 (2) (blank);

23 (2.5) for a person convicted under the circumstances
24 described in subdivision (b) (1) (B) of Section 11-1.20 or
25 paragraph (3) of subsection (b) of Section 12-13,
26 subdivision (d) (2) of Section 11-1.30 or paragraph (2) of

1 subsection (d) of Section 12-14, subdivision (b)(1.2) of
2 Section 11-1.40 or paragraph (1.2) of subsection (b) of
3 Section 12-14.1, subdivision (b)(2) of Section 11-1.40 or
4 paragraph (2) of subsection (b) of Section 12-14.1 of the
5 Criminal Code of 1961 or the Criminal Code of 2012, the
6 sentence shall be a term of natural life imprisonment.

7 (b) (Blank).

8 (c) (Blank).

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

12 (1) for first degree murder or a Class X felony except
13 for the offenses of predatory criminal sexual assault of a
14 child, aggravated criminal sexual assault, and criminal
15 sexual assault if committed on or after the effective date
16 of this amendatory Act of the 94th General Assembly and
17 except for the offense of aggravated child pornography
18 under Section 11-20.1B, 11-20.3, or 11-20.1 with
19 sentencing under subsection (c-5) of Section 11-20.1 of the
20 Criminal Code of 1961 or the Criminal Code of 2012, if
21 committed on or after January 1, 2009, 3 years;

22 (2) for a Class 1 felony or a Class 2 felony except for
23 the offense of criminal sexual assault if committed on or
24 after the effective date of this amendatory Act of the 94th
25 General Assembly and except for the offenses of manufacture
26 and dissemination of child pornography under clauses

1 (a) (1) and (a) (2) of Section 11-20.1 of the Criminal Code
2 of 1961 or the Criminal Code of 2012, if committed on or
3 after January 1, 2009, 2 years;

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

5 (4) for defendants who commit the offense of predatory
6 criminal sexual assault of a child, aggravated criminal
7 sexual assault, or criminal sexual assault, on or after the
8 effective date of this amendatory Act of the 94th General
9 Assembly, or who commit the offense of aggravated child
10 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
11 with sentencing under subsection (c-5) of Section 11-20.1
12 of the Criminal Code of 1961 or the Criminal Code of 2012,
13 manufacture of child pornography, or dissemination of
14 child pornography after January 1, 2009, the term of
15 mandatory supervised release shall range from a minimum of
16 3 years to a maximum of the natural life of the defendant;

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

23 (6) for a felony domestic battery, aggravated domestic
24 battery, stalking, aggravated stalking, and a felony
25 violation of an order of protection, 4 years.

26 (e) (Blank).

1 (f) (Blank).

2 (Source: P.A. 96-282, eff. 1-1-10; 96-1000, eff. 7-2-10;
3 96-1200, eff. 7-22-10; 96-1475, eff. 1-1-11; 96-1551, eff.
4 7-1-11; 97-333, eff. 8-12-11; 97-531, eff. 1-1-12; 97-1109,
5 eff. 1-1-13; 97-1150, eff. 1-25-13.)

6 (730 ILCS 5/5-8-1.4 new)

7 Sec. 5-8-1.4. Sentence Modification Program.

8 (a) A committed person as defined in subsection (c) of
9 Section 3-1-2 of this Code who is at least 50 years of age and
10 who has served at least 25 consecutive years of imprisonment in
11 a Department of Corrections institution or facility may
12 petition the Prisoner Review Board ("Board") for participation
13 in the Sentence Modification Program ("Program") as provided in
14 this Section. The petition shall, in the first instance, be
15 screened by the Department of Corrections, which shall
16 determine whether the petitioner should be considered for
17 participation in the Program. If the Department determines that
18 the petitioner should be so considered, it shall submit the
19 petition to the Board. The Board shall notify the victims and
20 the families of the victims of the committed person's offenses
21 within 30 days after receiving the petition and shall provide
22 an opportunity for the victims and their families to submit
23 statements in support of or opposition to the petitioner's
24 participation in the Program.

25 (b) The petition shall contain reasons why the committed

1 person should be granted participation in the Program and, when
2 possible, should provide relevant documentation and statements
3 of support.

4 (c) The Board shall render its decision about the committed
5 person's petition within a reasonable time after the petition
6 has been filed. In deciding whether to grant or deny the
7 petitioner participation in the Program, the Board shall
8 consider whether the petitioner documents and demonstrates the
9 following:

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

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

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

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

26 (5) the committed person's renunciation of criminal

1 activity and gang affiliation if the committed person was a
2 member of a gang; and

3 (6) an appropriate plan for living arrangements, which
4 indicates if the person intends to seek admission to a
5 nursing facility and the name of the facility if known,
6 financial support, and any medical care that will be needed
7 when the committed person returns to society.

8 (d) The Board shall consider the petition in its entirety
9 and shall not order the release of the committed person if it
10 finds that the committed person poses a threat to public
11 safety. If the Board determines that a committed person is
12 eligible for participation in the Program and that the
13 committed person should participate in the Program, the Board
14 shall set the conditions for the committed person's release
15 from prison before the expiration of his or her sentence. If
16 the committed person's plan for living arrangements under
17 paragraph (6) of subsection (c) of this Section includes
18 relocation to a nursing facility, the Board shall notify the
19 facility of the committed person's intent at least 30 days
20 prior to the committed person's release. The Board shall, prior
21 to the committed person's release, arrange for the committed
22 person to be prescreened under Section 4.03 of the Illinois Act
23 on the Aging and to make application for Medicaid Long Term
24 Care services and the Board shall transmit to the facility
25 prior to the committed person's admission documentation of the
26 prescreening and the committed person's eligibility for

1 Medicaid Long Term Care services, and the committed person's
2 prison and criminal history. The later shall serve to meet the
3 nursing facilities obligation to perform a background check.
4 When granting participation in the Program, the Board may
5 require the committed person, for a period of time upon
6 release, to participate in community service or to wear an
7 electronic monitoring device, or both. Upon request of the
8 victim or the victim's family, the Board may issue a protective
9 order requiring the committed person to avoid all contact with
10 specified persons. For the purpose of this Section, "nursing
11 facility" means a facility licensed under the Nursing Home Care
12 Act.

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

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

22 (g) The victim or the victim's family shall be notified of
23 any public meeting at which the Board intends to deliberate on
24 the committed person's participation in the Program.

25 (h) Beginning on the effective date of this amendatory Act
26 of the 98th General Assembly, notwithstanding any other law to

1 the contrary, all persons serving sentences in the Department
2 are eligible to participate in the Sentence Modification
3 Program.

4 (730 ILCS 5/5-8-1.5 new)

5 Sec. 5-8-1.5. Medical parole. Notwithstanding any other
6 provision of law to the contrary, any committed person who is
7 serving a sentence, including one who has not yet served the
8 minimum term of the sentence, who is diagnosed as suffering
9 from a terminal or debilitating condition so as to render the
10 committed person unlikely to be physically capable of
11 presenting a danger to society, may be released on medical
12 parole to a hospital, hospice, other licensed inpatient
13 facility, or suitable housing accommodation as specified by the
14 Board. The Department shall promptly notify the Board upon
15 receipt of medical information that a committed person has a
16 diagnosis of a terminal or debilitating condition which
17 prevents him or her from filing a petition on his or her own.
18 As used in this Section, "other licensed inpatient facility" or
19 "suitable housing accommodation" does not include a facility
20 licensed under the Nursing Home Care Act.