



Rep. Arthur Turner

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1 AMENDMENT TO HOUSE BILL 3668

2 AMENDMENT NO. _____. Amend House Bill 3668 by replacing
3 everything after the enacting clause with the following:

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:

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

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

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

1 effect after the effective date of this amendatory Act of
2 1977;

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

11 (3.6) hear by at least one member and through a panel
12 of at least 3 members decide, the time of aftercare
13 release, the conditions of aftercare release and the time
14 of discharge from aftercare release, impose sanctions for
15 violations of aftercare release, and revoke aftercare
16 release for those adjudicated delinquent under the
17 Juvenile Court Act of 1987;

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

1 is committed or discovered within 60 days of scheduled
2 release. In such cases, the Department of Corrections may
3 revoke up to 30 days of sentence credit. The Board may
4 subsequently approve the revocation of additional sentence
5 credit, if the Department seeks to revoke sentence credit
6 in excess of thirty days. However, the Board shall not be
7 empowered to review the Department's decision with respect
8 to the loss of 30 days of sentence credit for any prisoner
9 or to increase any penalty beyond the length requested by
10 the Department;

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

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

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

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

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

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

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

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

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

1 offense;

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

10 (D) if convicted of:

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

15 (ii) aggravated assault;

16 (iii) aggravated battery;

17 (iv) domestic battery;

18 (v) aggravated domestic battery;

19 (vi) violation of an order of protection;

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

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

26 (ix) aggravated driving while under the

1 influence of alcohol, other drug or drugs,
2 intoxicating compound or compounds or any
3 combination thereof; or

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

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

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

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

21 (11) upon a petition by a person who after having been
22 convicted of a Class 3 or Class 4 felony thereafter served
23 in the United States Armed Forces or National Guard of this
24 or any other state and had received an honorable discharge
25 from the United States Armed Forces or National Guard or
26 who at the time of filing the petition is enlisted in the

1 United States Armed Forces or National Guard of this or any
2 other state and served one tour of duty and who meets the
3 requirements of this paragraph, hear by at least 3 members
4 and, with the unanimous vote of a panel of 3 members, issue
5 a certificate of eligibility for expungement recommending
6 that the court order the expungement of all official
7 records of the arresting authority, the circuit court
8 clerk, and the Department of State Police concerning the
9 arrest and conviction for the Class 3 or 4 felony. A person
10 may not apply to the Board for a certificate of eligibility
11 for expungement:

12 (A) if convicted of:

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

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

18 (iii) a crime of violence as defined in Section
19 2 of the Crime Victims Compensation Act; or

20 (B) if the person has not served in the United
21 States Armed Forces or National Guard of this or any
22 other state or has not received an honorable discharge
23 from the United States Armed Forces or National Guard
24 of this or any other state or who at the time of the
25 filing of the petition is serving in the United States
26 Armed Forces or National Guard of this or any other

1 state and has not completed one tour of duty.

2 If a person has applied to the Board for a certificate
3 of eligibility for expungement and the Board denies the
4 certificate, the person must wait at least 4 years before
5 filing again or filing for a pardon with authorization for
6 expungement from the Governor unless the Governor or
7 Chairman of the Prisoner Review Board grants a waiver.

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

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

25 (c) The Board shall cooperate with the Department in
26 promoting an effective system of parole, aftercare release, and

1 mandatory supervised release.

2 (d) The Board shall promulgate rules for the conduct of its
3 work, and the Chairman shall file a copy of such rules and any
4 amendments thereto with the Director and with the Secretary of
5 State.

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

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

1 fees as are paid for like services in actions in the circuit
2 courts of the State. Fees and mileage shall be vouchered for
3 payment when the witness is discharged from further attendance.

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

25 Each member of the Board and any hearing officer designated
26 by the Board shall have the power to administer oaths and to

1 take the testimony of persons under oath.

2 (g) Except under subsection (a) of this Section, a majority
3 of the members then appointed to the Prisoner Review Board
4 shall constitute a quorum for the transaction of all business
5 of the Board.

6 (h) The Prisoner Review Board shall annually transmit to
7 the Director a detailed report of its work for the preceding
8 calendar year. The annual report shall also be transmitted to
9 the Governor for submission to the Legislature.

10 (i) The Prisoner Review Board may grant participation in
11 the Sentence Modification Program in accordance with Section
12 5-8-1.4.

13 (Source: P.A. 97-697, eff. 6-22-12; 97-1120, eff. 1-1-13;
14 97-1150, eff. 1-25-13; 98-399, eff. 8-16-13; 98-558, eff.
15 1-1-14; revised 8-28-13.)

16 (730 ILCS 5/3-3-3) (from Ch. 38, par. 1003-3-3)

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

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

24 ~~(1) the minimum term of an indeterminate sentence less~~
25 ~~time credit for good behavior, or 20 years less time credit~~

1 ~~for good behavior, whichever is less, or~~

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

4 ~~(3) 20 years or one third of a determinate sentence,~~
5 ~~whichever is less, less time credit for good behavior.~~

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

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

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

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

1 eligible for parole or mandatory supervised release as an adult
2 under this Section.

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

4 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

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

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

13 (1) for first degree murder,

14 (a) (blank),

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

24 (c) the court shall sentence the defendant to a
25 term of natural life imprisonment when the death

1 penalty is not imposed if the defendant,

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

4 (ii) is a person who, at the time of the
5 commission of the murder, had attained the age of
6 17 or more and is found guilty of murdering an
7 individual under 12 years of age; or, irrespective
8 of the defendant's age at the time of the
9 commission of the offense, is found guilty of
10 murdering more than one victim, or

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

23 (iv) is found guilty of murdering an employee
24 of an institution or facility of the Department of
25 Corrections, or any similar local correctional
26 agency, when the employee was killed in the course

1 of performing his official duties, or to prevent
2 the employee from performing his official duties,
3 or in retaliation for the employee performing his
4 official duties, or

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

21 (vi) is a person who, at the time of the
22 commission of the murder, had not attained the age
23 of 17, and is found guilty of murdering a person
24 under 12 years of age and the murder is committed
25 during the course of aggravated criminal sexual
26 assault, criminal sexual assault, or aggravated

1 kidnaping, or

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

10 For purposes of clause (v), "emergency medical
11 technician - ambulance", "emergency medical technician
12 - intermediate", "emergency medical technician -
13 paramedic", have the meanings ascribed to them in the
14 Emergency Medical Services (EMS) Systems Act.

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

18 (ii) if, during the commission of the offense,
19 the person personally discharged a firearm, 20
20 years shall be added to the term of imprisonment
21 imposed by the court;

22 (iii) if, during the commission of the
23 offense, the person personally discharged a
24 firearm that proximately caused great bodily harm,
25 permanent disability, permanent disfigurement, or
26 death to another person, 25 years or up to a term

1 of natural life shall be added to the term of
2 imprisonment imposed by the court.

3 (2) (blank);

4 (2.5) for a person convicted under the circumstances
5 described in subdivision (b)(1)(B) of Section 11-1.20 or
6 paragraph (3) of subsection (b) of Section 12-13,
7 subdivision (d)(2) of Section 11-1.30 or paragraph (2) of
8 subsection (d) of Section 12-14, subdivision (b)(1.2) of
9 Section 11-1.40 or paragraph (1.2) of subsection (b) of
10 Section 12-14.1, subdivision (b)(2) of Section 11-1.40 or
11 paragraph (2) of subsection (b) of Section 12-14.1 of the
12 Criminal Code of 1961 or the Criminal Code of 2012, the
13 sentence shall be a term of natural life imprisonment.

14 (b) (Blank).

15 (c) (Blank).

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

19 (1) for first degree murder or a Class X felony except
20 for the offenses of predatory criminal sexual assault of a
21 child, aggravated criminal sexual assault, and criminal
22 sexual assault if committed on or after the effective date
23 of this amendatory Act of the 94th General Assembly and
24 except for the offense of aggravated child pornography
25 under Section 11-20.1B, 11-20.3, or 11-20.1 with
26 sentencing under subsection (c-5) of Section 11-20.1 of the

1 Criminal Code of 1961 or the Criminal Code of 2012, if
2 committed on or after January 1, 2009, 3 years;

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

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

12 (4) for defendants who commit the offense of predatory
13 criminal sexual assault of a child, aggravated criminal
14 sexual assault, or criminal sexual assault, on or after the
15 effective date of this amendatory Act of the 94th General
16 Assembly, or who commit the offense of aggravated child
17 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
18 with sentencing under subsection (c-5) of Section 11-20.1
19 of the Criminal Code of 1961 or the Criminal Code of 2012,
20 manufacture of child pornography, or dissemination of
21 child pornography after January 1, 2009, the term of
22 mandatory supervised release shall range from a minimum of
23 3 years to a maximum of the natural life of the defendant;

24 (5) if the victim is under 18 years of age, for a
25 second or subsequent offense of aggravated criminal sexual
26 abuse or felony criminal sexual abuse, 4 years, at least

1 the first 2 years of which the defendant shall serve in an
2 electronic home detention program under Article 8A of
3 Chapter V of this Code;

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

7 (e) (Blank).

8 (f) (Blank).

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

13 (730 ILCS 5/5-8-1.4 new)

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

15 (a) A committed person as defined in subsection (c) of
16 Section 3-1-2 of this Code who is at least 50 years of age and
17 who has served at least 25 consecutive years of imprisonment in
18 a Department of Corrections institution or facility may
19 petition the Prisoner Review Board ("Board") for participation
20 in the Sentence Modification Program ("Program") as provided in
21 this Section. The petition shall, in the first instance, be
22 screened by the Department of Corrections, which shall
23 determine whether the petitioner should be considered for
24 participation in the Program. If the Department determines that
25 the petitioner should be so considered, it shall submit the

1 petition to the Board. The Board shall notify the victims and
2 the families of the victims of the committed person's offenses
3 within 30 days after receiving the petition and shall provide
4 an opportunity for the victims and their families to submit
5 statements in support of or opposition to the petitioner's
6 participation in the Program.

7 (b) The petition shall contain reasons why the committed
8 person should be granted participation in the Program and, when
9 possible, should provide relevant documentation and statements
10 of support.

11 (c) The Board shall render its decision about the committed
12 person's petition within a reasonable time after the petition
13 has been filed. In deciding whether to grant or deny the
14 petitioner participation in the Program, the Board shall
15 consider whether the petitioner documents and demonstrates the
16 following:

17 (1) successful participation in programs designed to
18 restore the committed person to a useful and productive
19 life upon release (including educational programs and
20 programs designed to deal with substance abuse or other
21 issues) and, if those programs are not available,
22 information demonstrating that the committed person has
23 attempted to participate in those programs or has engaged
24 in self-education programs, correspondence courses, or
25 other self-improvement efforts;

26 (2) the genuine reform and changed behavior the

1 committed person has demonstrated over a period of years;

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

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

7 (5) the committed person's renunciation of criminal
8 activity and gang affiliation if the committed person was a
9 member of a gang; and

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

15 (d) The Board shall consider the petition in its entirety
16 and shall not order the release of the committed person if it
17 finds that the committed person poses a threat to public
18 safety. If the Board determines that a committed person is
19 eligible for participation in the Program and that the
20 committed person should participate in the Program, the Board
21 shall set the conditions for the committed person's release
22 from prison before the expiration of his or her sentence. If
23 the committed person's plan for living arrangements under
24 paragraph (6) of subsection (c) of this Section includes
25 relocation to a nursing facility, the Board shall notify the
26 facility of the committed person's intent at least 30 days

1 prior to the committed person's release. The Board shall, prior
2 to the committed person's release, arrange for the committed
3 person to be prescreened under Section 4.03 of the Illinois Act
4 on the Aging and to make application for Medicaid Long Term
5 Care services and the Board shall transmit to the facility
6 prior to the committed person's admission documentation of the
7 prescreening and the committed person's eligibility for
8 Medicaid Long Term Care services, and the committed person's
9 prison and criminal history. The later shall serve to meet the
10 nursing facilities obligation to perform a background check.
11 When granting participation in the Program, the Board may
12 require the committed person, for a period of time upon
13 release, to participate in community service or to wear an
14 electronic monitoring device, or both. Upon request of the
15 victim or the victim's family, the Board may issue a protective
16 order requiring the committed person to avoid all contact with
17 specified persons. For the purpose of this Section, "nursing
18 facility" means a facility licensed under the Nursing Home Care
19 Act.

20 (e) A petition for participation in the Program under the
21 provisions of this Section may be submitted annually, except
22 that if the Board denies a petition, it may order that the
23 committed person may not file a new petition for up to 3 years
24 from the date of denial, if the Board finds that it is not
25 reasonable to expect that it would grant a petition filed
26 earlier.

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

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

6 (h) Beginning on the effective date of this amendatory Act
7 of the 98th General Assembly, notwithstanding any other law to
8 the contrary, all persons serving sentences in the Department
9 are eligible to participate in the Sentence Modification
10 Program.

11 (730 ILCS 5/5-8-1.5 new)

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

1 "suitable housing accommodation" does not include a facility
2 licensed under the Nursing Home Care Act."