



Rep. John M. Cabello

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09800HB4870ham001

LRB098 19114 RLC 55813 a

1 AMENDMENT TO HOUSE BILL 4870

2 AMENDMENT NO. _____. Amend House Bill 4870 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by
5 changing Section 3-3-5 as follows:

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

7 Sec. 3-3-5. Hearing and Determination.

8 (a) The Prisoner Review Board shall meet as often as need
9 requires to consider the cases of persons eligible for parole
10 and aftercare release. Except as otherwise provided in
11 paragraph (2) of subsection (a) of Section 3-3-2 of this Act,
12 the Prisoner Review Board may meet and order its actions in
13 panels of 3 or more members. The action of a majority of the
14 panel shall be the action of the Board. In consideration of
15 persons committed to the Department of Juvenile Justice, the
16 panel shall have at least a majority of members experienced in

1 juvenile matters.

2 (b) If the person under consideration for parole or
3 aftercare release is in the custody of the Department, at least
4 one member of the Board shall interview him or her, and a
5 report of that interview shall be available for the Board's
6 consideration. However, in the discretion of the Board, the
7 interview need not be conducted if a psychiatric examination
8 determines that the person could not meaningfully contribute to
9 the Board's consideration. The Board may in its discretion
10 parole or release on aftercare a person who is then outside the
11 jurisdiction on his or her record without an interview. The
12 Board need not hold a hearing or interview a person who is
13 paroled or released on aftercare under paragraphs (d) or (e) of
14 this Section or released on Mandatory release under Section
15 3-3-10.

16 (c) The Board shall not parole or release a person eligible
17 for parole or aftercare release if it determines that:

18 (1) there is a substantial risk that he or she will not
19 conform to reasonable conditions of parole or aftercare
20 release; or

21 (2) his or her release at that time would deprecate the
22 seriousness of his or her offense or promote disrespect for
23 the law; or

24 (3) his or her release would have a substantially
25 adverse effect on institutional discipline.

26 (d) A person committed under the Juvenile Court Act or the

1 Juvenile Court Act of 1987 who has not been sooner released
2 shall be released on aftercare on or before his or her 20th
3 birthday to begin serving a period of aftercare release under
4 Section 3-3-8.

5 (e) A person who has served the maximum term of
6 imprisonment imposed at the time of sentencing less time credit
7 for good behavior shall be released on parole to serve a period
8 of parole under Section 5-8-1.

9 (f) The Board shall render its decision within a reasonable
10 time after hearing and shall state the basis therefor both in
11 the records of the Board and in written notice to the person on
12 whose application it has acted. In its decision, the Board
13 shall set the person's time for parole or aftercare release, or
14 if it denies parole or aftercare release it shall provide for a
15 rehearing not less frequently than once every year, ~~except that~~
16 ~~the Board may, after denying parole, schedule a rehearing no~~
17 ~~later than 5 years from the date of the parole denial, if the~~
18 ~~Board finds that it is not reasonable to expect that parole~~
19 ~~would be granted at a hearing prior to the scheduled rehearing~~
20 ~~date.~~ If the Board shall parole or release a person, and, if he
21 or she is not released within 90 days from the effective date
22 of the order granting parole or aftercare release, the matter
23 shall be returned to the Board for review.

24 (f-1) If the Board paroles or releases a person who is
25 eligible for commitment as a sexually violent person, the
26 effective date of the Board's order shall be stayed for 90 days

1 for the purpose of evaluation and proceedings under the
2 Sexually Violent Persons Commitment Act.

3 (g) The Board shall maintain a registry of decisions in
4 which parole has been granted, which shall include the name and
5 case number of the prisoner, the highest charge for which the
6 prisoner was sentenced, the length of sentence imposed, the
7 date of the sentence, the date of the parole, and the basis for
8 the decision of the Board to grant parole and the vote of the
9 Board on any such decisions. The registry shall be made
10 available for public inspection and copying during business
11 hours and shall be a public record pursuant to the provisions
12 of the Freedom of Information Act.

13 (h) The Board shall promulgate rules regarding the exercise
14 of its discretion under this Section.

15 (Source: P.A. 97-522, eff. 1-1-12; 97-1075, eff. 8-24-12;
16 98-558, eff. 1-1-14.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."