



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2077

Introduced 2/9/2023, by Sen. Robert Peters

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-9

from Ch. 38, par. 1003-3-9

Amends the Unified Code of Corrections. Deletes provision that the Prisoner Review Board shall revoke parole or mandatory supervised release for violations of the requirement that if the parolee or releasee was convicted for an offense that would qualify the accused as a sexual predator under the Sex Offender Registration Act on or after January 1, 2007, wear an approved electronic monitoring device for the duration of the person's parole, mandatory supervised release term, or extended mandatory supervised release term and if convicted for an offense of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, aggravated criminal sexual abuse, or ritualized abuse of a child committed on or after August 11, 2009 when the victim was under 18 years of age at the time of the commission of the offense and the defendant used force or the threat of force in the commission of the offense wear an approved electronic monitoring device that has Global Positioning System (GPS) capability for the duration of the person's parole, mandatory supervised release term, or extended mandatory supervised release term. Makes other changes concerning violations of parole or mandatory supervised release. Provides for different conditions if the parolee or releasee violates a criminal statute of any jurisdiction during the parole or release term than for violations of other conditions of parole or mandatory supervised release.

LRB103 25691 RLC 52040 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 Section 3-3-9 as follows:

6 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

7 Sec. 3-3-9. Violations; changes of conditions; preliminary
8 hearing; revocation of parole or mandatory supervised release;
9 revocation hearing.

10 (a) If prior to expiration or termination of the term of
11 parole or mandatory supervised release, a person violates a
12 condition set by the Prisoner Review Board or a condition of
13 parole or mandatory supervised release under paragraphs (2)
14 through (21) of subsection (a) of Section 3-3-7 of this Code to
15 govern that term, the Board may:

16 (1) continue the existing term, with or without
17 modifying or enlarging the conditions; or

18 (1.5) for those released as a result of youthful
19 offender parole as set forth in Section 5-4.5-115 of this
20 Code, order that the inmate be subsequently rereleased to
21 serve a specified mandatory supervised release term not to
22 exceed the full term permitted under the provisions of
23 Section 5-4.5-115 and subsection (d) of Section 5-8-1 of

1 this Code and may modify or enlarge the conditions of the
2 release as the Board deems proper; or

3 (2) parole or release the person to a half-way house.

4 ~~;~~ or

5 (3) (blank).

6 (a-1) If prior to expiration or termination of the term of
7 parole or mandatory supervised release, a person violates a
8 condition set by the Prisoner Review Board or a condition of
9 parole or mandatory supervised release under paragraph (1) of
10 subsection (a) of Section 3-3-7 of this Code to govern that
11 term, the Board may:

12 (1) continue the existing term, with or without
13 modifying or enlarging the conditions;

14 (2) for those released as a result of youthful
15 offender parole as set forth in Section 5-4.5-115 of this
16 Code, order that the inmate be subsequently re-released to
17 serve a specified mandatory supervised release term not to
18 exceed the full term permitted under the provisions of
19 Section 5-4.5-115 and subsection (d) of Section 5-8-1 of
20 this Code and may modify or enlarge the conditions of the
21 release as the Board deems proper;

22 (3) parole or release the person to a half-way house;

23 (4) revoke the parole or mandatory supervised release
24 and reconfine the person for a term computed in the
25 following manner:

26 (i) (A) For those sentenced under the law in effect

1 prior to February 1, 1978 (the effective date of
2 Public Act 80-1099), the recommitment shall be for any
3 portion of the imposed maximum term of imprisonment or
4 confinement which had not been served at the time of
5 parole and the parole term, less the time elapsed
6 between the parole of the person and the commission of
7 the violation for which parole was revoked;

8 (B) Except as set forth in clauses (C) and (D) of
9 this subparagraph (i), for those subject to mandatory
10 supervised release under paragraph (d) of Section
11 5-8-1 of this Code, the recommitment shall be for the
12 total mandatory supervised release term, less the time
13 elapsed between the release of the person and the
14 commission of the violation for which mandatory
15 supervised release is revoked. The Board may also
16 order that a prisoner serve up to one year of the
17 sentence imposed by the court which was not served due
18 to the accumulation of sentence credit;

19 (C) For those subject to sex offender supervision
20 under clause (d) (4) of Section 5-8-1 of this Code, the
21 reconfinement period for violations of clauses (a) (3)
22 through (b-1) (15) of Section 3-3-7 shall not exceed 2
23 years from the date of reconfinement;

24 (D) For those released as a result of youthful
25 offender parole as set forth in Section 5-4.5-115 of
26 this Code, the reconfinement period shall be for the

1 total mandatory supervised release term, less the time
2 elapsed between the release of the person and the
3 commission of the violation for which mandatory
4 supervised release is revoked. The Board may also
5 order that a prisoner serve up to one year of the
6 mandatory supervised release term previously earned.
7 The Board may also order that the inmate be
8 subsequently rereleased to serve a specified mandatory
9 supervised release term not to exceed the full term
10 permitted under the provisions of Section 5-4.5-115
11 and subsection (d) of Section 5-8-1 of this Code and
12 may modify or enlarge the conditions of the release as
13 the Board deems proper;

14 (ii) the person shall be given credit against the
15 term of reimprisonment or reconfinement for time spent
16 in custody since he or she was paroled or released
17 which has not been credited against another sentence
18 or period of confinement;

19 (iii) this Section is subject to the release under
20 supervision and the reparole and rerelease provisions
21 of Section 3-3-10. ~~revoke the parole or mandatory~~
22 ~~supervised release and reconfine the person for a term~~
23 ~~computed in the following manner:~~

24 ~~(i) (A) For those sentenced under the law in~~
25 ~~effect prior to this amendatory Act of 1977, the~~
26 ~~recommitment shall be for any portion of the imposed~~

1 ~~maximum term of imprisonment or confinement which had~~
2 ~~not been served at the time of parole and the parole~~
3 ~~term, less the time elapsed between the parole of the~~
4 ~~person and the commission of the violation for which~~
5 ~~parole was revoked;~~

6 ~~(B) Except as set forth in paragraphs (C) and (D),~~
7 ~~for those subject to mandatory supervised release~~
8 ~~under paragraph (d) of Section 5-8-1 of this Code, the~~
9 ~~recommitment shall be for the total mandatory~~
10 ~~supervised release term, less the time elapsed between~~
11 ~~the release of the person and the commission of the~~
12 ~~violation for which mandatory supervised release is~~
13 ~~revoked. The Board may also order that a prisoner~~
14 ~~serve up to one year of the sentence imposed by the~~
15 ~~court which was not served due to the accumulation of~~
16 ~~sentence credit;~~

17 ~~(C) For those subject to sex offender supervision~~
18 ~~under clause (d)(4) of Section 5-8-1 of this Code, the~~
19 ~~reconfinement period for violations of clauses (a)(3)~~
20 ~~through (b-1)(15) of Section 3-3-7 shall not exceed 2~~
21 ~~years from the date of reconfinement;~~

22 ~~(D) For those released as a result of youthful~~
23 ~~offender parole as set forth in Section 5-4.5-115 of~~
24 ~~this Code, the reconfinement period shall be for the~~
25 ~~total mandatory supervised release term, less the time~~
26 ~~elapsed between the release of the person and the~~

1 ~~commission of the violation for which mandatory~~
2 ~~supervised release is revoked. The Board may also~~
3 ~~order that a prisoner serve up to one year of the~~
4 ~~mandatory supervised release term previously earned.~~
5 ~~The Board may also order that the inmate be~~
6 ~~subsequently rereleased to serve a specified mandatory~~
7 ~~supervised release term not to exceed the full term~~
8 ~~permitted under the provisions of Section 5-4.5-115~~
9 ~~and subsection (d) of Section 5-8-1 of this Code and~~
10 ~~may modify or enlarge the conditions of the release as~~
11 ~~the Board deems proper;~~

12 ~~(ii) the person shall be given credit against the~~
13 ~~term of reimprisonment or reconfinement for time spent~~
14 ~~in custody since he or she was paroled or released~~
15 ~~which has not been credited against another sentence~~
16 ~~or period of confinement;~~

17 (iii) (blank);

18 ~~(iv) this Section is subject to the release under~~
19 ~~supervision and the reparole and rerelease provisions~~
20 ~~of Section 3-3-10.~~

21 (b) The Board may revoke parole or mandatory supervised
22 release for violation of a condition for the duration of the
23 term and for any further period which is reasonably necessary
24 for the adjudication of matters arising before its expiration.
25 The issuance of a warrant of arrest for an alleged violation of
26 the conditions of parole or mandatory supervised release shall

1 toll the running of the term until the final determination of
2 the charge. When parole or mandatory supervised release is not
3 revoked that period shall be credited to the term, unless a
4 community-based sanction is imposed as an alternative to
5 revocation and reincarceration, including a diversion
6 established by the Illinois Department of Corrections Parole
7 Services Unit prior to the holding of a preliminary parole
8 revocation hearing. Parolees who are diverted to a
9 community-based sanction shall serve the entire term of parole
10 or mandatory supervised release, if otherwise appropriate.

11 (b-5) (Blank). ~~The Board shall revoke parole or mandatory~~
12 ~~supervised release for violation of the conditions prescribed~~
13 ~~in paragraph (7.6) of subsection (a) of Section 3-3-7.~~

14 (c) A person charged with violating a condition of parole
15 or mandatory supervised release shall have a preliminary
16 hearing before a hearing officer designated by the Board to
17 determine if there is cause to hold the person for a revocation
18 hearing. However, no preliminary hearing need be held when
19 revocation is based upon new criminal charges and a court
20 finds probable cause on the new criminal charges or when the
21 revocation is based upon a new criminal conviction and a
22 certified copy of that conviction is available.

23 (d) Parole or mandatory supervised release shall not be
24 revoked without written notice to the offender setting forth
25 the violation of parole or mandatory supervised release
26 charged against him or her.

1 (e) A hearing on revocation shall be conducted before at
2 least one member of the Prisoner Review Board. The Board may
3 meet and order its actions in panels of 3 or more members. The
4 action of a majority of the panel shall be the action of the
5 Board. A record of the hearing shall be made. At the hearing
6 the offender shall be permitted to:

7 (1) appear and answer the charge; and

8 (2) bring witnesses on his or her behalf.

9 (f) The Board shall either revoke parole or mandatory
10 supervised release or order the person's term continued with
11 or without modification or enlargement of the conditions.

12 (g) Parole or mandatory supervised release shall not be
13 revoked for failure to make payments under the conditions of
14 parole or release unless the Board determines that such
15 failure is due to the offender's willful refusal to pay.

16 (Source: P.A. 100-1182, eff. 6-1-19; 101-288, eff. 1-1-20.)