



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### SB3423

Introduced 2/8/2024, by Sen. Christopher Belt

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-1	from Ch. 38, par. 1003-3-1
730 ILCS 5/3-3-2	from Ch. 38, par. 1003-3-2
730 ILCS 5/3-3-3	from Ch. 38, par. 1003-3-3

Amends the Unified Code of Corrections. Provides that the Prisoner Review Board shall be the authority for setting conditions for mandatory supervised release under specified provisions and determining whether a violation of those conditions warrant revocation of mandatory supervised release or the imposition of other sanctions. Provides that the Board shall hear by at least one member and through a panel of at least 3 members determine the conditions of mandatory supervised release, determine the time of discharge from mandatory supervised release, impose sanctions for violations of mandatory supervised release, and revoke mandatory supervised release for those sentenced under specified provisions. Provides that if a person was originally prosecuted under the provisions of the Criminal Code of 1961 or the Criminal Code of 2012, sentenced under the provisions of the Act pursuant to the Juvenile Court Act of 1987, and convicted as an adult and committed to the Department of Juvenile Justice, the Department of Juvenile Justice shall, no less than 120 days prior to the date that the person reaches the age of 21, send written notification to the Prisoner Review Board indicating the day upon which the committed person will achieve the age of 21. Requires the Prisoner Review Board to conduct a hearing with no less than 3 members to determine whether or not the minor shall be assigned mandatory supervised release or be transferred to the Department of Corrections prior to the minor's 21st birthday.

LRB103 36435 RLC 66537 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 3-3-1, 3-3-2, and 3-3-3 as follows:

6 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

7 Sec. 3-3-1. Establishment and appointment of Prisoner  
8 Review Board.

9 (a) There shall be a Prisoner Review Board independent of  
10 the Department which shall be:

11 (1) the paroling authority for persons sentenced under  
12 the law in effect prior to the effective date of this  
13 amendatory Act of 1977;

14 (1.2) the paroling authority for persons eligible for  
15 parole review under Section 5-4.5-115;

16 (1.5) (blank);

17 (1.10) the authority for setting conditions for  
18 mandatory supervised release under subsection (f) of  
19 Section 3-3-3 of this Code and determining whether a  
20 violation of those conditions warrant revocation of  
21 mandatory supervised release or the imposition of other  
22 sanctions;

23 (2) the board of review for cases involving the

1 revocation of sentence credits or a suspension or  
2 reduction in the rate of accumulating the credit;

3 (3) the board of review and recommendation for the  
4 exercise of executive clemency by the Governor;

5 (4) the authority for establishing release dates for  
6 certain prisoners sentenced under the law in existence  
7 prior to the effective date of this amendatory Act of  
8 1977, in accordance with Section 3-3-2.1 of this Code;

9 (5) the authority for setting conditions for parole  
10 and mandatory supervised release under Section 5-8-1(a) of  
11 this Code, and determining whether a violation of those  
12 conditions warrant revocation of parole or mandatory  
13 supervised release or the imposition of other sanctions;

14 (6) the authority for determining whether a violation  
15 of aftercare release conditions warrant revocation of  
16 aftercare release; and

17 (7) the authority to release medically infirm or  
18 disabled prisoners under Section 3-3-14.

19 (b) The Board shall consist of 15 persons appointed by the  
20 Governor by and with the advice and consent of the Senate. One  
21 member of the Board shall be designated by the Governor to be  
22 Chairman and shall serve as Chairman at the pleasure of the  
23 Governor. The members of the Board shall have had at least 5  
24 years of actual experience in the fields of penology,  
25 corrections work, law enforcement, sociology, law, education,  
26 social work, medicine, psychology, other behavioral sciences,

1 or a combination thereof. At least 6 members so appointed must  
2 have at least 3 years experience in the field of juvenile  
3 matters. No more than 8 Board members may be members of the  
4 same political party.

5 Each member of the Board shall serve on a full-time basis  
6 and shall not hold any other salaried public office, whether  
7 elective or appointive, nor any other office or position of  
8 profit, nor engage in any other business, employment, or  
9 vocation. The Chairman of the Board shall receive \$35,000 a  
10 year, or an amount set by the Compensation Review Board,  
11 whichever is greater, and each other member \$30,000, or an  
12 amount set by the Compensation Review Board, whichever is  
13 greater.

14 (c) Notwithstanding any other provision of this Section,  
15 the term of each member of the Board who was appointed by the  
16 Governor and is in office on June 30, 2003 shall terminate at  
17 the close of business on that date or when all of the successor  
18 members to be appointed pursuant to this amendatory Act of the  
19 93rd General Assembly have been appointed by the Governor,  
20 whichever occurs later. As soon as possible, the Governor  
21 shall appoint persons to fill the vacancies created by this  
22 amendatory Act.

23 Of the initial members appointed under this amendatory Act  
24 of the 93rd General Assembly, the Governor shall appoint 5  
25 members whose terms shall expire on the third Monday in  
26 January 2005, 5 members whose terms shall expire on the third

1 Monday in January 2007, and 5 members whose terms shall expire  
2 on the third Monday in January 2009. Their respective  
3 successors shall be appointed for terms of 6 years from the  
4 third Monday in January of the year of appointment. Each  
5 member shall serve until his or her successor is appointed and  
6 qualified.

7 Any member may be removed by the Governor for  
8 incompetence, neglect of duty, malfeasance or inability to  
9 serve.

10 (d) The Chairman of the Board shall be its chief executive  
11 and administrative officer. The Board may have an Executive  
12 Director; if so, the Executive Director shall be appointed by  
13 the Governor with the advice and consent of the Senate. The  
14 salary and duties of the Executive Director shall be fixed by  
15 the Board.

16 (Source: P.A. 101-288, eff. 1-1-20; 102-494, eff. 1-1-22.)

17 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

18 Sec. 3-3-2. Powers and duties.

19 (a) The Parole and Pardon Board is abolished and the term  
20 "Parole and Pardon Board" as used in any law of Illinois, shall  
21 read "Prisoner Review Board." After February 1, 1978 (the  
22 effective date of Public Act 81-1099), the Prisoner Review  
23 Board shall provide by rule for the orderly transition of all  
24 files, records, and documents of the Parole and Pardon Board  
25 and for such other steps as may be necessary to effect an

1 orderly transition and shall:

2 (1) hear by at least one member and through a panel of  
3 at least 3 members decide, cases of prisoners who were  
4 sentenced under the law in effect prior to February 1,  
5 1978 (the effective date of Public Act 81-1099), and who  
6 are eligible for parole;

7 (2) hear by at least one member and through a panel of  
8 at least 3 members decide, the conditions of parole and  
9 the time of discharge from parole, impose sanctions for  
10 violations of parole, and revoke parole for those  
11 sentenced under the law in effect prior to February 1,  
12 1978 (the effective date of Public Act 81-1099); provided  
13 that the decision to parole and the conditions of parole  
14 for all prisoners who were sentenced for first degree  
15 murder or who received a minimum sentence of 20 years or  
16 more under the law in effect prior to February 1, 1978  
17 shall be determined by a majority vote of the Prisoner  
18 Review Board. One representative supporting parole and one  
19 representative opposing parole will be allowed to speak.  
20 Their comments shall be limited to making corrections and  
21 filling in omissions to the Board's presentation and  
22 discussion;

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

1 violations of mandatory supervised release, and revoke  
2 mandatory supervised release for those sentenced under the  
3 law in effect after February 1, 1978 (the effective date  
4 of Public Act 81-1099);

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

13 (3.6) hear by at least one member and through a panel  
14 of at least 3 members decide whether to revoke aftercare  
15 release for those committed to the Department of Juvenile  
16 Justice under the Juvenile Court Act of 1987;

17 (4) hear by at least one member and through a panel of  
18 at least 3 members, decide cases brought by the Department  
19 of Corrections against a prisoner in the custody of the  
20 Department for alleged violation of Department rules with  
21 respect to sentence credits under Section 3-6-3 of this  
22 Code in which the Department seeks to revoke sentence  
23 credits, if the amount of time at issue exceeds 30 days or  
24 when, during any 12-month period, the cumulative amount of  
25 credit revoked exceeds 30 days except where the infraction  
26 is committed or discovered within 60 days of scheduled

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

10 (5) hear by at least one member and through a panel of  
11 at least 3 members decide, the release dates for certain  
12 prisoners sentenced under the law in existence prior to  
13 February 1, 1978 (the effective date of Public Act  
14 81-1099), in accordance with Section 3-3-2.1 of this Code;

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

19 (6.5) hear by at least one member who is qualified in  
20 the field of juvenile matters and through a panel of at  
21 least 3 members, 2 of whom are qualified in the field of  
22 juvenile matters, decide parole review cases in accordance  
23 with Section 5-4.5-115 of this Code and make release  
24 determinations of persons under the age of 21 at the time  
25 of the commission of an offense or offenses, other than  
26 those persons serving sentences for first degree murder or



1 aggravated criminal sexual assault;

2 (6.6) hear by at least a quorum of the Prisoner Review  
3 Board and decide by a majority of members present at the  
4 hearing, in accordance with Section 5-4.5-115 of this  
5 Code, release determinations of persons under the age of  
6 21 at the time of the commission of an offense or offenses  
7 of those persons serving sentences for first degree murder  
8 or aggravated criminal sexual assault;

9 (6.7) hear by at least one member and through a panel  
10 of at least 3 members determine the conditions of  
11 mandatory supervised release, determine the time of  
12 discharge from mandatory supervised release, impose  
13 sanctions for violations of mandatory supervised release,  
14 and revoke mandatory supervised release for those  
15 sentenced under subsection (f) of Section 3-3-3 of this  
16 Code;

17 (7) comply with the requirements of the Open Parole  
18 Hearings Act;

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

1 sentence credit accumulated by the prisoner shall be  
2 revoked;

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

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

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

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

24 (C) if convicted of a violation of the Cannabis  
25 Control Act, Illinois Controlled Substances Act, the  
26 Methamphetamine Control and Community Protection Act,

1 the Methamphetamine Precursor Control Act, or the  
2 Methamphetamine Precursor Tracking Act unless the  
3 petitioner has completed a drug abuse program for the  
4 offense on which sealing is sought and provides proof  
5 that he or she has completed the program successfully;

6 (D) if convicted of:

7 (i) a sex offense described in Article 11 or  
8 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of  
9 the Criminal Code of 1961 or the Criminal Code of  
10 2012;

11 (ii) aggravated assault;

12 (iii) aggravated battery;

13 (iv) domestic battery;

14 (v) aggravated domestic battery;

15 (vi) violation of an order of protection;

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

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

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

26 (x) any crime defined as a crime of violence

1           under Section 2 of the Crime Victims Compensation  
2           Act.

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

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

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

17          (11) upon a petition by a person who after having been  
18          convicted of a Class 3 or Class 4 felony thereafter served  
19          in the United States Armed Forces or National Guard of  
20          this or any other state and had received an honorable  
21          discharge from the United States Armed Forces or National  
22          Guard or who at the time of filing the petition is enlisted  
23          in the United States Armed Forces or National Guard of  
24          this or any other state and served one tour of duty and who  
25          meets the requirements of this paragraph, hear by at least  
26          3 members and, with the unanimous vote of a panel of 3

1 members, issue a certificate of eligibility for  
2 expungement recommending that the court order the  
3 expungement of all official records of the arresting  
4 authority, the circuit court clerk, and the Illinois State  
5 Police concerning the arrest and conviction for the Class  
6 3 or 4 felony. A person may not apply to the Board for a  
7 certificate of eligibility for expungement:

8 (A) if convicted of:

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

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

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

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

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

7           (a-5) The Prisoner Review Board, with the cooperation of  
8           and in coordination with the Department of Corrections and the  
9           Department of Central Management Services, shall implement a  
10          pilot project in 3 correctional institutions providing for the  
11          conduct of hearings under paragraphs (1) and (4) of subsection  
12          (a) of this Section through interactive video conferences. The  
13          project shall be implemented within 6 months after January 1,  
14          1997 (the effective date of Public Act 89-490). Within 6  
15          months after the implementation of the pilot project, the  
16          Prisoner Review Board, with the cooperation of and in  
17          coordination with the Department of Corrections and the  
18          Department of Central Management Services, shall report to the  
19          Governor and the General Assembly regarding the use, costs,  
20          effectiveness, and future viability of interactive video  
21          conferences for Prisoner Review Board hearings.

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

24          (c) The Board shall cooperate with the Department in  
25          promoting an effective system of parole and mandatory  
26          supervised release.

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

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

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

1 courts of the State. Fees and mileage shall be vouchered for  
2 payment when the witness is discharged from further  
3 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. mail addressed to  
16 the person at his or her last known address or after the  
17 personal service of the copy of the notice and petition upon  
18 such person. The court upon the filing of such a petition, may  
19 order 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  
23 to 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  
26 designated by the Board shall have the power to administer



1 oaths and to take the testimony of persons under oath.

2 (g) Except under subsection (a) of this Section, a  
3 majority of the members then appointed to the Prisoner Review  
4 Board shall constitute a quorum for the transaction of all  
5 business 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 (Source: P.A. 101-288, eff. 1-1-20; 102-538, eff. 8-20-21;  
11 102-558, eff. 8-20-21.)

12 (730 ILCS 5/3-3-3) (from Ch. 38, par. 1003-3-3)

13 Sec. 3-3-3. Eligibility for parole or release.

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

20 (1) the minimum term of an indeterminate sentence less  
21 time credit for good behavior, or 20 years less time  
22 credit for good behavior, whichever is less; or

23 (2) 20 years of a life sentence less time credit for  
24 good behavior; or

25 (3) 20 years or one-third of a determinate sentence,

1           whichever is less, less time credit for good behavior.

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

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

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

14           (e) Every person committed to the Department of Juvenile  
15 Justice under the Juvenile Court Act of 1987 and confined in  
16 the State correctional institutions or facilities if such  
17 juvenile has not been tried as an adult shall be eligible for  
18 aftercare release under Section 3-2.5-85 of this Code.  
19 However, if a juvenile has been tried as an adult he or she  
20 shall only be eligible for parole or mandatory supervised  
21 release as an adult under this Section.

22           (f) If a person was originally prosecuted under the  
23 provisions of the Criminal Code of 1961 or the Criminal Code of  
24 2012, sentenced under the provisions of this Act pursuant to  
25 Section 5-805 of the Juvenile Court Act of 1987, and convicted  
26 as an adult and committed to the Department of Juvenile

1 Justice under Section 5-8-6, the Department of Juvenile  
2 Justice shall, no less than 120 days prior to the date that the  
3 person reaches the age of 21, send written notification to the  
4 Prisoner Review Board indicating the day upon which the  
5 committed person will achieve the age of 21. The Prisoner  
6 Review Board shall conduct a hearing with no less than 3  
7 members to determine whether or not the minor shall be  
8 assigned mandatory supervised release or be transferred to the  
9 Department of Corrections prior to the minor's 21st birthday.

10 (Source: P.A. 98-558, eff. 1-1-14; 99-628, eff. 1-1-17.)