



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1265

Introduced 1/28/2025, by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-13

from Ch. 38, par. 1003-3-13

Amends the Unified Code of Corrections. In the procedures for executive clemency, provides that a victim who has supplied a statement to the Prisoner Review Board may waive notice of petitions for clemency and the waiver must be in writing. Provides that the statement supplied by the victim shall be part of all petitions for clemency filed by the petitioner. Provides that if the victim is not registered with the Board, the Board shall contact the sentencing county's State's Attorney's Office for the victim's last known address. Provides that the Board shall send notice to the last known address of the victim. Provides that at the request of the victim, the Board shall allow the victim to provide oral testimony via electronic means and not require the victim to appear in person at the executive clemency hearing. Provides that a victim who waives notice shall receive notice if the Prisoner Review Board makes a recommendation of clemency to the Governor. Provides that the notice to the victim of a recommendation of clemency shall be in writing and given not less than 30 days prior to the Board's recommendation of clemency being sent to the Governor.

LRB104 03762 RLC 17319 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 3-3-13 as follows:

6 (730 ILCS 5/3-3-13) (from Ch. 38, par. 1003-3-13)

7 Sec. 3-3-13. Procedure for executive clemency.

8 (a) Petitions seeking pardon, commutation, or reprieve
9 shall be addressed to the Governor and filed with the Prisoner
10 Review Board. The petition shall be in writing and signed by
11 the person under conviction or by a person on his behalf. It
12 shall contain a brief history of the case, the reasons for
13 seeking executive clemency, and other relevant information the
14 Board may require.

15 (a-5) After a petition has been denied by the Governor,
16 the Board may not accept a repeat petition for executive
17 clemency for the same person until one full year has elapsed
18 from the date of the denial. The Chairman of the Board may
19 waive the one-year requirement if the petitioner offers in
20 writing new information that was unavailable to the petitioner
21 at the time of the filing of the prior petition and which the
22 Chairman determines to be significant. The Chairman also may
23 waive the one-year waiting period if the petitioner can show

1 that a change in circumstances of a compelling humanitarian
2 nature has arisen since the denial of the prior petition.

3 (b) Notice of the proposed application shall be given by
4 the Board to the committing court and the state's attorney of
5 the county where the conviction was had.

6 (b-5) Victims registered with the Board shall receive
7 reasonable written notice not less than 30 days prior to the
8 executive clemency hearing date. If the victim is not
9 registered with the Board, the Board shall contact the
10 sentencing county's State's Attorney's Office for the victim's
11 last known address. The Board shall send notice to the last
12 known address of the victim. The victim has the right to submit
13 a victim statement to the Prisoner Review Board for
14 consideration at an executive clemency hearing as provided in
15 subsection (c) of this Section. Victim statements provided to
16 the Board shall be confidential and privileged, including any
17 statements received prior to the effective date of this
18 amendatory Act of the 101st General Assembly, except if the
19 statement was an oral statement made by the victim at a hearing
20 open to the public. At the request of the victim, the Board
21 shall allow the victim to provide oral testimony via
22 electronic means and not require the victim to appear in
23 person at the executive clemency hearing. A victim who has
24 supplied a statement to the Prisoner Review Board may waive
25 notice of petitions for clemency and the waiver must be in
26 writing. The statement supplied by the victim shall be part of

1 all petitions for clemency filed by the petitioner. A victim
2 who waives notice shall receive notice if the Prisoner Review
3 Board makes a recommendation of clemency to the Governor. The
4 notice to the victim of a recommendation of clemency shall be
5 in writing and given not less than 30 days prior to the Board's
6 recommendation of clemency being sent to the Governor.

7 (c) The Board shall, upon due notice, give a hearing to
8 each application, allowing representation by counsel, if
9 desired, after which it shall confidentially advise the
10 Governor by a written report of its recommendations which
11 shall be determined by majority vote. The written report to
12 the Governor shall be confidential and privileged, including
13 any reports made prior to the effective date of this
14 amendatory Act of the 101st General Assembly. The Board shall
15 meet to consider such petitions no less than 4 times each year.

16 (d) The Governor shall decide each application and
17 communicate his decision to the Board which shall notify the
18 petitioner.

19 In the event a petitioner who has been convicted of a Class
20 X felony is granted a release, after the Governor has
21 communicated such decision to the Board, the Board shall give
22 written notice to the Sheriff of the county from which the
23 offender was sentenced if such sheriff has requested that such
24 notice be given on a continuing basis. In cases where arrest of
25 the offender or the commission of the offense took place in any
26 municipality with a population of more than 10,000 persons,

1 the Board shall also give written notice to the proper law
2 enforcement agency for said municipality which has requested
3 notice on a continuing basis.

4 (e) Nothing in this Section shall be construed to limit
5 the power of the Governor under the constitution to grant a
6 reprieve, commutation of sentence, or pardon.

7 (Source: P.A. 103-51, eff. 1-1-24.)