

104TH GENERAL ASSEMBLY**State of Illinois****2025 and 2026****HB2348**

Introduced 2/4/2025, by Rep. Kevin John Olickal

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.

LRB104 09580 RLC 19643 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:

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

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

(3) hear by at least one member and through a panel of at least 3 members decide, the conditions of mandatory supervised release and the time of discharge from 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

aggravated criminal sexual assault;

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

(6.7) 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 subsection (f) of Section 3-3-3 of this Code;

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

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

Justice under Section 5-8-6, 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. The Prisoner Review Board shall 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.

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