



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3424

Introduced 2/18/2025, by Rep. Tony M. McCombie

SYNOPSIS AS INTRODUCED:

See Index

Amends the Rights of Crime Victims and Witnesses Act. Provides that the Prisoner Review Board shall publish on its official public website and provide to registered victims information regarding how to submit a victim impact statement. Provides that the Prisoner Review Board shall consider victim impact statements from any registered victims. Provides that any registered victim, including a person who has had a final, plenary, or non-emergency order of protection granted under the Protective Orders Article of the Code of Criminal Procedure of 1963 or under the Illinois Domestic Violence Act of 1986, may present victim statements that the Prisoner Review Board shall consider in its deliberations. Provides that at least 48 hours prior to early release of the prisoner from State custody or of the prisoner's pardon, commutation, furlough, or granting of sentence credit, the Prisoner Review Board shall inform a victim of the release if the victim has previously requested notification of that information. Provides that notification shall be made before 5 p.m. on weekdays. Provides that the Prisoner Review Board shall notify the victim in the underlying case of the offender's release on mandatory supervised release at least 30 days prior to release and shall allow the victim to provide a victim's statement to the Board. Provides that the victim's statement shall be considered when determining the conditions of the offender's mandatory supervised release. Provides that, before the Board makes a decision on whether to revoke an offender's parole or mandatory supervised release, the Prisoner Review Board must run a LEADS report. Provides that the Board shall publish on the Board's publicly accessible website the name and identification number of offenders alleged to have violated terms of parole or mandatory supervised release, the Board's decision whether to revoke parole or mandatory supervised release, and the names of the voting Board members. Provides that this information shall only be accessible while the offender is in State custody. Amends the Illinois Domestic Violence Act of 1986. Provides that a petition for an order of protection may not be denied upon the basis that the petitioner or the respondent is incarcerated in a penal institution at the time of the filing of the petition.

LRB104 08148 RLC 18196 b

A BILL FOR

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 Rights of Crime Victims and Witnesses Act
5 is amended by changing Section 4.5 as follows:

6 (725 ILCS 120/4.5)

7 Sec. 4.5. Procedures to implement the rights of crime
8 victims. To afford crime victims their rights, law
9 enforcement, prosecutors, judges, and corrections will provide
10 information, as appropriate, of the following procedures:

11 (a) At the request of the crime victim, law enforcement
12 authorities investigating the case shall provide notice of the
13 status of the investigation, except where the State's Attorney
14 determines that disclosure of such information would
15 unreasonably interfere with the investigation, until such time
16 as the alleged assailant is apprehended or the investigation
17 is closed.

18 (a-5) When law enforcement authorities reopen a closed
19 case to resume investigating, they shall provide notice of the
20 reopening of the case, except where the State's Attorney
21 determines that disclosure of such information would
22 unreasonably interfere with the investigation.

23 (a-6) The Prisoner Review Board shall publish on its

1 official public website and provide to registered victims
2 information regarding how to submit a victim impact statement.
3 The Prisoner Review Board shall consider victim impact
4 statements from any registered victims. Any registered victim,
5 including a person who has had a final, plenary, or
6 non-emergency order of protection granted under Article 112A
7 of the Code of Criminal Procedure of 1963 or under the Illinois
8 Domestic Violence Act of 1986, may present victim statements
9 that the Prisoner Review Board shall consider in its
10 deliberations.

11 (b) The office of the State's Attorney:

12 (1) shall provide notice of the filing of an
13 information, the return of an indictment, or the filing of
14 a petition to adjudicate a minor as a delinquent for a
15 violent crime;

16 (2) shall provide timely notice of the date, time, and
17 place of court proceedings; of any change in the date,
18 time, and place of court proceedings; and of any
19 cancellation of court proceedings. Notice shall be
20 provided in sufficient time, wherever possible, for the
21 victim to make arrangements to attend or to prevent an
22 unnecessary appearance at court proceedings;

23 (3) or victim advocate personnel shall provide
24 information of social services and financial assistance
25 available for victims of crime, including information of
26 how to apply for these services and assistance;

1 (3.5) or victim advocate personnel shall provide
2 information about available victim services, including
3 referrals to programs, counselors, and agencies that
4 assist a victim to deal with trauma, loss, and grief;

5 (4) shall assist in having any stolen or other
6 personal property held by law enforcement authorities for
7 evidentiary or other purposes returned as expeditiously as
8 possible, pursuant to the procedures set out in Section
9 115-9 of the Code of Criminal Procedure of 1963;

10 (5) or victim advocate personnel shall provide
11 appropriate employer intercession services to ensure that
12 employers of victims will cooperate with the criminal
13 justice system in order to minimize an employee's loss of
14 pay and other benefits resulting from court appearances;

15 (6) shall provide, whenever possible, a secure waiting
16 area during court proceedings that does not require
17 victims to be in close proximity to defendants or
18 juveniles accused of a violent crime, and their families
19 and friends;

20 (7) shall provide notice to the crime victim of the
21 right to have a translator present at all court
22 proceedings and, in compliance with the federal Americans
23 with Disabilities Act of 1990, the right to communications
24 access through a sign language interpreter or by other
25 means;

26 (8) (blank);

1 (8.5) shall inform the victim of the right to be
2 present at all court proceedings, unless the victim is to
3 testify and the court determines that the victim's
4 testimony would be materially affected if the victim hears
5 other testimony at trial;

6 (9) shall inform the victim of the right to have
7 present at all court proceedings, subject to the rules of
8 evidence and confidentiality, an advocate and other
9 support person of the victim's choice;

10 (9.3) shall inform the victim of the right to retain
11 an attorney, at the victim's own expense, who, upon
12 written notice filed with the clerk of the court and
13 State's Attorney, is to receive copies of all notices,
14 motions, and court orders filed thereafter in the case, in
15 the same manner as if the victim were a named party in the
16 case;

17 (9.5) shall inform the victim of (A) the victim's
18 right under Section 6 of this Act to make a statement at
19 the sentencing hearing; (B) the right of the victim's
20 spouse, guardian, parent, grandparent, and other immediate
21 family and household members under Section 6 of this Act
22 to present a statement at sentencing; and (C) if a
23 presentence report is to be prepared, the right of the
24 victim's spouse, guardian, parent, grandparent, and other
25 immediate family and household members to submit
26 information to the preparer of the presentence report

1 about the effect the offense has had on the victim and the
2 person;

3 (10) at the sentencing shall make a good faith attempt
4 to explain the minimum amount of time during which the
5 defendant may actually be physically imprisoned. The
6 Office of the State's Attorney shall further notify the
7 crime victim of the right to request from the Prisoner
8 Review Board or Department of Juvenile Justice information
9 concerning the release of the defendant;

10 (11) shall request restitution at sentencing and as
11 part of a plea agreement if the victim requests
12 restitution;

13 (12) shall, upon the court entering a verdict of not
14 guilty by reason of insanity, inform the victim of the
15 notification services available from the Department of
16 Human Services, including the statewide telephone number,
17 under subparagraph (d) (2) of this Section;

18 (13) shall provide notice within a reasonable time
19 after receipt of notice from the custodian, of the release
20 of the defendant on pretrial release or personal
21 recognizance or the release from detention of a minor who
22 has been detained;

23 (14) shall explain in nontechnical language the
24 details of any plea or verdict of a defendant, or any
25 adjudication of a juvenile as a delinquent;

26 (15) shall make all reasonable efforts to consult with

1 the crime victim before the Office of the State's Attorney
2 makes an offer of a plea bargain to the defendant or enters
3 into negotiations with the defendant concerning a possible
4 plea agreement, and shall consider the written statement,
5 if prepared prior to entering into a plea agreement. The
6 right to consult with the prosecutor does not include the
7 right to veto a plea agreement or to insist the case go to
8 trial. If the State's Attorney has not consulted with the
9 victim prior to making an offer or entering into plea
10 negotiations with the defendant, the Office of the State's
11 Attorney shall notify the victim of the offer or the
12 negotiations within 2 business days and confer with the
13 victim;

14 (16) shall provide notice of the ultimate disposition
15 of the cases arising from an indictment or an information,
16 or a petition to have a juvenile adjudicated as a
17 delinquent for a violent crime;

18 (17) shall provide notice of any appeal taken by the
19 defendant and information on how to contact the
20 appropriate agency handling the appeal, and how to request
21 notice of any hearing, oral argument, or decision of an
22 appellate court;

23 (18) shall provide timely notice of any request for
24 post-conviction review filed by the defendant under
25 Article 122 of the Code of Criminal Procedure of 1963, and
26 of the date, time and place of any hearing concerning the

1 petition. Whenever possible, notice of the hearing shall
2 be given within 48 hours of the court's scheduling of the
3 hearing;

4 (19) shall forward a copy of any statement presented
5 under Section 6 to the Prisoner Review Board or Department
6 of Juvenile Justice to be considered in making a
7 determination under Section 3-2.5-85 or subsection (b) of
8 Section 3-3-8 of the Unified Code of Corrections;

9 (20) shall, within a reasonable time, offer to meet
10 with the crime victim regarding the decision of the
11 State's Attorney not to charge an offense, and shall meet
12 with the victim, if the victim agrees. The victim has a
13 right to have an attorney, advocate, and other support
14 person of the victim's choice attend this meeting with the
15 victim; and

16 (21) shall give the crime victim timely notice of any
17 decision not to pursue charges and consider the safety of
18 the victim when deciding how to give such notice.

19 (c) The court shall ensure that the rights of the victim
20 are afforded.

21 (c-5) The following procedures shall be followed to afford
22 victims the rights guaranteed by Article I, Section 8.1 of the
23 Illinois Constitution:

24 (1) Written notice. A victim may complete a written
25 notice of intent to assert rights on a form prepared by the
26 Office of the Attorney General and provided to the victim

1 by the State's Attorney. The victim may at any time
2 provide a revised written notice to the State's Attorney.
3 The State's Attorney shall file the written notice with
4 the court. At the beginning of any court proceeding in
5 which the right of a victim may be at issue, the court and
6 prosecutor shall review the written notice to determine
7 whether the victim has asserted the right that may be at
8 issue.

9 (2) Victim's retained attorney. A victim's attorney
10 shall file an entry of appearance limited to assertion of
11 the victim's rights. Upon the filing of the entry of
12 appearance and service on the State's Attorney and the
13 defendant, the attorney is to receive copies of all
14 notices, motions and court orders filed thereafter in the
15 case.

16 (3) Standing. The victim has standing to assert the
17 rights enumerated in subsection (a) of Article I, Section
18 8.1 of the Illinois Constitution and the statutory rights
19 under Section 4 of this Act in any court exercising
20 jurisdiction over the criminal case. The prosecuting
21 attorney, a victim, or the victim's retained attorney may
22 assert the victim's rights. The defendant in the criminal
23 case has no standing to assert a right of the victim in any
24 court proceeding, including on appeal.

25 (4) Assertion of and enforcement of rights.

26 (A) The prosecuting attorney shall assert a

1 victim's right or request enforcement of a right by
2 filing a motion or by orally asserting the right or
3 requesting enforcement in open court in the criminal
4 case outside the presence of the jury. The prosecuting
5 attorney shall consult with the victim and the
6 victim's attorney regarding the assertion or
7 enforcement of a right. If the prosecuting attorney
8 decides not to assert or enforce a victim's right, the
9 prosecuting attorney shall notify the victim or the
10 victim's attorney in sufficient time to allow the
11 victim or the victim's attorney to assert the right or
12 to seek enforcement of a right.

13 (B) If the prosecuting attorney elects not to
14 assert a victim's right or to seek enforcement of a
15 right, the victim or the victim's attorney may assert
16 the victim's right or request enforcement of a right
17 by filing a motion or by orally asserting the right or
18 requesting enforcement in open court in the criminal
19 case outside the presence of the jury.

20 (C) If the prosecuting attorney asserts a victim's
21 right or seeks enforcement of a right, unless the
22 prosecuting attorney objects or the trial court does
23 not allow it, the victim or the victim's attorney may
24 be heard regarding the prosecuting attorney's motion
25 or may file a simultaneous motion to assert or request
26 enforcement of the victim's right. If the victim or

1 the victim's attorney was not allowed to be heard at
2 the hearing regarding the prosecuting attorney's
3 motion, and the court denies the prosecuting
4 attorney's assertion of the right or denies the
5 request for enforcement of a right, the victim or
6 victim's attorney may file a motion to assert the
7 victim's right or to request enforcement of the right
8 within 10 days of the court's ruling. The motion need
9 not demonstrate the grounds for a motion for
10 reconsideration. The court shall rule on the merits of
11 the motion.

12 (D) The court shall take up and decide any motion
13 or request asserting or seeking enforcement of a
14 victim's right without delay, unless a specific time
15 period is specified by law or court rule. The reasons
16 for any decision denying the motion or request shall
17 be clearly stated on the record.

18 (E) No later than January 1, 2023, the Office of
19 the Attorney General shall:

20 (i) designate an administrative authority
21 within the Office of the Attorney General to
22 receive and investigate complaints relating to the
23 provision or violation of the rights of a crime
24 victim as described in Article I, Section 8.1 of
25 the Illinois Constitution and in this Act;

26 (ii) create and administer a course of

1 training for employees and offices of the State of
2 Illinois that fail to comply with provisions of
3 Illinois law pertaining to the treatment of crime
4 victims as described in Article I, Section 8.1 of
5 the Illinois Constitution and in this Act as
6 required by the court under Section 5 of this Act;
7 and

8 (iii) have the authority to make
9 recommendations to employees and offices of the
10 State of Illinois to respond more effectively to
11 the needs of crime victims, including regarding
12 the violation of the rights of a crime victim.

13 (F) Crime victims' rights may also be asserted by
14 filing a complaint for mandamus, injunctive, or
15 declaratory relief in the jurisdiction in which the
16 victim's right is being violated or where the crime is
17 being prosecuted. For complaints or motions filed by
18 or on behalf of the victim, the clerk of court shall
19 waive filing fees that would otherwise be owed by the
20 victim for any court filing with the purpose of
21 enforcing crime victims' rights. If the court denies
22 the relief sought by the victim, the reasons for the
23 denial shall be clearly stated on the record in the
24 transcript of the proceedings, in a written opinion,
25 or in the docket entry, and the victim may appeal the
26 circuit court's decision to the appellate court. The

1 court shall issue prompt rulings regarding victims'
2 rights. Proceedings seeking to enforce victims' rights
3 shall not be stayed or subject to unreasonable delay
4 via continuances.

5 (5) Violation of rights and remedies.

6 (A) If the court determines that a victim's right
7 has been violated, the court shall determine the
8 appropriate remedy for the violation of the victim's
9 right by hearing from the victim and the parties,
10 considering all factors relevant to the issue, and
11 then awarding appropriate relief to the victim.

12 (A-5) Consideration of an issue of a substantive
13 nature or an issue that implicates the constitutional
14 or statutory right of a victim at a court proceeding
15 labeled as a status hearing shall constitute a per se
16 violation of a victim's right.

17 (B) The appropriate remedy shall include only
18 actions necessary to provide the victim the right to
19 which the victim was entitled. Remedies may include,
20 but are not limited to: injunctive relief requiring
21 the victim's right to be afforded; declaratory
22 judgment recognizing or clarifying the victim's
23 rights; a writ of mandamus; and may include reopening
24 previously held proceedings; however, in no event
25 shall the court vacate a conviction. Any remedy shall
26 be tailored to provide the victim an appropriate

1 remedy without violating any constitutional right of
2 the defendant. In no event shall the appropriate
3 remedy to the victim be a new trial or damages.

4 The court shall impose a mandatory training course
5 provided by the Attorney General for the employee under
6 item (ii) of subparagraph (E) of paragraph (4), which must
7 be successfully completed within 6 months of the entry of
8 the court order.

9 This paragraph (5) takes effect January 2, 2023.

10 (6) Right to be heard. Whenever a victim has the right
11 to be heard, the court shall allow the victim to exercise
12 the right in any reasonable manner the victim chooses.

13 (7) Right to attend trial. A party must file a written
14 motion to exclude a victim from trial at least 60 days
15 prior to the date set for trial. The motion must state with
16 specificity the reason exclusion is necessary to protect a
17 constitutional right of the party, and must contain an
18 offer of proof. The court shall rule on the motion within
19 30 days. If the motion is granted, the court shall set
20 forth on the record the facts that support its finding
21 that the victim's testimony will be materially affected if
22 the victim hears other testimony at trial.

23 (8) Right to have advocate and support person present
24 at court proceedings.

25 (A) A party who intends to call an advocate as a
26 witness at trial must seek permission of the court

1 before the subpoena is issued. The party must file a
2 written motion at least 90 days before trial that sets
3 forth specifically the issues on which the advocate's
4 testimony is sought and an offer of proof regarding
5 (i) the content of the anticipated testimony of the
6 advocate; and (ii) the relevance, admissibility, and
7 materiality of the anticipated testimony. The court
8 shall consider the motion and make findings within 30
9 days of the filing of the motion. If the court finds by
10 a preponderance of the evidence that: (i) the
11 anticipated testimony is not protected by an absolute
12 privilege; and (ii) the anticipated testimony contains
13 relevant, admissible, and material evidence that is
14 not available through other witnesses or evidence, the
15 court shall issue a subpoena requiring the advocate to
16 appear to testify at an in camera hearing. The
17 prosecuting attorney and the victim shall have 15 days
18 to seek appellate review before the advocate is
19 required to testify at an ex parte in camera
20 proceeding.

21 The prosecuting attorney, the victim, and the
22 advocate's attorney shall be allowed to be present at
23 the ex parte in camera proceeding. If, after
24 conducting the ex parte in camera hearing, the court
25 determines that due process requires any testimony
26 regarding confidential or privileged information or

1 communications, the court shall provide to the
2 prosecuting attorney, the victim, and the advocate's
3 attorney a written memorandum on the substance of the
4 advocate's testimony. The prosecuting attorney, the
5 victim, and the advocate's attorney shall have 15 days
6 to seek appellate review before a subpoena may be
7 issued for the advocate to testify at trial. The
8 presence of the prosecuting attorney at the ex parte
9 in camera proceeding does not make the substance of
10 the advocate's testimony that the court has ruled
11 inadmissible subject to discovery.

12 (B) If a victim has asserted the right to have a
13 support person present at the court proceedings, the
14 victim shall provide the name of the person the victim
15 has chosen to be the victim's support person to the
16 prosecuting attorney, within 60 days of trial. The
17 prosecuting attorney shall provide the name to the
18 defendant. If the defendant intends to call the
19 support person as a witness at trial, the defendant
20 must seek permission of the court before a subpoena is
21 issued. The defendant must file a written motion at
22 least 45 days prior to trial that sets forth
23 specifically the issues on which the support person
24 will testify and an offer of proof regarding: (i) the
25 content of the anticipated testimony of the support
26 person; and (ii) the relevance, admissibility, and

1 materiality of the anticipated testimony.

2 If the prosecuting attorney intends to call the
3 support person as a witness during the State's
4 case-in-chief, the prosecuting attorney shall inform
5 the court of this intent in the response to the
6 defendant's written motion. The victim may choose a
7 different person to be the victim's support person.
8 The court may allow the defendant to inquire about
9 matters outside the scope of the direct examination
10 during cross-examination. If the court allows the
11 defendant to do so, the support person shall be
12 allowed to remain in the courtroom after the support
13 person has testified. A defendant who fails to
14 question the support person about matters outside the
15 scope of direct examination during the State's
16 case-in-chief waives the right to challenge the
17 presence of the support person on appeal. The court
18 shall allow the support person to testify if called as
19 a witness in the defendant's case-in-chief or the
20 State's rebuttal.

21 If the court does not allow the defendant to
22 inquire about matters outside the scope of the direct
23 examination, the support person shall be allowed to
24 remain in the courtroom after the support person has
25 been called by the defendant or the defendant has
26 rested. The court shall allow the support person to

1 testify in the State's rebuttal.

2 If the prosecuting attorney does not intend to
3 call the support person in the State's case-in-chief,
4 the court shall verify with the support person whether
5 the support person, if called as a witness, would
6 testify as set forth in the offer of proof. If the
7 court finds that the support person would testify as
8 set forth in the offer of proof, the court shall rule
9 on the relevance, materiality, and admissibility of
10 the anticipated testimony. If the court rules the
11 anticipated testimony is admissible, the court shall
12 issue the subpoena. The support person may remain in
13 the courtroom after the support person testifies and
14 shall be allowed to testify in rebuttal.

15 If the court excludes the victim's support person
16 during the State's case-in-chief, the victim shall be
17 allowed to choose another support person to be present
18 in court.

19 If the victim fails to designate a support person
20 within 60 days of trial and the defendant has
21 subpoenaed the support person to testify at trial, the
22 court may exclude the support person from the trial
23 until the support person testifies. If the court
24 excludes the support person the victim may choose
25 another person as a support person.

26 (9) Right to notice and hearing before disclosure of

1 confidential or privileged information or records.

2 (A) A defendant who seeks to subpoena testimony or
3 records of or concerning the victim that are
4 confidential or privileged by law must seek permission
5 of the court before the subpoena is issued. The
6 defendant must file a written motion and an offer of
7 proof regarding the relevance, admissibility and
8 materiality of the testimony or records. If the court
9 finds by a preponderance of the evidence that:

10 (i) the testimony or records are not protected
11 by an absolute privilege and

12 (ii) the testimony or records contain
13 relevant, admissible, and material evidence that
14 is not available through other witnesses or
15 evidence, the court shall issue a subpoena
16 requiring the witness to appear in camera or a
17 sealed copy of the records be delivered to the
18 court to be reviewed in camera. If, after
19 conducting an in camera review of the witness
20 statement or records, the court determines that
21 due process requires disclosure of any potential
22 testimony or any portion of the records, the court
23 shall provide copies of the records that it
24 intends to disclose to the prosecuting attorney
25 and the victim. The prosecuting attorney and the
26 victim shall have 30 days to seek appellate review

1 before the records are disclosed to the defendant,
2 used in any court proceeding, or disclosed to
3 anyone or in any way that would subject the
4 testimony or records to public review. The
5 disclosure of copies of any portion of the
6 testimony or records to the prosecuting attorney
7 under this Section does not make the records
8 subject to discovery or required to be provided to
9 the defendant.

10 (B) A prosecuting attorney who seeks to subpoena
11 information or records concerning the victim that are
12 confidential or privileged by law must first request
13 the written consent of the crime victim. If the victim
14 does not provide such written consent, including where
15 necessary the appropriate signed document required for
16 waiving privilege, the prosecuting attorney must serve
17 the subpoena at least 21 days prior to the date a
18 response or appearance is required to allow the
19 subject of the subpoena time to file a motion to quash
20 or request a hearing. The prosecuting attorney must
21 also send a written notice to the victim at least 21
22 days prior to the response date to allow the victim to
23 file a motion or request a hearing. The notice to the
24 victim shall inform the victim (i) that a subpoena has
25 been issued for confidential information or records
26 concerning the victim, (ii) that the victim has the

1 right to request a hearing prior to the response date
2 of the subpoena, and (iii) how to request the hearing.
3 The notice to the victim shall also include a copy of
4 the subpoena. If requested, a hearing regarding the
5 subpoena shall occur before information or records are
6 provided to the prosecuting attorney.

7 (10) Right to notice of court proceedings. If the
8 victim is not present at a court proceeding in which a
9 right of the victim is at issue, the court shall ask the
10 prosecuting attorney whether the victim was notified of
11 the time, place, and purpose of the court proceeding and
12 that the victim had a right to be heard at the court
13 proceeding. If the court determines that timely notice was
14 not given or that the victim was not adequately informed
15 of the nature of the court proceeding, the court shall not
16 rule on any substantive issues, accept a plea, or impose a
17 sentence and shall continue the hearing for the time
18 necessary to notify the victim of the time, place and
19 nature of the court proceeding. The time between court
20 proceedings shall not be attributable to the State under
21 Section 103-5 of the Code of Criminal Procedure of 1963.

22 (11) Right to timely disposition of the case. A victim
23 has the right to timely disposition of the case so as to
24 minimize the stress, cost, and inconvenience resulting
25 from the victim's involvement in the case. Before ruling
26 on a motion to continue trial or other court proceeding,

1 the court shall inquire into the circumstances for the
2 request for the delay and, if the victim has provided
3 written notice of the assertion of the right to a timely
4 disposition, and whether the victim objects to the delay.
5 If the victim objects, the prosecutor shall inform the
6 court of the victim's objections. If the prosecutor has
7 not conferred with the victim about the continuance, the
8 prosecutor shall inform the court of the attempts to
9 confer. If the court finds the attempts of the prosecutor
10 to confer with the victim were inadequate to protect the
11 victim's right to be heard, the court shall give the
12 prosecutor at least 3 but not more than 5 business days to
13 confer with the victim. In ruling on a motion to continue,
14 the court shall consider the reasons for the requested
15 continuance, the number and length of continuances that
16 have been granted, the victim's objections and procedures
17 to avoid further delays. If a continuance is granted over
18 the victim's objection, the court shall specify on the
19 record the reasons for the continuance and the procedures
20 that have been or will be taken to avoid further delays.

21 (12) Right to Restitution.

22 (A) If the victim has asserted the right to
23 restitution and the amount of restitution is known at
24 the time of sentencing, the court shall enter the
25 judgment of restitution at the time of sentencing.

26 (B) If the victim has asserted the right to

1 restitution and the amount of restitution is not known
2 at the time of sentencing, the prosecutor shall,
3 within 5 days after sentencing, notify the victim what
4 information and documentation related to restitution
5 is needed and that the information and documentation
6 must be provided to the prosecutor within 45 days
7 after sentencing. Failure to timely provide
8 information and documentation related to restitution
9 shall be deemed a waiver of the right to restitution.
10 The prosecutor shall file and serve within 60 days
11 after sentencing a proposed judgment for restitution
12 and a notice that includes information concerning the
13 identity of any victims or other persons seeking
14 restitution, whether any victim or other person
15 expressly declines restitution, the nature and amount
16 of any damages together with any supporting
17 documentation, a restitution amount recommendation,
18 and the names of any co-defendants and their case
19 numbers. Within 30 days after receipt of the proposed
20 judgment for restitution, the defendant shall file any
21 objection to the proposed judgment, a statement of
22 grounds for the objection, and a financial statement.
23 If the defendant does not file an objection, the court
24 may enter the judgment for restitution without further
25 proceedings. If the defendant files an objection and
26 either party requests a hearing, the court shall

1 schedule a hearing.

2 (13) Access to presentence reports.

3 (A) The victim may request a copy of the
4 presentence report prepared under the Unified Code of
5 Corrections from the State's Attorney. The State's
6 Attorney shall redact the following information before
7 providing a copy of the report:

8 (i) the defendant's mental history and
9 condition;

10 (ii) any evaluation prepared under subsection
11 (b) or (b-5) of Section 5-3-2; and

12 (iii) the name, address, phone number, and
13 other personal information about any other victim.

14 (B) The State's Attorney or the defendant may
15 request the court redact other information in the
16 report that may endanger the safety of any person.

17 (C) The State's Attorney may orally disclose to
18 the victim any of the information that has been
19 redacted if there is a reasonable likelihood that the
20 information will be stated in court at the sentencing.

21 (D) The State's Attorney must advise the victim
22 that the victim must maintain the confidentiality of
23 the report and other information. Any dissemination of
24 the report or information that was not stated at a
25 court proceeding constitutes indirect criminal
26 contempt of court.

1 (14) Appellate relief. If the trial court denies the
2 relief requested, the victim, the victim's attorney, or
3 the prosecuting attorney may file an appeal within 30 days
4 of the trial court's ruling. The trial or appellate court
5 may stay the court proceedings if the court finds that a
6 stay would not violate a constitutional right of the
7 defendant. If the appellate court denies the relief
8 sought, the reasons for the denial shall be clearly stated
9 in a written opinion. In any appeal in a criminal case, the
10 State may assert as error the court's denial of any crime
11 victim's right in the proceeding to which the appeal
12 relates.

13 (15) Limitation on appellate relief. In no case shall
14 an appellate court provide a new trial to remedy the
15 violation of a victim's right.

16 (16) The right to be reasonably protected from the
17 accused throughout the criminal justice process and the
18 right to have the safety of the victim and the victim's
19 family considered in determining whether to release the
20 defendant, and setting conditions of release after arrest
21 and conviction. A victim of domestic violence, a sexual
22 offense, or stalking may request the entry of a protective
23 order under Article 112A of the Code of Criminal Procedure
24 of 1963.

25 (d) Procedures after the imposition of sentence.

26 (1) The Prisoner Review Board shall inform a victim or

1 any other concerned citizen, upon written request, of the
2 prisoner's release on parole, mandatory supervised
3 release, electronic detention, work release, international
4 transfer or exchange, or by the custodian, other than the
5 Department of Juvenile Justice, of the discharge of any
6 individual who was adjudicated a delinquent for a crime
7 from State custody and by the sheriff of the appropriate
8 county of any such person's final discharge from county
9 custody. The Prisoner Review Board, upon written request,
10 shall provide to a victim or any other concerned citizen a
11 recent photograph of any person convicted of a felony,
12 upon his or her release from custody. The Prisoner Review
13 Board, upon written request, shall inform a victim or any
14 other concerned citizen when feasible at least 7 days
15 prior to the prisoner's release on furlough of the times
16 and dates of such furlough. Upon written request by the
17 victim or any other concerned citizen, the State's
18 Attorney shall notify the person once of the times and
19 dates of release of a prisoner sentenced to periodic
20 imprisonment. Notification shall be based on the most
21 recent information as to the victim's or other concerned
22 citizen's residence or other location available to the
23 notifying authority.

24 (1.5) At least 48 hours prior to early release of the
25 prisoner from State custody or of the prisoner's pardon,
26 commutation, furlough, or granting of sentence credit, the

1 Prisoner Review Board shall inform a victim of the release
2 if the victim has previously requested notification of
3 that information. Notification shall be made before 5 p.m.
4 on weekdays. The notice shall include contact information
5 for the Prisoner Review Board. The notification shall be
6 based upon the most recent information as to the victim's
7 residence or other location available to the Board. When
8 no such information is available, the Board shall make all
9 reasonable efforts to obtain the information and make the
10 notification. This notification requirement is in addition
11 to any notification requirements pursuant to any other
12 statewide victim notification systems. The Board must
13 document notification efforts if that victim alleges lack
14 of notification under this paragraph (1.5).

15 (2) When the defendant has been committed to the
16 Department of Human Services pursuant to Section 5-2-4 or
17 any other provision of the Unified Code of Corrections,
18 the victim may request to be notified by the releasing
19 authority of the approval by the court of an on-grounds
20 pass, a supervised off-grounds pass, an unsupervised
21 off-grounds pass, or conditional release; the release on
22 an off-grounds pass; the return from an off-grounds pass;
23 transfer to another facility; conditional release; escape;
24 death; or final discharge from State custody. The
25 Department of Human Services shall establish and maintain
26 a statewide telephone number to be used by victims to make

1 notification requests under these provisions and shall
2 publicize this telephone number on its website and to the
3 State's Attorney of each county.

4 (3) In the event of an escape from State custody, the
5 Department of Corrections or the Department of Juvenile
6 Justice immediately shall notify the Prisoner Review Board
7 of the escape and the Prisoner Review Board shall notify
8 the victim. The notification shall be based upon the most
9 recent information as to the victim's residence or other
10 location available to the Board. When no such information
11 is available, the Board shall make all reasonable efforts
12 to obtain the information and make the notification. When
13 the escapee is apprehended, the Department of Corrections
14 or the Department of Juvenile Justice immediately shall
15 notify the Prisoner Review Board and the Board shall
16 notify the victim.

17 (4) The victim of the crime for which the prisoner has
18 been sentenced has the right to register with the Prisoner
19 Review Board's victim registry. Victims registered with
20 the Board shall receive reasonable written notice not less
21 than 30 days prior to the parole hearing or target
22 aftercare release date. The victim has the right to submit
23 a victim statement for consideration by the Prisoner
24 Review Board or the Department of Juvenile Justice in
25 writing, on film, videotape, or other electronic means, or
26 in the form of a recording prior to the parole hearing or

1 target aftercare release date, or in person at the parole
2 hearing or aftercare release protest hearing, or by
3 calling the toll-free number established in subsection (f)
4 of this Section. The victim shall be notified within 7
5 days after the prisoner has been granted parole or
6 aftercare release and shall be informed of the right to
7 inspect the registry of parole decisions, established
8 under subsection (g) of Section 3-3-5 of the Unified Code
9 of Corrections. The provisions of this paragraph (4) are
10 subject to the Open Parole Hearings Act. Victim statements
11 provided to the Board shall be confidential and
12 privileged, including any statements received prior to
13 January 1, 2020 (the effective date of Public Act
14 101-288), except if the statement was an oral statement
15 made by the victim at a hearing open to the public.

16 (4-1) The crime victim has the right to submit a
17 victim statement for consideration by the Prisoner Review
18 Board or the Department of Juvenile Justice prior to or at
19 a hearing to determine the conditions of mandatory
20 supervised release of a person sentenced to a determinate
21 sentence or at a hearing on revocation of mandatory
22 supervised release of a person sentenced to a determinate
23 sentence. A victim statement may be submitted in writing,
24 on film, videotape, or other electronic means, or in the
25 form of a recording, or orally at a hearing, or by calling
26 the toll-free number established in subsection (f) of this

1 Section. Victim statements provided to the Board shall be
2 confidential and privileged, including any statements
3 received prior to January 1, 2020 (the effective date of
4 Public Act 101-288), except if the statement was an oral
5 statement made by the victim at a hearing open to the
6 public.

7 (4-2) The crime victim has the right to submit a
8 victim statement to the Prisoner Review Board for
9 consideration at an executive clemency hearing as provided
10 in Section 3-3-13 of the Unified Code of Corrections. A
11 victim statement may be submitted in writing, on film,
12 videotape, or other electronic means, or in the form of a
13 recording prior to a hearing, or orally at a hearing, or by
14 calling the toll-free number established in subsection (f)
15 of this Section. Victim statements provided to the Board
16 shall be confidential and privileged, including any
17 statements received prior to January 1, 2020 (the
18 effective date of Public Act 101-288), except if the
19 statement was an oral statement made by the victim at a
20 hearing open to the public.

21 (5) If a statement is presented under Section 6, the
22 Prisoner Review Board or Department of Juvenile Justice
23 shall inform the victim of any order of discharge pursuant
24 to Section 3-2.5-85 or 3-3-8 of the Unified Code of
25 Corrections.

26 (6) At the written or oral request of the victim of the

1 crime for which the prisoner was sentenced or the State's
2 Attorney of the county where the person seeking parole or
3 aftercare release was prosecuted, the Prisoner Review
4 Board or Department of Juvenile Justice shall notify the
5 victim and the State's Attorney of the county where the
6 person seeking parole or aftercare release was prosecuted
7 of the death of the prisoner if the prisoner died while on
8 parole or aftercare release or mandatory supervised
9 release.

10 (7) When a defendant who has been committed to the
11 Department of Corrections, the Department of Juvenile
12 Justice, or the Department of Human Services is released
13 or discharged and subsequently committed to the Department
14 of Human Services as a sexually violent person and the
15 victim had requested to be notified by the releasing
16 authority of the defendant's discharge, conditional
17 release, death, or escape from State custody, the
18 releasing authority shall provide to the Department of
19 Human Services such information that would allow the
20 Department of Human Services to contact the victim.

21 (8) When a defendant has been convicted of a sex
22 offense as defined in Section 2 of the Sex Offender
23 Registration Act and has been sentenced to the Department
24 of Corrections or the Department of Juvenile Justice, the
25 Prisoner Review Board or the Department of Juvenile
26 Justice shall notify the victim of the sex offense of the

1 prisoner's eligibility for release on parole, aftercare
2 release, mandatory supervised release, electronic
3 detention, work release, international transfer or
4 exchange, or by the custodian of the discharge of any
5 individual who was adjudicated a delinquent for a sex
6 offense from State custody and by the sheriff of the
7 appropriate county of any such person's final discharge
8 from county custody. The notification shall be made to the
9 victim at least 30 days, whenever possible, before release
10 of the sex offender.

11 (e) The officials named in this Section may satisfy some
12 or all of their obligations to provide notices and other
13 information through participation in a statewide victim and
14 witness notification system established by the Attorney
15 General under Section 8.5 of this Act.

16 (f) The Prisoner Review Board shall establish a toll-free
17 number that may be accessed by the crime victim to present a
18 victim statement to the Board in accordance with paragraphs
19 (4), (4-1), and (4-2) of subsection (d).

20 (Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20;
21 101-652, eff. 1-1-23; 102-22, eff. 6-25-21; 102-558, eff.
22 8-20-21; 102-813, eff. 5-13-22.)

23 Section 10. The Unified Code of Corrections is amended by
24 changing Sections 3-3-2, 3-3-9, and 3-14-1 and by adding
25 Section 3-3-1.1 as follows:

1 (730 ILCS 5/3-3-1.1 new)

2 Sec. 3-3-1.1. Mission of the Prisoner Review Board. The
3 mission of the Prisoner Review Board is to protect the rights
4 of victims of crime, their families, and the citizens of
5 Illinois by ensuring that the rule of law is upheld and justice
6 is carried out. The Board has the responsibility to consider
7 the statements of the victims, their family members, and
8 public safety officials when an inmate's situation is being
9 reviewed by the Board. The Board has the ability to impose
10 release conditions for incarcerated individuals who are
11 exiting penal facilities, revoke and restore good conduct
12 credits from inmates, and conduct hearings to determine
13 whether parolees have violated conditions of parole. The
14 Board, in its determinations, shall award significant weight
15 to the statements and positions of victims and their family
16 members in recommending parole. The Board also has the power
17 to make recommendations to the Governor relative to clemency
18 petitions for those convicted of violating Illinois laws.

19 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

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

21 (a) The Parole and Pardon Board is abolished and the term
22 "Parole and Pardon Board" as used in any law of Illinois, shall
23 read "Prisoner Review Board." After February 1, 1978 (the
24 effective date of Public Act 81-1099), the Prisoner Review

1 Board shall provide by rule for the orderly transition of all
2 files, records, and documents of the Parole and Pardon Board
3 and for such other steps as may be necessary to effect an
4 orderly transition and shall:

5 (1) hear by at least one member and through a panel of
6 at least 3 members decide, cases of prisoners who were
7 sentenced under the law in effect prior to February 1,
8 1978 (the effective date of Public Act 81-1099), and who
9 are eligible for parole;

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

26 (3) hear by at least one member and through a panel of

1 at least 3 members decide, the conditions of mandatory
2 supervised release and the time of discharge from
3 mandatory supervised release, impose sanctions for
4 violations of mandatory supervised release, and revoke
5 mandatory supervised release for those sentenced under the
6 law in effect after February 1, 1978 (the effective date
7 of Public Act 81-1099);

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

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

20 (4) hear by at least one member and through a panel of
21 at least 3 members, decide cases brought by the Department
22 of Corrections against a prisoner in the custody of the
23 Department for alleged violation of Department rules with
24 respect to sentence credits under Section 3-6-3 of this
25 Code in which the Department seeks to revoke sentence
26 credits, if the amount of time at issue exceeds 30 days or

1 when, during any 12-month period, the cumulative amount of
2 credit revoked exceeds 30 days except where the infraction
3 is committed or discovered within 60 days of scheduled
4 release. In such cases, the Department of Corrections may
5 revoke up to 30 days of sentence credit. The Board may
6 subsequently approve the revocation of additional sentence
7 credit, if the Department seeks to revoke sentence credit
8 in excess of 30 days. However, the Board shall not be
9 empowered to review the Department's decision with respect
10 to the loss of 30 days of sentence credit for any prisoner
11 or to increase any penalty beyond the length requested by
12 the Department;

13 (5) hear by at least one member and through a panel of
14 at least 3 members decide, the release dates for certain
15 prisoners sentenced under the law in existence prior to
16 February 1, 1978 (the effective date of Public Act
17 81-1099), in accordance with Section 3-3-2.1 of this Code;

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

22 (6.5) hear by at least one member who is qualified in
23 the field of juvenile matters and through a panel of at
24 least 3 members, 2 of whom are qualified in the field of
25 juvenile matters, decide parole review cases in accordance
26 with Section 5-4.5-115 of this Code and make release

1 determinations of persons under the age of 21 at the time
2 of the commission of an offense or offenses, other than
3 those persons serving sentences for first degree murder or
4 aggravated criminal sexual assault;

5 (6.6) hear by at least a quorum of the Prisoner Review
6 Board and decide by a majority of members present at the
7 hearing, in accordance with Section 5-4.5-115 of this
8 Code, release determinations of persons under the age of
9 21 at the time of the commission of an offense or offenses
10 of those persons serving sentences for first degree murder
11 or aggravated criminal sexual assault;

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

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

24 (9) hear by at least 3 members, and, through a panel of
25 at least 3 members, decide whether to grant certificates
26 of relief from disabilities or certificates of good

1 conduct as provided in Article 5.5 of Chapter V;

2 (9.1) notify the victim in the underlying case of the
3 offender's release on mandatory supervised release at
4 least 30 days prior to release and allow the victim to
5 provide a victim's statement to the Board. The victim's
6 statement shall be considered when determining the
7 conditions of the offender's mandatory supervised release;
8 and

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

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

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

26 (C) if convicted of a violation of the Cannabis

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

8 (D) 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 the Criminal Code of
12 2012;

13 (ii) aggravated assault;

14 (iii) aggravated battery;

15 (iv) domestic battery;

16 (v) aggravated domestic battery;

17 (vi) violation of an order of protection;

18 (vii) an offense under the Criminal Code of
19 1961 or the Criminal Code of 2012 involving a
20 firearm;

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

24 (ix) aggravated driving while under the
25 influence of alcohol, other drug or drugs,
26 intoxicating compound or compounds, or any

1 combination thereof; or
2 (x) any crime defined as a crime of violence
3 under Section 2 of the Crime Victims Compensation
4 Act.

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

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

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

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

1 meets the requirements of this paragraph, hear by at least
2 3 members and, with the unanimous vote of a panel of 3
3 members, issue a certificate of eligibility for
4 expungement recommending that the court order the
5 expungement of all official records of the arresting
6 authority, the circuit court clerk, and the Illinois State
7 Police concerning the arrest and conviction for the Class
8 3 or 4 felony. A person may not apply to the Board for a
9 certificate of eligibility for expungement:

10 (A) if convicted of:

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

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

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

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

1 Armed Forces or National Guard of this or any other
2 state and has not completed one tour of duty.

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

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

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

26 (c) The Board shall cooperate with the Department in

1 promoting an effective system of parole and mandatory
2 supervised release.

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

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

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

1 persons taking those depositions are each entitled to the same
2 fees as are paid for like services in actions in the circuit
3 courts of the State. Fees and mileage shall be vouchered for
4 payment when the witness is discharged from further
5 attendance.

6 In case of disobedience to a subpoena, the Board may
7 petition any circuit court of the State for an order requiring
8 the attendance and testimony of witnesses or the production of
9 documentary evidence or both. A copy of such petition shall be
10 served by personal service or by registered or certified mail
11 upon the person who has failed to obey the subpoena, and such
12 person shall be advised in writing that a hearing upon the
13 petition will be requested in a court room to be designated in
14 such notice before the judge hearing motions or extraordinary
15 remedies at a specified time, on a specified date, not less
16 than 10 nor more than 15 days after the deposit of the copy of
17 the written notice and petition in the U.S. mail addressed to
18 the person at his or her last known address or after the
19 personal service of the copy of the notice and petition upon
20 such person. The court upon the filing of such a petition, may
21 order the person refusing to obey the subpoena to appear at an
22 investigation or hearing, or to there produce documentary
23 evidence, if so ordered, or to give evidence relative to the
24 subject matter of that investigation or hearing. Any failure
25 to obey such order of the circuit court may be punished by that
26 court as a contempt of court.

1 Each member of the Board and any hearing officer
2 designated by the Board shall have the power to administer
3 oaths and to take the testimony of persons under oath.

4 (g) Except under subsection (a) of this Section, a
5 majority of the members then appointed to the Prisoner Review
6 Board shall constitute a quorum for the transaction of all
7 business of the Board.

8 (h) The Prisoner Review Board shall annually transmit to
9 the Director a detailed report of its work for the preceding
10 calendar year. The annual report shall also be transmitted to
11 the Governor for submission to the Legislature.

12 (Source: P.A. 101-288, eff. 1-1-20; 102-538, eff. 8-20-21;
13 102-558, eff. 8-20-21.)

14 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

15 Sec. 3-3-9. Violations; changes of conditions; preliminary
16 hearing; revocation of parole or mandatory supervised release;
17 revocation hearing.

18 (a) If prior to expiration or termination of the term of
19 parole or mandatory supervised release, a person violates a
20 condition set by the Prisoner Review Board or a condition of
21 parole or mandatory supervised release under Section 3-3-7 of
22 this Code to govern that term, the Board may:

23 (1) continue the existing term, with or without
24 modifying or enlarging the conditions; or

25 (1.5) for those released as a result of youthful

1 offender parole as set forth in Section 5-4.5-115 of this
2 Code, order that the inmate be subsequently rereleased to
3 serve a specified mandatory supervised release term not to
4 exceed the full term permitted under the provisions of
5 Section 5-4.5-115 and subsection (d) of Section 5-8-1 of
6 this Code and may modify or enlarge the conditions of the
7 release as the Board deems proper; or

8 (2) parole or release the person to a half-way house;
9 or

10 (3) revoke the parole or mandatory supervised release
11 and reconfine the person for a term computed in the
12 following manner:

13 (i) (A) For those sentenced under the law in
14 effect prior to this amendatory Act of 1977, the
15 recommitment shall be for any portion of the imposed
16 maximum term of imprisonment or confinement which had
17 not been served at the time of parole and the parole
18 term, less the time elapsed between the parole of the
19 person and the commission of the violation for which
20 parole was revoked;

21 (B) Except as set forth in paragraphs (C) and (D),
22 for those subject to mandatory supervised release
23 under paragraph (d) of Section 5-8-1 of this Code, the
24 recommitment shall be for the total mandatory
25 supervised release term, less the time elapsed between
26 the release of the person and the commission of the

1 violation for which mandatory supervised release is
2 revoked. The Board may also order that a prisoner
3 serve up to one year of the sentence imposed by the
4 court which was not served due to the accumulation of
5 sentence credit;

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

11 (D) For those released as a result of youthful
12 offender parole as set forth in Section 5-4.5-115 of
13 this Code, the reconfinement period shall be for the
14 total mandatory supervised release term, less the time
15 elapsed between the release of the person and the
16 commission of the violation for which mandatory
17 supervised release is revoked. The Board may also
18 order that a prisoner serve up to one year of the
19 mandatory supervised release term previously earned.
20 The Board may also order that the inmate be
21 subsequently rereleased to serve a specified mandatory
22 supervised release term not to exceed the full term
23 permitted under the provisions of Section 5-4.5-115
24 and subsection (d) of Section 5-8-1 of this Code and
25 may modify or enlarge the conditions of the release as
26 the Board deems proper;

1 (ii) the person shall be given credit against the
2 term of reimprisonment or reconfinement for time spent
3 in custody since he or she was paroled or released
4 which has not been credited against another sentence
5 or period of confinement;

6 (iii) (blank);

7 (iv) this Section is subject to the release under
8 supervision and the reparole and rerelease provisions
9 of Section 3-3-10.

10 (b) The Board may revoke parole or mandatory supervised
11 release for violation of a condition for the duration of the
12 term and for any further period which is reasonably necessary
13 for the adjudication of matters arising before its expiration.
14 The issuance of a warrant of arrest for an alleged violation of
15 the conditions of parole or mandatory supervised release shall
16 toll the running of the term until the final determination of
17 the charge. When parole or mandatory supervised release is not
18 revoked that period shall be credited to the term, unless a
19 community-based sanction is imposed as an alternative to
20 revocation and reincarceration, including a diversion
21 established by the Illinois Department of Corrections Parole
22 Services Unit prior to the holding of a preliminary parole
23 revocation hearing. Parolees who are diverted to a
24 community-based sanction shall serve the entire term of parole
25 or mandatory supervised release, if otherwise appropriate.

26 (b-5) The Board shall revoke parole or mandatory

1 supervised release for violation of the conditions prescribed
2 in paragraph (7.6) of subsection (a) of Section 3-3-7.

3 (c) A person charged with violating a condition of parole
4 or mandatory supervised release shall have a preliminary
5 hearing before a hearing officer designated by the Board to
6 determine if there is cause to hold the person for a revocation
7 hearing. However, no preliminary hearing need be held when
8 revocation is based upon new criminal charges and a court
9 finds probable cause on the new criminal charges or when the
10 revocation is based upon a new criminal conviction and a
11 certified copy of that conviction is available.

12 (d) Parole or mandatory supervised release shall not be
13 revoked without written notice to the offender setting forth
14 the violation of parole or mandatory supervised release
15 charged against him or her. Before the Board makes a decision
16 on whether to revoke an offender's parole or mandatory
17 supervised release, the Prisoner Review Board must run a LEADS
18 report. The Board shall publish on the Board's publicly
19 accessible website the name and identification number of
20 offenders alleged to have violated terms of parole or
21 mandatory supervised release, the Board's decision whether to
22 revoke parole or mandatory supervised release, and the names
23 of the voting Board members. This information shall only be
24 accessible while the offender is in State custody.

25 (e) A hearing on revocation shall be conducted before at
26 least one member of the Prisoner Review Board. The Board shall

1 ~~may~~ meet and order its actions in panels of 3 or more members.
2 The action of a majority of the panel shall be the action of
3 the Board. A record of the hearing shall be made. The victim of
4 the underlying offense shall be notified of the hearing prior
5 to the hearing and be afforded the opportunity to provide a
6 statement. The victim's statement shall be considered by the
7 Board. At the hearing the offender shall be permitted to:

8 (1) appear and answer the charge; and

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

10 (f) The Board shall either revoke parole or mandatory
11 supervised release or order the person's term continued with
12 or without modification or enlargement of the conditions. The
13 victim of the underlying offense shall be notified of the
14 Board's decision.

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

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

20 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

21 Sec. 3-14-1. Release from the institution.

22 (a) Upon release of a person on parole, mandatory release,
23 final discharge, or pardon, the Department shall return all
24 property held for him, provide him with suitable clothing and
25 procure necessary transportation for him to his designated

1 place of residence and employment. It may provide such person
2 with a grant of money for travel and expenses which may be paid
3 in installments. The amount of the money grant shall be
4 determined by the Department.

5 (a-1) The Department shall, before a wrongfully imprisoned
6 person, as defined in Section 3-1-2 of this Code, is
7 discharged from the Department, provide him or her with any
8 documents necessary after discharge.

9 (a-2) The Department of Corrections may establish and
10 maintain, in any institution it administers, revolving funds
11 to be known as "Travel and Allowances Revolving Funds". These
12 revolving funds shall be used for advancing travel and expense
13 allowances to committed, paroled, and discharged prisoners.
14 The moneys paid into such revolving funds shall be from
15 appropriations to the Department for Committed, Paroled, and
16 Discharged Prisoners.

17 (a-3) Upon release of a person who is eligible to vote on
18 parole, mandatory release, final discharge, or pardon, the
19 Department shall provide the person with a form that informs
20 him or her that his or her voting rights have been restored and
21 a voter registration application. The Department shall have
22 available voter registration applications in the languages
23 provided by the Illinois State Board of Elections. The form
24 that informs the person that his or her rights have been
25 restored shall include the following information:

26 (1) All voting rights are restored upon release from

1 the Department's custody.

2 (2) A person who is eligible to vote must register in
3 order to be able to vote.

4 The Department of Corrections shall confirm that the
5 person received the voter registration application and has
6 been informed that his or her voting rights have been
7 restored.

8 (a-4) Prior to release of a person on parole, mandatory
9 supervised release, final discharge, or pardon, the Department
10 shall screen every person for Medicaid eligibility. Officials
11 of the correctional institution or facility where the
12 committed person is assigned shall assist an eligible person
13 to complete a Medicaid application to ensure that the person
14 begins receiving benefits as soon as possible after his or her
15 release. The application must include the eligible person's
16 address associated with his or her residence upon release from
17 the facility. If the residence is temporary, the eligible
18 person must notify the Department of Human Services of his or
19 her change in address upon transition to permanent housing.

20 (b) (Blank).

21 (c) Except as otherwise provided in this Code, the
22 Department shall establish procedures to provide written
23 notification of any release of any person who has been
24 convicted of a felony to the State's Attorney and sheriff of
25 the county from which the offender was committed, and the
26 State's Attorney and sheriff of the county into which the

1 offender is to be paroled or released. Except as otherwise
2 provided in this Code, the Department shall establish
3 procedures to provide written notification to the proper law
4 enforcement agency for any municipality of any release of any
5 person who has been convicted of a felony if the arrest of the
6 offender or the commission of the offense took place in the
7 municipality, if the offender is to be paroled or released
8 into the municipality, or if the offender resided in the
9 municipality at the time of the commission of the offense. If a
10 person convicted of a felony who is in the custody of the
11 Department of Corrections or on parole or mandatory supervised
12 release informs the Department that he or she has resided,
13 resides, or will reside at an address that is a housing
14 facility owned, managed, operated, or leased by a public
15 housing agency, the Department must send written notification
16 of that information to the public housing agency that owns,
17 manages, operates, or leases the housing facility. The written
18 notification shall, when possible, be given at least 14 days
19 before release of the person from custody, or as soon
20 thereafter as possible. The written notification shall be
21 provided electronically if the State's Attorney, sheriff,
22 proper law enforcement agency, or public housing agency has
23 provided the Department with an accurate and up to date email
24 address.

25 (c-1) (Blank).

26 (c-2) The Department shall establish procedures to provide

1 notice to the Illinois State Police of the release or
2 discharge of persons convicted of violations of the
3 Methamphetamine Control and Community Protection Act or a
4 violation of the Methamphetamine Precursor Control Act. The
5 Illinois State Police shall make this information available to
6 local, State, or federal law enforcement agencies upon
7 request.

8 (c-5) If a person on parole or mandatory supervised
9 release becomes a resident of a facility licensed or regulated
10 by the Department of Public Health, the Illinois Department of
11 Public Aid, or the Illinois Department of Human Services, the
12 Department of Corrections shall provide copies of the
13 following information to the appropriate licensing or
14 regulating Department and the licensed or regulated facility
15 where the person becomes a resident:

16 (1) The mittimus and any pre-sentence investigation
17 reports.

18 (2) The social evaluation prepared pursuant to Section
19 3-8-2.

20 (3) Any pre-release evaluation conducted pursuant to
21 subsection (j) of Section 3-6-2.

22 (4) Reports of disciplinary infractions and
23 dispositions.

24 (5) Any parole plan, including orders issued by the
25 Prisoner Review Board, and any violation reports and
26 dispositions.

1 (6) The name and contact information for the assigned
2 parole agent and parole supervisor.

3 This information shall be provided within 3 days of the
4 person becoming a resident of the facility.

5 (c-10) If a person on parole or mandatory supervised
6 release becomes a resident of a facility licensed or regulated
7 by the Department of Public Health, the Illinois Department of
8 Public Aid, or the Illinois Department of Human Services, the
9 Department of Corrections shall provide written notification
10 of such residence to the following:

11 (1) The Prisoner Review Board.

12 (2) The chief of police and sheriff in the
13 municipality and county in which the licensed facility is
14 located.

15 The notification shall be provided within 3 days of the
16 person becoming a resident of the facility.

17 (d) Upon the release of a committed person on parole,
18 mandatory supervised release, final discharge, or pardon, the
19 Department shall provide such person with information
20 concerning programs and services of the Illinois Department of
21 Public Health to ascertain whether such person has been
22 exposed to the human immunodeficiency virus (HIV) or any
23 identified causative agent of Acquired Immunodeficiency
24 Syndrome (AIDS).

25 (e) Upon the release of a committed person on parole,
26 mandatory supervised release, final discharge, pardon, or who

1 has been wrongfully imprisoned, the Department shall verify
2 the released person's full name, date of birth, and social
3 security number. If verification is made by the Department by
4 obtaining a certified copy of the released person's birth
5 certificate and the released person's social security card or
6 other documents authorized by the Secretary, the Department
7 shall provide the birth certificate and social security card
8 or other documents authorized by the Secretary to the released
9 person. If verification by the Department is done by means
10 other than obtaining a certified copy of the released person's
11 birth certificate and the released person's social security
12 card or other documents authorized by the Secretary, the
13 Department shall complete a verification form, prescribed by
14 the Secretary of State, and shall provide that verification
15 form to the released person.

16 (f) Forty-five days prior to the scheduled discharge of a
17 person committed to the custody of the Department of
18 Corrections, the Department shall give the person:

19 (1) who is otherwise uninsured an opportunity to apply
20 for health care coverage including medical assistance
21 under Article V of the Illinois Public Aid Code in
22 accordance with subsection (b) of Section 1-8.5 of the
23 Illinois Public Aid Code, and the Department of
24 Corrections shall provide assistance with completion of
25 the application for health care coverage including medical
26 assistance;

1 (2) information about obtaining a standard Illinois
2 Identification Card or a limited-term Illinois
3 Identification Card under Section 4 of the Illinois
4 Identification Card Act if the person has not been issued
5 an Illinois Identification Card under subsection (a-20) of
6 Section 4 of the Illinois Identification Card Act;

7 (3) information about voter registration and may
8 distribute information prepared by the State Board of
9 Elections. The Department of Corrections may enter into an
10 interagency contract with the State Board of Elections to
11 participate in the automatic voter registration program
12 and be a designated automatic voter registration agency
13 under Section 1A-16.2 of the Election Code;

14 (4) information about job listings upon discharge from
15 the correctional institution or facility;

16 (5) information about available housing upon discharge
17 from the correctional institution or facility;

18 (6) a directory of elected State officials and of
19 officials elected in the county and municipality, if any,
20 in which the committed person intends to reside upon
21 discharge from the correctional institution or facility;
22 and

23 (7) any other information that the Department of
24 Corrections deems necessary to provide the committed
25 person in order for the committed person to reenter the
26 community and avoid recidivism.

1 (g) Sixty days before the scheduled discharge of a person
2 committed to the custody of the Department or upon receipt of
3 the person's certified birth certificate and social security
4 card as set forth in subsection (d) of Section 3-8-1 of this
5 Act, whichever occurs later, the Department shall transmit an
6 application for an Identification Card to the Secretary of
7 State, in accordance with subsection (a-20) of Section 4 of
8 the Illinois Identification Card Act.

9 (h) Notification of an offender's release must be made for
10 those offenders who are being released after serving a
11 sentence for domestic battery, aggravated domestic battery, or
12 violation of an order of protection or who have previous
13 convictions for domestic battery, aggravated domestic battery,
14 or violation of an order of protection. For those persons
15 being released after serving a sentence for domestic battery,
16 aggravated domestic battery, or violation of an order of
17 protection the Department of Corrections shall notify, in
18 writing, the victim of the offense committed by the offender,
19 the law enforcement agencies and State's Attorneys' offices of
20 the county of conviction and the county where the offender
21 expects to reside not less than 30 days before the offender's
22 release. For those being released who have previous
23 convictions for domestic battery, aggravated domestic battery
24 or violation of an order of protection, the Department shall
25 notify in writing the victim of those previous offenses, if
26 contact information is known, the law enforcement agencies and

1 State's Attorneys' offices of the county of conviction and the
2 county where the offender expects to reside not less than 30
3 days before the offender's release.

4 The Department may adopt rules to implement this Section.
5 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
6 102-606, eff. 1-1-22; 102-813, eff. 5-13-22; 103-345, eff.
7 1-1-24.)

8 Section 15. The Illinois Domestic Violence Act of 1986 is
9 amended by changing Section 214 as follows:

10 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

11 Sec. 214. Order of protection; remedies.

12 (a) Issuance of order. If the court finds that petitioner
13 has been abused by a family or household member or that
14 petitioner is a high-risk adult who has been abused,
15 neglected, or exploited, as defined in this Act, an order of
16 protection prohibiting the abuse, neglect, or exploitation
17 shall issue; provided that petitioner must also satisfy the
18 requirements of one of the following Sections, as appropriate:
19 Section 217 on emergency orders, Section 218 on interim
20 orders, or Section 219 on plenary orders. Petitioner shall not
21 be denied an order of protection because petitioner or
22 respondent is a minor. The court, when determining whether or
23 not to issue an order of protection, shall not require
24 physical manifestations of abuse on the person of the victim.

1 Modification and extension of prior orders of protection shall
2 be in accordance with this Act.

3 (b) Remedies and standards. The remedies to be included in
4 an order of protection shall be determined in accordance with
5 this Section and one of the following Sections, as
6 appropriate: Section 217 on emergency orders, Section 218 on
7 interim orders, and Section 219 on plenary orders. The
8 remedies listed in this subsection shall be in addition to
9 other civil or criminal remedies available to petitioner.

10 (1) Prohibition of abuse, neglect, or exploitation.
11 Prohibit respondent's harassment, interference with
12 personal liberty, intimidation of a dependent, physical
13 abuse, or willful deprivation, neglect or exploitation, as
14 defined in this Act, or stalking of the petitioner, as
15 defined in Section 12-7.3 of the Criminal Code of 2012, if
16 such abuse, neglect, exploitation, or stalking has
17 occurred or otherwise appears likely to occur if not
18 prohibited.

19 (2) Grant of exclusive possession of residence.
20 Prohibit respondent from entering or remaining in any
21 residence, household, or premises of the petitioner,
22 including one owned or leased by respondent, if petitioner
23 has a right to occupancy thereof. The grant of exclusive
24 possession of the residence, household, or premises shall
25 not affect title to real property, nor shall the court be
26 limited by the standard set forth in subsection (c-2) of

1 Section 501 of the Illinois Marriage and Dissolution of
2 Marriage Act.

3 (A) Right to occupancy. A party has a right to
4 occupancy of a residence or household if it is solely
5 or jointly owned or leased by that party, that party's
6 spouse, a person with a legal duty to support that
7 party or a minor child in that party's care, or by any
8 person or entity other than the opposing party that
9 authorizes that party's occupancy (e.g., a domestic
10 violence shelter). Standards set forth in subparagraph
11 (B) shall not preclude equitable relief.

12 (B) Presumption of hardships. If petitioner and
13 respondent each has the right to occupancy of a
14 residence or household, the court shall balance (i)
15 the hardships to respondent and any minor child or
16 dependent adult in respondent's care resulting from
17 entry of this remedy with (ii) the hardships to
18 petitioner and any minor child or dependent adult in
19 petitioner's care resulting from continued exposure to
20 the risk of abuse (should petitioner remain at the
21 residence or household) or from loss of possession of
22 the residence or household (should petitioner leave to
23 avoid the risk of abuse). When determining the balance
24 of hardships, the court shall also take into account
25 the accessibility of the residence or household.
26 Hardships need not be balanced if respondent does not

1 have a right to occupancy.

2 The balance of hardships is presumed to favor
3 possession by petitioner unless the presumption is
4 rebutted by a preponderance of the evidence, showing
5 that the hardships to respondent substantially
6 outweigh the hardships to petitioner and any minor
7 child or dependent adult in petitioner's care. The
8 court, on the request of petitioner or on its own
9 motion, may order respondent to provide suitable,
10 accessible, alternate housing for petitioner instead
11 of excluding respondent from a mutual residence or
12 household.

13 (3) Stay away order and additional prohibitions. Order
14 respondent to stay away from petitioner or any other
15 person protected by the order of protection, or prohibit
16 respondent from entering or remaining present at
17 petitioner's school, place of employment, or other
18 specified places at times when petitioner is present, or
19 both, if reasonable, given the balance of hardships.
20 Hardships need not be balanced for the court to enter a
21 stay away order or prohibit entry if respondent has no
22 right to enter the premises.

23 (A) If an order of protection grants petitioner
24 exclusive possession of the residence, or prohibits
25 respondent from entering the residence, or orders
26 respondent to stay away from petitioner or other

1 protected persons, then the court may allow respondent
2 access to the residence to remove items of clothing
3 and personal adornment used exclusively by respondent,
4 medications, and other items as the court directs. The
5 right to access shall be exercised on only one
6 occasion as the court directs and in the presence of an
7 agreed-upon adult third party or law enforcement
8 officer.

9 (B) When the petitioner and the respondent attend
10 the same public, private, or non-public elementary,
11 middle, or high school, the court when issuing an
12 order of protection and providing relief shall
13 consider the severity of the act, any continuing
14 physical danger or emotional distress to the
15 petitioner, the educational rights guaranteed to the
16 petitioner and respondent under federal and State law,
17 the availability of a transfer of the respondent to
18 another school, a change of placement or a change of
19 program of the respondent, the expense, difficulty,
20 and educational disruption that would be caused by a
21 transfer of the respondent to another school, and any
22 other relevant facts of the case. The court may order
23 that the respondent not attend the public, private, or
24 non-public elementary, middle, or high school attended
25 by the petitioner, order that the respondent accept a
26 change of placement or change of program, as

1 determined by the school district or private or
2 non-public school, or place restrictions on the
3 respondent's movements within the school attended by
4 the petitioner. The respondent bears the burden of
5 proving by a preponderance of the evidence that a
6 transfer, change of placement, or change of program of
7 the respondent is not available. The respondent also
8 bears the burden of production with respect to the
9 expense, difficulty, and educational disruption that
10 would be caused by a transfer of the respondent to
11 another school. A transfer, change of placement, or
12 change of program is not unavailable to the respondent
13 solely on the ground that the respondent does not
14 agree with the school district's or private or
15 non-public school's transfer, change of placement, or
16 change of program or solely on the ground that the
17 respondent fails or refuses to consent or otherwise
18 does not take an action required to effectuate a
19 transfer, change of placement, or change of program.
20 When a court orders a respondent to stay away from the
21 public, private, or non-public school attended by the
22 petitioner and the respondent requests a transfer to
23 another attendance center within the respondent's
24 school district or private or non-public school, the
25 school district or private or non-public school shall
26 have sole discretion to determine the attendance

1 center to which the respondent is transferred. In the
2 event the court order results in a transfer of the
3 minor respondent to another attendance center, a
4 change in the respondent's placement, or a change of
5 the respondent's program, the parents, guardian, or
6 legal custodian of the respondent is responsible for
7 transportation and other costs associated with the
8 transfer or change.

9 (C) The court may order the parents, guardian, or
10 legal custodian of a minor respondent to take certain
11 actions or to refrain from taking certain actions to
12 ensure that the respondent complies with the order. In
13 the event the court orders a transfer of the
14 respondent to another school, the parents, guardian,
15 or legal custodian of the respondent is responsible
16 for transportation and other costs associated with the
17 change of school by the respondent.

18 (4) Counseling. Require or recommend the respondent to
19 undergo counseling for a specified duration with a social
20 worker, psychologist, clinical psychologist,
21 psychiatrist, family service agency, alcohol or substance
22 abuse program, mental health center guidance counselor,
23 agency providing services to elders, program designed for
24 domestic violence abusers or any other guidance service
25 the court deems appropriate. The Court may order the
26 respondent in any intimate partner relationship to report

1 to an Illinois Department of Human Services protocol
2 approved partner abuse intervention program for an
3 assessment and to follow all recommended treatment.

4 (5) Physical care and possession of the minor child.
5 In order to protect the minor child from abuse, neglect,
6 or unwarranted separation from the person who has been the
7 minor child's primary caretaker, or to otherwise protect
8 the well-being of the minor child, the court may do either
9 or both of the following: (i) grant petitioner physical
10 care or possession of the minor child, or both, or (ii)
11 order respondent to return a minor child to, or not remove
12 a minor child from, the physical care of a parent or person
13 in loco parentis.

14 If a court finds, after a hearing, that respondent has
15 committed abuse (as defined in Section 103) of a minor
16 child, there shall be a rebuttable presumption that
17 awarding physical care to respondent would not be in the
18 minor child's best interest.

19 (6) Temporary allocation of parental responsibilities:
20 significant decision-making. Award temporary
21 decision-making responsibility to petitioner in accordance
22 with this Section, the Illinois Marriage and Dissolution
23 of Marriage Act, the Illinois Parentage Act of 2015, and
24 this State's Uniform Child-Custody Jurisdiction and
25 Enforcement Act.

26 If a court finds, after a hearing, that respondent has

1 committed abuse (as defined in Section 103) of a minor
2 child, there shall be a rebuttable presumption that
3 awarding temporary significant decision-making
4 responsibility to respondent would not be in the child's
5 best interest.

6 (7) Parenting time. Determine the parenting time, if
7 any, of respondent in any case in which the court awards
8 physical care or allocates temporary significant
9 decision-making responsibility of a minor child to
10 petitioner. The court shall restrict or deny respondent's
11 parenting time with a minor child if the court finds that
12 respondent has done or is likely to do any of the
13 following: (i) abuse or endanger the minor child during
14 parenting time; (ii) use the parenting time as an
15 opportunity to abuse or harass petitioner or petitioner's
16 family or household members; (iii) improperly conceal or
17 detain the minor child; or (iv) otherwise act in a manner
18 that is not in the best interests of the minor child. The
19 court shall not be limited by the standards set forth in
20 Section 603.10 of the Illinois Marriage and Dissolution of
21 Marriage Act. If the court grants parenting time, the
22 order shall specify dates and times for the parenting time
23 to take place or other specific parameters or conditions
24 that are appropriate. No order for parenting time shall
25 refer merely to the term "reasonable parenting time".

26 Petitioner may deny respondent access to the minor

1 child if, when respondent arrives for parenting time,
2 respondent is under the influence of drugs or alcohol and
3 constitutes a threat to the safety and well-being of
4 petitioner or petitioner's minor children or is behaving
5 in a violent or abusive manner.

6 If necessary to protect any member of petitioner's
7 family or household from future abuse, respondent shall be
8 prohibited from coming to petitioner's residence to meet
9 the minor child for parenting time, and the parties shall
10 submit to the court their recommendations for reasonable
11 alternative arrangements for parenting time. A person may
12 be approved to supervise parenting time only after filing
13 an affidavit accepting that responsibility and
14 acknowledging accountability to the court.

15 (8) Removal or concealment of minor child. Prohibit
16 respondent from removing a minor child from the State or
17 concealing the child within the State.

18 (9) Order to appear. Order the respondent to appear in
19 court, alone or with a minor child, to prevent abuse,
20 neglect, removal or concealment of the child, to return
21 the child to the custody or care of the petitioner or to
22 permit any court-ordered interview or examination of the
23 child or the respondent.

24 (10) Possession of personal property. Grant petitioner
25 exclusive possession of personal property and, if
26 respondent has possession or control, direct respondent to

1 promptly make it available to petitioner, if:

2 (i) petitioner, but not respondent, owns the
3 property; or

4 (ii) the parties own the property jointly; sharing
5 it would risk abuse of petitioner by respondent or is
6 impracticable; and the balance of hardships favors
7 temporary possession by petitioner.

8 If petitioner's sole claim to ownership of the
9 property is that it is marital property, the court may
10 award petitioner temporary possession thereof under the
11 standards of subparagraph (ii) of this paragraph only if a
12 proper proceeding has been filed under the Illinois
13 Marriage and Dissolution of Marriage Act, as now or
14 hereafter amended.

15 No order under this provision shall affect title to
16 property.

17 (11) Protection of property. Forbid the respondent
18 from taking, transferring, encumbering, concealing,
19 damaging or otherwise disposing of any real or personal
20 property, except as explicitly authorized by the court,
21 if:

22 (i) petitioner, but not respondent, owns the
23 property; or

24 (ii) the parties own the property jointly, and the
25 balance of hardships favors granting this remedy.

26 If petitioner's sole claim to ownership of the

1 property is that it is marital property, the court may
2 grant petitioner relief under subparagraph (ii) of this
3 paragraph only if a proper proceeding has been filed under
4 the Illinois Marriage and Dissolution of Marriage Act, as
5 now or hereafter amended.

6 The court may further prohibit respondent from
7 improperly using the financial or other resources of an
8 aged member of the family or household for the profit or
9 advantage of respondent or of any other person.

10 (11.5) Protection of animals. Grant the petitioner the
11 exclusive care, custody, or control of any animal owned,
12 possessed, leased, kept, or held by either the petitioner
13 or the respondent or a minor child residing in the
14 residence or household of either the petitioner or the
15 respondent and order the respondent to stay away from the
16 animal and forbid the respondent from taking,
17 transferring, encumbering, concealing, harming, or
18 otherwise disposing of the animal.

19 (12) Order for payment of support. Order respondent to
20 pay temporary support for the petitioner or any child in
21 the petitioner's care or over whom the petitioner has been
22 allocated parental responsibility, when the respondent has
23 a legal obligation to support that person, in accordance
24 with the Illinois Marriage and Dissolution of Marriage
25 Act, which shall govern, among other matters, the amount
26 of support, payment through the clerk and withholding of

1 income to secure payment. An order for child support may
2 be granted to a petitioner with lawful physical care of a
3 child, or an order or agreement for physical care of a
4 child, prior to entry of an order allocating significant
5 decision-making responsibility. Such a support order shall
6 expire upon entry of a valid order allocating parental
7 responsibility differently and vacating the petitioner's
8 significant decision-making authority, unless otherwise
9 provided in the order.

10 (13) Order for payment of losses. Order respondent to
11 pay petitioner for losses suffered as a direct result of
12 the abuse, neglect, or exploitation. Such losses shall
13 include, but not be limited to, medical expenses, lost
14 earnings or other support, repair or replacement of
15 property damaged or taken, reasonable attorney's fees,
16 court costs and moving or other travel expenses, including
17 additional reasonable expenses for temporary shelter and
18 restaurant meals.

19 (i) Losses affecting family needs. If a party is
20 entitled to seek maintenance, child support or
21 property distribution from the other party under the
22 Illinois Marriage and Dissolution of Marriage Act, as
23 now or hereafter amended, the court may order
24 respondent to reimburse petitioner's actual losses, to
25 the extent that such reimbursement would be
26 "appropriate temporary relief", as authorized by

1 subsection (a) (3) of Section 501 of that Act.

2 (ii) Recovery of expenses. In the case of an
3 improper concealment or removal of a minor child, the
4 court may order respondent to pay the reasonable
5 expenses incurred or to be incurred in the search for
6 and recovery of the minor child, including but not
7 limited to legal fees, court costs, private
8 investigator fees, and travel costs.

9 (14) Prohibition of entry. Prohibit the respondent
10 from entering or remaining in the residence or household
11 while the respondent is under the influence of alcohol or
12 drugs and constitutes a threat to the safety and
13 well-being of the petitioner or the petitioner's children.

14 (14.5) Prohibition of firearm possession.

15 (a) Prohibit a respondent against whom an order of
16 protection was issued from possessing any firearms
17 during the duration of the order if the order:

18 (1) was issued after a hearing of which such
19 person received actual notice, and at which such
20 person had an opportunity to participate;

21 (2) restrains such person from harassing,
22 stalking, or threatening an intimate partner of
23 such person or child of such intimate partner or
24 person, or engaging in other conduct that would
25 place an intimate partner in reasonable fear of
26 bodily injury to the partner or child; and

1 (3) (i) includes a finding that such person
2 represents a credible threat to the physical
3 safety of such intimate partner or child; or (ii)
4 by its terms explicitly prohibits the use,
5 attempted use, or threatened use of physical force
6 against such intimate partner or child that would
7 reasonably be expected to cause bodily injury.

8 Any Firearm Owner's Identification Card in the
9 possession of the respondent, except as provided in
10 subsection (b), shall be ordered by the court to be
11 turned over to the local law enforcement agency. The
12 local law enforcement agency shall immediately mail
13 the card to the Illinois State Police Firearm Owner's
14 Identification Card Office for safekeeping. The court
15 shall issue a warrant for seizure of any firearm in the
16 possession of the respondent, to be kept by the local
17 law enforcement agency for safekeeping, except as
18 provided in subsection (b). The period of safekeeping
19 shall be for the duration of the order of protection.
20 The firearm or firearms and Firearm Owner's
21 Identification Card, if unexpired, shall at the
22 respondent's request, be returned to the respondent at
23 the end of the order of protection. It is the
24 respondent's responsibility to notify the Illinois
25 State Police Firearm Owner's Identification Card
26 Office.

1 (b) If the respondent is a peace officer as
2 defined in Section 2-13 of the Criminal Code of 2012,
3 the court shall order that any firearms used by the
4 respondent in the performance of his or her duties as a
5 peace officer be surrendered to the chief law
6 enforcement executive of the agency in which the
7 respondent is employed, who shall retain the firearms
8 for safekeeping for the duration of the order of
9 protection.

10 (c) Upon expiration of the period of safekeeping,
11 if the firearms or Firearm Owner's Identification Card
12 cannot be returned to respondent because respondent
13 cannot be located, fails to respond to requests to
14 retrieve the firearms, or is not lawfully eligible to
15 possess a firearm, upon petition from the local law
16 enforcement agency, the court may order the local law
17 enforcement agency to destroy the firearms, use the
18 firearms for training purposes, or for any other
19 application as deemed appropriate by the local law
20 enforcement agency; or that the firearms be turned
21 over to a third party who is lawfully eligible to
22 possess firearms, and who does not reside with
23 respondent.

24 (15) Prohibition of access to records. If an order of
25 protection prohibits respondent from having contact with
26 the minor child, or if petitioner's address is omitted

1 under subsection (b) of Section 203, or if necessary to
2 prevent abuse or wrongful removal or concealment of a
3 minor child, the order shall deny respondent access to,
4 and prohibit respondent from inspecting, obtaining, or
5 attempting to inspect or obtain, school or any other
6 records of the minor child who is in the care of
7 petitioner.

8 (16) Order for payment of shelter services. Order
9 respondent to reimburse a shelter providing temporary
10 housing and counseling services to the petitioner for the
11 cost of the services, as certified by the shelter and
12 deemed reasonable by the court.

13 (17) Order for injunctive relief. Enter injunctive
14 relief necessary or appropriate to prevent further abuse
15 of a family or household member or further abuse, neglect,
16 or exploitation of a high-risk adult with disabilities or
17 to effectuate one of the granted remedies, if supported by
18 the balance of hardships. If the harm to be prevented by
19 the injunction is abuse or any other harm that one of the
20 remedies listed in paragraphs (1) through (16) of this
21 subsection is designed to prevent, no further evidence is
22 necessary that the harm is an irreparable injury.

23 (18) Telephone services.

24 (A) Unless a condition described in subparagraph
25 (B) of this paragraph exists, the court may, upon
26 request by the petitioner, order a wireless telephone

1 service provider to transfer to the petitioner the
2 right to continue to use a telephone number or numbers
3 indicated by the petitioner and the financial
4 responsibility associated with the number or numbers,
5 as set forth in subparagraph (C) of this paragraph.
6 For purposes of this paragraph (18), the term
7 "wireless telephone service provider" means a provider
8 of commercial mobile service as defined in 47 U.S.C.
9 332. The petitioner may request the transfer of each
10 telephone number that the petitioner, or a minor child
11 in his or her custody, uses. The clerk of the court
12 shall serve the order on the wireless telephone
13 service provider's agent for service of process
14 provided to the Illinois Commerce Commission. The
15 order shall contain all of the following:

16 (i) The name and billing telephone number of
17 the account holder including the name of the
18 wireless telephone service provider that serves
19 the account.

20 (ii) Each telephone number that will be
21 transferred.

22 (iii) A statement that the provider transfers
23 to the petitioner all financial responsibility for
24 and right to the use of any telephone number
25 transferred under this paragraph.

26 (B) A wireless telephone service provider shall

1 terminate the respondent's use of, and shall transfer
2 to the petitioner use of, the telephone number or
3 numbers indicated in subparagraph (A) of this
4 paragraph unless it notifies the petitioner, within 72
5 hours after it receives the order, that one of the
6 following applies:

7 (i) The account holder named in the order has
8 terminated the account.

9 (ii) A difference in network technology would
10 prevent or impair the functionality of a device on
11 a network if the transfer occurs.

12 (iii) The transfer would cause a geographic or
13 other limitation on network or service provision
14 to the petitioner.

15 (iv) Another technological or operational
16 issue would prevent or impair the use of the
17 telephone number if the transfer occurs.

18 (C) The petitioner assumes all financial
19 responsibility for and right to the use of any
20 telephone number transferred under this paragraph. In
21 this paragraph, "financial responsibility" includes
22 monthly service costs and costs associated with any
23 mobile device associated with the number.

24 (D) A wireless telephone service provider may
25 apply to the petitioner its routine and customary
26 requirements for establishing an account or

1 transferring a number, including requiring the
2 petitioner to provide proof of identification,
3 financial information, and customer preferences.

4 (E) Except for willful or wanton misconduct, a
5 wireless telephone service provider is immune from
6 civil liability for its actions taken in compliance
7 with a court order issued under this paragraph.

8 (F) All wireless service providers that provide
9 services to residential customers shall provide to the
10 Illinois Commerce Commission the name and address of
11 an agent for service of orders entered under this
12 paragraph (18). Any change in status of the registered
13 agent must be reported to the Illinois Commerce
14 Commission within 30 days of such change.

15 (G) The Illinois Commerce Commission shall
16 maintain the list of registered agents for service for
17 each wireless telephone service provider on the
18 Commission's website. The Commission may consult with
19 wireless telephone service providers and the Circuit
20 Court Clerks on the manner in which this information
21 is provided and displayed.

22 (c) Relevant factors; findings.

23 (1) In determining whether to grant a specific remedy,
24 other than payment of support, the court shall consider
25 relevant factors, including but not limited to the
26 following:

1 (i) the nature, frequency, severity, pattern and
2 consequences of the respondent's past abuse, neglect
3 or exploitation of the petitioner or any family or
4 household member, including the concealment of his or
5 her location in order to evade service of process or
6 notice, and the likelihood of danger of future abuse,
7 neglect, or exploitation to petitioner or any member
8 of petitioner's or respondent's family or household;
9 and

10 (ii) the danger that any minor child will be
11 abused or neglected or improperly relocated from the
12 jurisdiction, improperly concealed within the State or
13 improperly separated from the child's primary
14 caretaker.

15 (2) In comparing relative hardships resulting to the
16 parties from loss of possession of the family home, the
17 court shall consider relevant factors, including but not
18 limited to the following:

19 (i) availability, accessibility, cost, safety,
20 adequacy, location and other characteristics of
21 alternate housing for each party and any minor child
22 or dependent adult in the party's care;

23 (ii) the effect on the party's employment; and

24 (iii) the effect on the relationship of the party,
25 and any minor child or dependent adult in the party's
26 care, to family, school, church and community.

1 (3) Subject to the exceptions set forth in paragraph
2 (4) of this subsection, the court shall make its findings
3 in an official record or in writing, and shall at a minimum
4 set forth the following:

5 (i) That the court has considered the applicable
6 relevant factors described in paragraphs (1) and (2)
7 of this subsection.

8 (ii) Whether the conduct or actions of respondent,
9 unless prohibited, will likely cause irreparable harm
10 or continued abuse.

11 (iii) Whether it is necessary to grant the
12 requested relief in order to protect petitioner or
13 other alleged abused persons.

14 (4) For purposes of issuing an ex parte emergency
15 order of protection, the court, as an alternative to or as
16 a supplement to making the findings described in
17 paragraphs (c)(3)(i) through (c)(3)(iii) of this
18 subsection, may use the following procedure:

19 When a verified petition for an emergency order of
20 protection in accordance with the requirements of Sections
21 203 and 217 is presented to the court, the court shall
22 examine petitioner on oath or affirmation. An emergency
23 order of protection shall be issued by the court if it
24 appears from the contents of the petition and the
25 examination of petitioner that the averments are
26 sufficient to indicate abuse by respondent and to support

1 the granting of relief under the issuance of the emergency
2 order of protection.

3 (5) Never married parties. No rights or
4 responsibilities for a minor child born outside of
5 marriage attach to a putative father until a father and
6 child relationship has been established under the Illinois
7 Parentage Act of 1984, the Illinois Parentage Act of 2015,
8 the Illinois Public Aid Code, Section 12 of the Vital
9 Records Act, the Juvenile Court Act of 1987, the Probate
10 Act of 1975, the Revised Uniform Reciprocal Enforcement of
11 Support Act, the Uniform Interstate Family Support Act,
12 the Expedited Child Support Act of 1990, any judicial,
13 administrative, or other act of another state or
14 territory, any other Illinois statute, or by any foreign
15 nation establishing the father and child relationship, any
16 other proceeding substantially in conformity with the
17 Personal Responsibility and Work Opportunity
18 Reconciliation Act of 1996 (Pub. L. 104-193), or where
19 both parties appeared in open court or at an
20 administrative hearing acknowledging under oath or
21 admitting by affirmation the existence of a father and
22 child relationship. Absent such an adjudication, finding,
23 or acknowledgment, no putative father shall be granted
24 temporary allocation of parental responsibilities,
25 including parenting time with the minor child, or physical
26 care and possession of the minor child, nor shall an order

1 of payment for support of the minor child be entered.

2 (d) Balance of hardships; findings. If the court finds
3 that the balance of hardships does not support the granting of
4 a remedy governed by paragraph (2), (3), (10), (11), or (16) of
5 subsection (b) of this Section, which may require such
6 balancing, the court's findings shall so indicate and shall
7 include a finding as to whether granting the remedy will
8 result in hardship to respondent that would substantially
9 outweigh the hardship to petitioner from denial of the remedy.
10 The findings shall be an official record or in writing.

11 (e) Denial of remedies. Denial of any remedy shall not be
12 based, in whole or in part, on evidence that:

13 (1) Respondent has cause for any use of force, unless
14 that cause satisfies the standards for justifiable use of
15 force provided by Article 7 of the Criminal Code of 2012;

16 (2) Respondent was voluntarily intoxicated;

17 (3) Petitioner acted in self-defense or defense of
18 another, provided that, if petitioner utilized force, such
19 force was justifiable under Article 7 of the Criminal Code
20 of 2012;

21 (4) Petitioner did not act in self-defense or defense
22 of another;

23 (5) Petitioner left the residence or household to
24 avoid further abuse, neglect, or exploitation by
25 respondent;

26 (6) Petitioner did not leave the residence or

1 household to avoid further abuse, neglect, or exploitation
2 by respondent;

3 (7) Conduct by any family or household member excused
4 the abuse, neglect, or exploitation by respondent, unless
5 that same conduct would have excused such abuse, neglect,
6 or exploitation if the parties had not been family or
7 household members.

8 A petition for an order of protection may not be denied
9 upon the basis that the petitioner or the respondent is
10 incarcerated in a penal institution at the time of the filing
11 of the petition.

12 (Source: P.A. 102-538, eff. 8-20-21.)

1 INDEX

2 Statutes amended in order of appearance

3 725 ILCS 120/4.5

4 730 ILCS 5/3-3-1.1 new

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

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

7 730 ILCS 5/3-14-1 from Ch. 38, par. 1003-14-1

8 750 ILCS 60/214 from Ch. 40, par. 2312-14