



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4657

Introduced 2/3/2026, by Rep. Jennifer Sanalidro

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-13
730 ILCS 5/3-3-14

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

Amends the Unified Code of Corrections concerning executive clemency. Provides that, upon request, the Department of Corrections shall provide disciplinary records of the petitioner to the State's Attorney of the county in which the conviction had been entered. Provides that any State's Attorney provided disciplinary records of a petitioner is prohibited from disseminating the disciplinary records or their contents. Provides that the records and the information contained in the records may only be disclosed as part of a response to a petition for clemency or during a related clemency hearing. Provides that upon an application for compassionate release, the Department of Corrections shall provide the State's Attorney serving the county in which the applying petitioner's conviction was entered with a copy of the petitioner's complete disciplinary files and complete medical file and any evaluations, whether by prison medical staff or outside medical providers, which form the basis for the petitioner's application for compassionate release. Provides that the records shall remain in the exclusive possession of the State's Attorney and shall not be disclosed other than in hearings on compassionate release or written responses to the petitioner's compassionate release petition.

LRB104 17402 RLC 30827 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-3-13 and 3-3-14 as follows:

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

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

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

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

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

3 (b) Notice of the proposed application shall be given by
4 the Board to the committing court and the state's attorney of
5 the county where the conviction was had. Upon request, the
6 Department of Corrections shall provide disciplinary records
7 of the petitioner to the State's Attorney of the county in
8 which the conviction had been entered. Any State's Attorney
9 provided disciplinary records of a petitioner is prohibited
10 from disseminating the disciplinary records or their contents.
11 The records and the information contained in the records may
12 only be disclosed as part of a response to a petition for
13 clemency or during a related clemency hearing.

14 (b-5) Victims registered with the Board shall receive
15 reasonable written notice not less than 30 days prior to the
16 executive clemency hearing date. The victim has the right to
17 submit a victim statement, in support or opposition, to the
18 Prisoner Review Board for consideration at an executive
19 clemency hearing as provided in subsection (c) of this
20 Section. Victim statements provided to the Board shall be
21 confidential and privileged, including any statements received
22 prior to the effective date of this amendatory Act of the 101st
23 General Assembly, except if the statement was an oral
24 statement made by the victim at a hearing open to the public.

25 (c) The Board shall, upon due notice, give a hearing to
26 each application, allowing representation by counsel, if

1 desired, after which it shall confidentially advise the
2 Governor by a written report of its recommendations which
3 shall be determined by majority vote. The written report to
4 the Governor shall be confidential and privileged, including
5 any reports made prior to the effective date of this
6 amendatory Act of the 101st General Assembly. The Board shall
7 meet to consider such petitions no less than 4 times each year.

8 (d) The Governor shall decide each application and
9 communicate his decision to the Board which shall notify the
10 petitioner.

11 In the event a petitioner who has been convicted of a Class
12 X felony is granted a release, after the Governor has
13 communicated such decision to the Board, the Board shall give
14 written notice to the Sheriff of the county from which the
15 offender was sentenced if such sheriff has requested that such
16 notice be given on a continuing basis. In cases where arrest of
17 the offender or the commission of the offense took place in any
18 municipality with a population of more than 10,000 persons,
19 the Board shall also give written notice to the proper law
20 enforcement agency for said municipality which has requested
21 notice on a continuing basis.

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

25 (Source: P.A. 103-51, eff. 1-1-24; 104-11, eff. 6-20-25.)

1 (730 ILCS 5/3-3-14)

2 Sec. 3-3-14. Procedure for medical release.

3 (a) Definitions.

4 (1) As used in this Section, "medically incapacitated"
5 means that a petitioner has any diagnosable medical
6 condition, including dementia and severe, permanent
7 medical or cognitive disability, that prevents the
8 petitioner from completing more than one activity of daily
9 living without assistance or that incapacitates the
10 petitioner to the extent that institutional confinement
11 does not offer additional restrictions, and that the
12 condition is unlikely to improve noticeably in the future.

13 (2) As used in this Section, "terminal illness" means
14 a condition that satisfies all of the following criteria:

15 (i) the condition is irreversible and incurable;

16 and

17 (ii) in accordance with medical standards and a
18 reasonable degree of medical certainty, based on an
19 individual assessment of the petitioner, the condition
20 is likely to cause death to the petitioner within 18
21 months.

22 (b) The Prisoner Review Board shall consider an
23 application for compassionate release on behalf of any
24 petitioner who meets any of the following:

25 (1) is suffering from a terminal illness; or

26 (2) has been diagnosed with a condition that will

1 result in medical incapacity within the next 6 months; or

2 (3) has become medically incapacitated subsequent to
3 sentencing due to illness or injury.

4 (c) Initial application.

5 (1) An initial application for medical release may be
6 filed with the Prisoner Review Board by the petitioner, a
7 prison official, a medical professional who has treated or
8 diagnosed the petitioner, or the petitioner's spouse,
9 parent, guardian, grandparent, aunt or uncle, sibling,
10 child over the age of eighteen years, or attorney. If the
11 initial application is made by someone other than the
12 petitioner, the petitioner, or if the petitioner is
13 medically unable to consent, the guardian or family member
14 designated to represent the petitioner's interests must
15 consent to the application at the time of the
16 institutional hearing.

17 (2) Application materials shall be maintained on the
18 Prisoner Review Board's website and the Department of
19 Corrections' website and maintained in a clearly visible
20 place within the law library and the infirmary of every
21 penal institution and facility operated by the Department
22 of Corrections.

23 (3) The initial application need not be notarized, can
24 be sent via email or facsimile, and must contain the
25 following information:

26 (i) the petitioner's name and Illinois Department

1 of Corrections number;

2 (ii) the petitioner's diagnosis;

3 (iii) a statement that the petitioner meets one of
4 the following diagnostic criteria:

5 (A) the petitioner is suffering from a
6 terminal illness;

7 (B) the petitioner has been diagnosed with a
8 condition that will result in medical incapacity
9 within the next 6 months; or

10 (C) the petitioner has become medically
11 incapacitated subsequent to sentencing due to
12 illness or injury.

13 (3.5) The Prisoner Review Board shall place no
14 additional restrictions, limitations, or requirements on
15 applications from petitioners.

16 (4) Upon receiving the petitioner's initial
17 application, the Board shall order the Department of
18 Corrections to have a physician or nurse practitioner
19 evaluate the petitioner and create a written evaluation
20 within ten days of the Board's order. The evaluation shall
21 include but need not be limited to:

22 (i) a concise statement of the petitioner medical
23 diagnosis, including prognosis, likelihood of
24 recovery, and primary symptoms, to include
25 incapacitation; and

26 (ii) a statement confirming or denying that the

1 petitioner meets one of the criteria stated in
2 subsection (b) of this Section.

3 (5) Upon a determination that the petitioner is
4 eligible for a hearing, the Prisoner Review Board shall:

5 (i) provide public notice of the petitioner's
6 name, docket number, counsel, and hearing date; and

7 (ii) provide a copy of the evaluation and any
8 medical records provided by the Department of
9 Corrections to the petitioner or the petitioner's
10 attorney upon scheduling the institutional hearing.

11 (6) Upon an application for compassionate release, the
12 Department of Corrections shall provide the State's
13 Attorney serving the county in which the applying
14 petitioner's conviction was entered with a copy of the
15 petitioner's complete disciplinary files and complete
16 medical file and any evaluations, whether by prison
17 medical staff or outside medical providers, which form the
18 basis for the petitioner's application for compassionate
19 release. The records shall remain in the exclusive
20 possession of the State's Attorney and shall not be
21 disclosed other than in hearings on compassionate release
22 or written responses to the petitioner's compassionate
23 release petition.

24 (d) Institutional hearing. Hearings are public unless the
25 petitioner requests a non-public hearing. The petitioner has a
26 right to attend the hearing and to speak on the petitioner's

1 own behalf. The petitioner may be represented by counsel and
2 may present witnesses to the Board members. Hearings shall be
3 governed by the Open Parole Hearings Act. Members of the
4 public shall be permitted to freely attend public hearings
5 without restriction.

6 (e) Voting procedure. Petitions shall be considered by
7 three-member panels, and decisions shall be made by simple
8 majority. Voting shall take place during the public hearing.

9 (f) Consideration. In considering a petition for release
10 under the statute, the Prisoner Review Board may consider the
11 following factors:

12 (i) the petitioner's diagnosis and likelihood of
13 recovery;

14 (ii) the approximate cost of health care to the
15 State should the petitioner remain in custody;

16 (iii) the impact that the petitioner's continued
17 incarceration may have on the provision of medical
18 care within the Department;

19 (iv) the present likelihood of and ability to pose
20 a substantial danger to the physical safety of a
21 specifically identifiable person or persons;

22 (v) any statements by the victim regarding
23 release; and

24 (vi) whether the petitioner's condition was
25 explicitly disclosed to the original sentencing judge
26 and taken into account at the time of sentencing.

1 (f-1) Upon denying an eligible petitioner's application
2 for medical release, the Prisoner Review Board shall publish a
3 decision letter outlining the reason for denial. The decision
4 letter must include an explanation of each statutory factor
5 and the estimated annual cost of the petitioner's continued
6 incarceration, including the petitioner's medical care.

7 (g) Petitioners granted medical release shall be released
8 on mandatory supervised release for a period of 5 years
9 subject to Section 3-3-8, which shall operate to discharge any
10 remaining term of years imposed upon him or her. However, in no
11 event shall the eligible person serve a period of mandatory
12 supervised release greater than the aggregate of the
13 discharged underlying sentence and the mandatory supervised
14 release period as set forth in Section 5-4.5-20.

15 (h) Within 90 days of the receipt of the initial
16 application, the Prisoner Review Board shall conduct a hearing
17 if a hearing is requested and render a decision granting or
18 denying the petitioner's request for release.

19 (i) Nothing in this statute shall preclude a petitioner
20 from seeking alternative forms of release, including clemency,
21 relief from the sentencing court, post-conviction relief, or
22 any other legal remedy.

23 (j) This act applies retroactively, and shall be
24 applicable to all currently incarcerated people in Illinois.

25 (k) Data report. The Department of Corrections and the
26 Prisoner Review Board shall release a report annually

1 published on their websites that reports the following
2 information about the Medical Release Program:

3 (1) The number of applications for medical release
4 received by the Board in the preceding year, and
5 information about those applications, including:

6 (i) demographic data about the petitioner,
7 including race or ethnicity, gender, age, and
8 institution;

9 (ii) the highest class of offense for which the
10 petitioner is incarcerated;

11 (iii) the relationship of the petitioner to the
12 person completing the application;

13 (iv) whether the petitioner had applied for
14 medical release before and been denied, and, if so,
15 when;

16 (v) whether the petitioner applied as a person who
17 is medically incapacitated or a person who is
18 terminally ill;

19 (vi) a basic description of the underlying medical
20 condition that led to the application; and

21 (vii) the institution in which the petitioner was
22 confined at the time of the application.

23 (2) The number of medical statements from the
24 Department of Corrections received by the Board.

25 (3) The number of institutional hearings on medical
26 release applications conducted by the Board including:

1 (i) whether the petitioner was represented by an
2 attorney; and

3 (ii) whether the application was considered in a
4 public or non-public hearing.

5 (4) The number of people approved for medical release,
6 and information about them, including:

7 (i) demographic data about the individual
8 including race or ethnicity, gender, age, and zip code
9 to which they were released;

10 (ii) whether the person applied as a person who is
11 medically incapacitated or a person who is terminally
12 ill;

13 (iii) a basic description of the underlying
14 medical condition that led to the application;

15 (iv) a basic description of the medical setting
16 the person was released to;

17 (v) whether the petitioner was represented by an
18 attorney; and

19 (vi) whether the application was considered in a
20 public or non-public hearing.

21 (5) The number of people released on the medical
22 release program.

23 (6) The number of people approved for medical release
24 who experienced more than a one-month delay between
25 release decision and ultimate release, including:

26 (i) demographic data about the individuals

1 including race or ethnicity, gender and age;
2 (ii) the reason for the delay;
3 (iii) whether the person remains incarcerated; and
4 (iv) a basic description of the underlying medical
5 condition of the applying person.

6 (7) For those individuals released on mandatory
7 supervised release due to a granted application for
8 medical release:

9 (i) the number of individuals who were serving
10 terms of mandatory supervised release because of
11 medical release applications during the previous year;

12 (ii) the number of individuals who had their
13 mandatory supervised release revoked; and

14 (iii) the number of individuals who died during
15 the previous year.

16 (8) Information on seriously ill individuals
17 incarcerated at the Department of Corrections, including:

18 (i) the number of people currently receiving
19 full-time one-on-one medical care or assistance with
20 activities of daily living within Department of
21 Corrections facilities and whether that care is
22 provided by a medical practitioner or an incarcerated
23 person, along with the institutions at which they are
24 incarcerated; and

25 (ii) the number of people who spent more than one
26 month in outside hospital care during the previous

1 year and their home institutions.

2 All the information provided in this report shall be
3 provided in aggregate, and nothing shall be construed to
4 require the public dissemination of any personal medical
5 information.

6 (Source: P.A. 104-11, eff. 6-20-25.)