



Sen. Don Harmon

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LRB104 08032 JDS 24666 a

1 AMENDMENT TO SENATE BILL 19

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 19 by replacing  
3 everything after the enacting clause with the following:

4 "Section 3. The Illinois Pension Code is amended by  
5 changing Section 18-127 as follows:

6 (40 ILCS 5/18-127) (from Ch. 108 1/2, par. 18-127)

7 Sec. 18-127. Retirement annuity - suspension on  
8 reemployment.

9 (a) A participant receiving a retirement annuity who is  
10 regularly employed for compensation by an employer other than  
11 a county, in any capacity, shall have his or her retirement  
12 annuity payments suspended during such employment. Upon  
13 termination of such employment, retirement annuity payments at  
14 the previous rate shall be resumed.

15 If such a participant resumes service as a judge, he or she  
16 shall receive credit for any additional service. Upon

1 subsequent retirement, his or her retirement annuity shall be  
2 the amount previously granted, plus the amount earned by the  
3 additional judicial service under the provisions in effect  
4 during the period of such additional service. However, if the  
5 participant was receiving the maximum rate of annuity at the  
6 time of re-employment, he or she may elect, in a written  
7 direction filed with the board, not to receive any additional  
8 service credit during the period of re-employment. In such  
9 case, contributions shall not be required during the period of  
10 re-employment. Any such election shall be irrevocable.

11 (b) Beginning January 1, 1991, any participant receiving a  
12 retirement annuity who accepts temporary employment from an  
13 employer other than a county for a period not exceeding 75  
14 working days in any calendar year shall not be deemed to be  
15 regularly employed for compensation or to have resumed service  
16 as a judge for the purposes of this Article. A day shall be  
17 considered a working day if the annuitant performs on it any of  
18 his duties under the temporary employment agreement.

19 (c) Except as provided in subsection (a), beginning  
20 January 1, 1993, retirement annuities shall not be subject to  
21 suspension upon resumption of employment for an employer, and  
22 any retirement annuity that is then so suspended shall be  
23 reinstated on that date.

24 (d) The changes made in this Section by this amendatory  
25 Act of 1993 shall apply to judges no longer in service on its  
26 effective date, as well as to judges serving on or after that

1 date.

2 (e) A participant receiving a retirement annuity under  
3 this Article who serves as a part-time employee in any of the  
4 following positions: Legislative Inspector General, Special  
5 Legislative Inspector General, employee of the Office of the  
6 Legislative Inspector General, Executive Director of the  
7 Legislative Ethics Commission, ~~or~~ staff of the Legislative  
8 Ethics Commission, or as a full-time member of the Prisoner  
9 Review Board, but has not elected to participate in the  
10 Article 14 System with respect to that service, shall not be  
11 deemed to be regularly employed for compensation by an  
12 employer other than a county, nor to have resumed service as a  
13 judge, on the basis of that service, and the retirement  
14 annuity payments and other benefits of that person under this  
15 Code shall not be suspended, diminished, or otherwise impaired  
16 solely as a consequence of that service. This subsection (e)  
17 applies without regard to whether the person is in service as a  
18 judge under this Article on or after the effective date of this  
19 amendatory Act of the 93rd General Assembly. In this  
20 subsection, a "part-time employee" is a person who is not  
21 required to work at least 35 hours per week.

22 (f) A participant receiving a retirement annuity under  
23 this Article who has made an election under Section 1-123 and  
24 who is serving either as legal counsel in the Office of the  
25 Governor or as Chief Deputy Attorney General shall not be  
26 deemed to be regularly employed for compensation by an

1 employer other than a county, nor to have resumed service as a  
2 judge, on the basis of that service, and the retirement  
3 annuity payments and other benefits of that person under this  
4 Code shall not be suspended, diminished, or otherwise impaired  
5 solely as a consequence of that service. This subsection (f)  
6 applies without regard to whether the person is in service as a  
7 judge under this Article on or after the effective date of this  
8 amendatory Act of the 93rd General Assembly.

9 (g) Notwithstanding any other provision of this Article,  
10 if a person who first becomes a participant under this System  
11 on or after January 1, 2011 (the effective date of this  
12 amendatory Act of the 96th General Assembly) is receiving a  
13 retirement annuity under this Article and becomes a member or  
14 participant under this Article or any other Article of this  
15 Code and is employed on a full-time basis, then the person's  
16 retirement annuity under this System shall be suspended during  
17 that employment. Upon termination of that employment, the  
18 person's retirement annuity shall resume and, if appropriate,  
19 be recalculated under the applicable provisions of this  
20 Article.

21 (Source: P.A. 96-889, eff. 1-1-11; 96-1490, eff. 1-1-11.)

22 Section 5. The Rights of Crime Victims and Witnesses Act  
23 is amended by changing Sections 4.5, 5, and 8.5 as follows:

24 (725 ILCS 120/4.5)

1       Sec. 4.5. Procedures to implement the rights of crime  
2 victims. To afford crime victims their rights, law  
3 enforcement, prosecutors, judges, and corrections will provide  
4 information, as appropriate, of the following procedures:

5       (a) At the request of the crime victim, law enforcement  
6 authorities investigating the case shall provide notice of the  
7 status of the investigation, except where the State's Attorney  
8 determines that disclosure of such information would  
9 unreasonably interfere with the investigation, until such time  
10 as the alleged assailant is apprehended or the investigation  
11 is closed.

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

17       (a-6) The Prisoner Review Board shall publish on its  
18 official public website and provide to registered victims  
19 information regarding how to submit a victim impact statement.  
20 The Prisoner Review Board shall consider victim impact  
21 statements from any registered victims. Any registered victim,  
22 including a person who has had a final, plenary,  
23 non-emergency, or emergency protective order granted against  
24 the petitioner or parole candidate under Article 112A of the  
25 Code of Criminal Procedure of 1963, the Illinois Domestic  
26 Violence Act of 1986, the Stalking No Contact Order Act, or the

1 Civil No Contact Order Act, may present victim statements that  
2 the Prisoner Review Board shall consider in its deliberations.

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

4 (1) shall provide notice of the filing of an  
5 information, the return of an indictment, or the filing of  
6 a petition to adjudicate a minor as a delinquent for a  
7 violent crime;

8 (2) shall provide timely notice of the date, time, and  
9 place of court proceedings; of any change in the date,  
10 time, and place of court proceedings; and of any  
11 cancellation of court proceedings. Notice shall be  
12 provided in sufficient time, wherever possible, for the  
13 victim to make arrangements to attend or to prevent an  
14 unnecessary appearance at court proceedings;

15 (3) or victim advocate personnel shall provide  
16 information of social services and financial assistance  
17 available for victims of crime, including information of  
18 how to apply for these services and assistance;

19 (3.5) or victim advocate personnel shall provide  
20 information about available victim services, including  
21 referrals to programs, counselors, and agencies that  
22 assist a victim to deal with trauma, loss, and grief;

23 (4) shall assist in having any stolen or other  
24 personal property held by law enforcement authorities for  
25 evidentiary or other purposes returned as expeditiously as  
26 possible, pursuant to the procedures set out in Section

1 115-9 of the Code of Criminal Procedure of 1963;

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

7 (6) shall provide, whenever possible, a secure waiting  
8 area during court proceedings that does not require  
9 victims to be in close proximity to defendants or  
10 juveniles accused of a violent crime, and their families  
11 and friends;

12 (7) shall provide notice to the crime victim of the  
13 right to have a translator present at all court  
14 proceedings and, in compliance with the federal Americans  
15 with Disabilities Act of 1990, the right to communications  
16 access through a sign language interpreter or by other  
17 means;

18 (8) (blank);

19 (8.5) shall inform the victim of the right to be  
20 present at all court proceedings, unless the victim is to  
21 testify and the court determines that the victim's  
22 testimony would be materially affected if the victim hears  
23 other testimony at trial;

24 (9) shall inform the victim of the right to have  
25 present at all court proceedings, subject to the rules of  
26 evidence and confidentiality, an advocate and other

1 support person of the victim's choice;

2 (9.3) shall inform the victim of the right to retain  
3 an attorney, at the victim's own expense, who, upon  
4 written notice filed with the clerk of the court and  
5 State's Attorney, is to receive copies of all notices,  
6 motions, and court orders filed thereafter in the case, in  
7 the same manner as if the victim were a named party in the  
8 case;

9 (9.5) shall inform the victim of (A) the victim's  
10 right under Section 6 of this Act to make a statement at  
11 the sentencing hearing; (B) the right of the victim's  
12 spouse, guardian, parent, grandparent, and other immediate  
13 family and household members under Section 6 of this Act  
14 to present a statement at sentencing; and (C) if a  
15 presentence report is to be prepared, the right of the  
16 victim's spouse, guardian, parent, grandparent, and other  
17 immediate family and household members to submit  
18 information to the preparer of the presentence report  
19 about the effect the offense has had on the victim and the  
20 person;

21 (10) at the sentencing shall make a good faith attempt  
22 to explain the minimum amount of time during which the  
23 defendant may actually be physically imprisoned. The  
24 Office of the State's Attorney shall further notify the  
25 crime victim of the right to request from the Prisoner  
26 Review Board or Department of Juvenile Justice information



1 concerning the release of the defendant;

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

5 (12) shall, upon the court entering a verdict of not  
6 guilty by reason of insanity, inform the victim of the  
7 notification services available from the Department of  
8 Human Services, including the statewide telephone number,  
9 under subparagraph (d) (2) of this Section;

10 (13) shall provide notice within a reasonable time  
11 after receipt of notice from the custodian, of the release  
12 of the defendant on pretrial release or personal  
13 recognizance or the release from detention of a minor who  
14 has been detained;

15 (14) shall explain in nontechnical language the  
16 details of any plea or verdict of a defendant, or any  
17 adjudication of a juvenile as a delinquent;

18 (15) shall make all reasonable efforts to consult with  
19 the crime victim before the Office of the State's Attorney  
20 makes an offer of a plea bargain to the defendant or enters  
21 into negotiations with the defendant concerning a possible  
22 plea agreement, and shall consider the written statement,  
23 if prepared prior to entering into a plea agreement. The  
24 right to consult with the prosecutor does not include the  
25 right to veto a plea agreement or to insist the case go to  
26 trial. If the State's Attorney has not consulted with the

1 victim prior to making an offer or entering into plea  
2 negotiations with the defendant, the Office of the State's  
3 Attorney shall notify the victim of the offer or the  
4 negotiations within 2 business days and confer with the  
5 victim;

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

10 (17) shall provide notice of any appeal taken by the  
11 defendant and information on how to contact the  
12 appropriate agency handling the appeal, and how to request  
13 notice of any hearing, oral argument, or decision of an  
14 appellate court;

15 (18) shall provide timely notice of any request for  
16 post-conviction review filed by the defendant under  
17 Article 122 of the Code of Criminal Procedure of 1963, and  
18 of the date, time and place of any hearing concerning the  
19 petition. Whenever possible, notice of the hearing shall  
20 be given within 48 hours of the court's scheduling of the  
21 hearing;

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

1           (20) shall, within a reasonable time, offer to meet  
2           with the crime victim regarding the decision of the  
3           State's Attorney not to charge an offense, and shall meet  
4           with the victim, if the victim agrees. The victim has a  
5           right to have an attorney, advocate, and other support  
6           person of the victim's choice attend this meeting with the  
7           victim; and

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

11          (c) The court shall ensure that the rights of the victim  
12          are afforded.

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

16               (1) Written notice. A victim may complete a written  
17               notice of intent to assert rights on a form prepared by the  
18               Office of the Attorney General and provided to the victim  
19               by the State's Attorney. The victim may at any time  
20               provide a revised written notice to the State's Attorney.  
21               The State's Attorney shall file the written notice with  
22               the court. At the beginning of any court proceeding in  
23               which the right of a victim may be at issue, the court and  
24               prosecutor shall review the written notice to determine  
25               whether the victim has asserted the right that may be at  
26               issue.

1           (2) Victim's retained attorney. A victim's attorney  
2 shall file an entry of appearance limited to assertion of  
3 the victim's rights. Upon the filing of the entry of  
4 appearance and service on the State's Attorney and the  
5 defendant, the attorney is to receive copies of all  
6 notices, motions and court orders filed thereafter in the  
7 case.

8           (3) Standing. The victim has standing to assert the  
9 rights enumerated in subsection (a) of Article I, Section  
10 8.1 of the Illinois Constitution and the statutory rights  
11 under Section 4 of this Act in any court exercising  
12 jurisdiction over the criminal case. The prosecuting  
13 attorney, a victim, or the victim's retained attorney may  
14 assert the victim's rights. The defendant in the criminal  
15 case has no standing to assert a right of the victim in any  
16 court proceeding, including on appeal.

17           (4) Assertion of and enforcement of rights.

18           (A) The prosecuting attorney shall assert a  
19 victim's right or request enforcement of a right by  
20 filing a motion or by orally asserting the right or  
21 requesting enforcement in open court in the criminal  
22 case outside the presence of the jury. The prosecuting  
23 attorney shall consult with the victim and the  
24 victim's attorney regarding the assertion or  
25 enforcement of a right. If the prosecuting attorney  
26 decides not to assert or enforce a victim's right, the

1 prosecuting attorney shall notify the victim or the  
2 victim's attorney in sufficient time to allow the  
3 victim or the victim's attorney to assert the right or  
4 to seek enforcement of a right.

5 (B) If the prosecuting attorney elects not to  
6 assert a victim's right or to seek enforcement of a  
7 right, the victim or the victim's attorney may assert  
8 the victim's right or request enforcement of a right  
9 by filing a motion or by orally asserting the right or  
10 requesting enforcement in open court in the criminal  
11 case outside the presence of the jury.

12 (C) If the prosecuting attorney asserts a victim's  
13 right or seeks enforcement of a right, unless the  
14 prosecuting attorney objects or the trial court does  
15 not allow it, the victim or the victim's attorney may  
16 be heard regarding the prosecuting attorney's motion  
17 or may file a simultaneous motion to assert or request  
18 enforcement of the victim's right. If the victim or  
19 the victim's attorney was not allowed to be heard at  
20 the hearing regarding the prosecuting attorney's  
21 motion, and the court denies the prosecuting  
22 attorney's assertion of the right or denies the  
23 request for enforcement of a right, the victim or  
24 victim's attorney may file a motion to assert the  
25 victim's right or to request enforcement of the right  
26 within 10 days of the court's ruling. The motion need

1 not demonstrate the grounds for a motion for  
2 reconsideration. The court shall rule on the merits of  
3 the motion.

4 (D) The court shall take up and decide any motion  
5 or request asserting or seeking enforcement of a  
6 victim's right without delay, unless a specific time  
7 period is specified by law or court rule. The reasons  
8 for any decision denying the motion or request shall  
9 be clearly stated on the record.

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

12 (i) designate an administrative authority  
13 within the Office of the Attorney General to  
14 receive and investigate complaints relating to the  
15 provision or violation of the rights of a crime  
16 victim as described in Article I, Section 8.1 of  
17 the Illinois Constitution and in this Act;

18 (ii) create and administer a course of  
19 training for employees and offices of the State of  
20 Illinois that fail to comply with provisions of  
21 Illinois law pertaining to the treatment of crime  
22 victims as described in Article I, Section 8.1 of  
23 the Illinois Constitution and in this Act as  
24 required by the court under Section 5 of this Act;  
25 and

26 (iii) have the authority to make

1            recommendations to employees and offices of the  
2            State of Illinois to respond more effectively to  
3            the needs of crime victims, including regarding  
4            the violation of the rights of a crime victim.

5            (F) Crime victims' rights may also be asserted by  
6            filing a complaint for mandamus, injunctive, or  
7            declaratory relief in the jurisdiction in which the  
8            victim's right is being violated or where the crime is  
9            being prosecuted. For complaints or motions filed by  
10          or on behalf of the victim, the clerk of court shall  
11          waive filing fees that would otherwise be owed by the  
12          victim for any court filing with the purpose of  
13          enforcing crime victims' rights. If the court denies  
14          the relief sought by the victim, the reasons for the  
15          denial shall be clearly stated on the record in the  
16          transcript of the proceedings, in a written opinion,  
17          or in the docket entry, and the victim may appeal the  
18          circuit court's decision to the appellate court. The  
19          court shall issue prompt rulings regarding victims'  
20          rights. Proceedings seeking to enforce victims' rights  
21          shall not be stayed or subject to unreasonable delay  
22          via continuances.

23          (5) Violation of rights and remedies.

24          (A) If the court determines that a victim's right  
25          has been violated, the court shall determine the  
26          appropriate remedy for the violation of the victim's

1 right by hearing from the victim and the parties,  
2 considering all factors relevant to the issue, and  
3 then awarding appropriate relief to the victim.

4 (A-5) Consideration of an issue of a substantive  
5 nature or an issue that implicates the constitutional  
6 or statutory right of a victim at a court proceeding  
7 labeled as a status hearing shall constitute a per se  
8 violation of a victim's right.

9 (B) The appropriate remedy shall include only  
10 actions necessary to provide the victim the right to  
11 which the victim was entitled. Remedies may include,  
12 but are not limited to: injunctive relief requiring  
13 the victim's right to be afforded; declaratory  
14 judgment recognizing or clarifying the victim's  
15 rights; a writ of mandamus; and may include reopening  
16 previously held proceedings; however, in no event  
17 shall the court vacate a conviction. Any remedy shall  
18 be tailored to provide the victim an appropriate  
19 remedy without violating any constitutional right of  
20 the defendant. In no event shall the appropriate  
21 remedy to the victim be a new trial or damages.

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



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

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

5           (7) Right to attend trial. A party must file a written  
6 motion to exclude a victim from trial at least 60 days  
7 prior to the date set for trial. The motion must state with  
8 specificity the reason exclusion is necessary to protect a  
9 constitutional right of the party, and must contain an  
10 offer of proof. The court shall rule on the motion within  
11 30 days. If the motion is granted, the court shall set  
12 forth on the record the facts that support its finding  
13 that the victim's testimony will be materially affected if  
14 the victim hears other testimony at trial.

15           (8) Right to have advocate and support person present  
16 at court proceedings.

17           (A) A party who intends to call an advocate as a  
18 witness at trial must seek permission of the court  
19 before the subpoena is issued. The party must file a  
20 written motion at least 90 days before trial that sets  
21 forth specifically the issues on which the advocate's  
22 testimony is sought and an offer of proof regarding  
23 (i) the content of the anticipated testimony of the  
24 advocate; and (ii) the relevance, admissibility, and  
25 materiality of the anticipated testimony. The court  
26 shall consider the motion and make findings within 30

1 days of the filing of the motion. If the court finds by  
2 a preponderance of the evidence that: (i) the  
3 anticipated testimony is not protected by an absolute  
4 privilege; and (ii) the anticipated testimony contains  
5 relevant, admissible, and material evidence that is  
6 not available through other witnesses or evidence, the  
7 court shall issue a subpoena requiring the advocate to  
8 appear to testify at an in camera hearing. The  
9 prosecuting attorney and the victim shall have 15 days  
10 to seek appellate review before the advocate is  
11 required to testify at an ex parte in camera  
12 proceeding.

13 The prosecuting attorney, the victim, and the  
14 advocate's attorney shall be allowed to be present at  
15 the ex parte in camera proceeding. If, after  
16 conducting the ex parte in camera hearing, the court  
17 determines that due process requires any testimony  
18 regarding confidential or privileged information or  
19 communications, the court shall provide to the  
20 prosecuting attorney, the victim, and the advocate's  
21 attorney a written memorandum on the substance of the  
22 advocate's testimony. The prosecuting attorney, the  
23 victim, and the advocate's attorney shall have 15 days  
24 to seek appellate review before a subpoena may be  
25 issued for the advocate to testify at trial. The  
26 presence of the prosecuting attorney at the ex parte

1 in camera proceeding does not make the substance of  
2 the advocate's testimony that the court has ruled  
3 inadmissible subject to discovery.

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

20 If the prosecuting attorney intends to call the  
21 support person as a witness during the State's  
22 case-in-chief, the prosecuting attorney shall inform  
23 the court of this intent in the response to the  
24 defendant's written motion. The victim may choose a  
25 different person to be the victim's support person.  
26 The court may allow the defendant to inquire about

1 matters outside the scope of the direct examination  
2 during cross-examination. If the court allows the  
3 defendant to do so, the support person shall be  
4 allowed to remain in the courtroom after the support  
5 person has testified. A defendant who fails to  
6 question the support person about matters outside the  
7 scope of direct examination during the State's  
8 case-in-chief waives the right to challenge the  
9 presence of the support person on appeal. The court  
10 shall allow the support person to testify if called as  
11 a witness in the defendant's case-in-chief or the  
12 State's rebuttal.

13 If the court does not allow the defendant to  
14 inquire about matters outside the scope of the direct  
15 examination, the support person shall be allowed to  
16 remain in the courtroom after the support person has  
17 been called by the defendant or the defendant has  
18 rested. The court shall allow the support person to  
19 testify in the State's rebuttal.

20 If the prosecuting attorney does not intend to  
21 call the support person in the State's case-in-chief,  
22 the court shall verify with the support person whether  
23 the support person, if called as a witness, would  
24 testify as set forth in the offer of proof. If the  
25 court finds that the support person would testify as  
26 set forth in the offer of proof, the court shall rule

1 on the relevance, materiality, and admissibility of  
2 the anticipated testimony. If the court rules the  
3 anticipated testimony is admissible, the court shall  
4 issue the subpoena. The support person may remain in  
5 the courtroom after the support person testifies and  
6 shall be allowed to testify in rebuttal.

7 If the court excludes the victim's support person  
8 during the State's case-in-chief, the victim shall be  
9 allowed to choose another support person to be present  
10 in court.

11 If the victim fails to designate a support person  
12 within 60 days of trial and the defendant has  
13 subpoenaed the support person to testify at trial, the  
14 court may exclude the support person from the trial  
15 until the support person testifies. If the court  
16 excludes the support person the victim may choose  
17 another person as a support person.

18 (9) Right to notice and hearing before disclosure of  
19 confidential or privileged information or records.

20 (A) A defendant who seeks to subpoena testimony or  
21 records of or concerning the victim that are  
22 confidential or privileged by law must seek permission  
23 of the court before the subpoena is issued. The  
24 defendant must file a written motion and an offer of  
25 proof regarding the relevance, admissibility and  
26 materiality of the testimony or records. If the court

1 finds by a preponderance of the evidence that:

2 (i) the testimony or records are not protected  
3 by an absolute privilege and

4 (ii) the testimony or records contain  
5 relevant, admissible, and material evidence that  
6 is not available through other witnesses or  
7 evidence, the court shall issue a subpoena  
8 requiring the witness to appear in camera or a  
9 sealed copy of the records be delivered to the  
10 court to be reviewed in camera. If, after  
11 conducting an in camera review of the witness  
12 statement or records, the court determines that  
13 due process requires disclosure of any potential  
14 testimony or any portion of the records, the court  
15 shall provide copies of the records that it  
16 intends to disclose to the prosecuting attorney  
17 and the victim. The prosecuting attorney and the  
18 victim shall have 30 days to seek appellate review  
19 before the records are disclosed to the defendant,  
20 used in any court proceeding, or disclosed to  
21 anyone or in any way that would subject the  
22 testimony or records to public review. The  
23 disclosure of copies of any portion of the  
24 testimony or records to the prosecuting attorney  
25 under this Section does not make the records  
26 subject to discovery or required to be provided to

1 the defendant.

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

25 (10) Right to notice of court proceedings. If the  
26 victim is not present at a court proceeding in which a

1 right of the victim is at issue, the court shall ask the  
2 prosecuting attorney whether the victim was notified of  
3 the time, place, and purpose of the court proceeding and  
4 that the victim had a right to be heard at the court  
5 proceeding. If the court determines that timely notice was  
6 not given or that the victim was not adequately informed  
7 of the nature of the court proceeding, the court shall not  
8 rule on any substantive issues, accept a plea, or impose a  
9 sentence and shall continue the hearing for the time  
10 necessary to notify the victim of the time, place and  
11 nature of the court proceeding. The time between court  
12 proceedings shall not be attributable to the State under  
13 Section 103-5 of the Code of Criminal Procedure of 1963.

14 (11) Right to timely disposition of the case. A victim  
15 has the right to timely disposition of the case so as to  
16 minimize the stress, cost, and inconvenience resulting  
17 from the victim's involvement in the case. Before ruling  
18 on a motion to continue trial or other court proceeding,  
19 the court shall inquire into the circumstances for the  
20 request for the delay and, if the victim has provided  
21 written notice of the assertion of the right to a timely  
22 disposition, and whether the victim objects to the delay.  
23 If the victim objects, the prosecutor shall inform the  
24 court of the victim's objections. If the prosecutor has  
25 not conferred with the victim about the continuance, the  
26 prosecutor shall inform the court of the attempts to



1 confer. If the court finds the attempts of the prosecutor  
2 to confer with the victim were inadequate to protect the  
3 victim's right to be heard, the court shall give the  
4 prosecutor at least 3 but not more than 5 business days to  
5 confer with the victim. In ruling on a motion to continue,  
6 the court shall consider the reasons for the requested  
7 continuance, the number and length of continuances that  
8 have been granted, the victim's objections and procedures  
9 to avoid further delays. If a continuance is granted over  
10 the victim's objection, the court shall specify on the  
11 record the reasons for the continuance and the procedures  
12 that have been or will be taken to avoid further delays.

13 (12) Right to Restitution.

14 (A) If the victim has asserted the right to  
15 restitution and the amount of restitution is known at  
16 the time of sentencing, the court shall enter the  
17 judgment of restitution at the time of sentencing.

18 (B) If the victim has asserted the right to  
19 restitution and the amount of restitution is not known  
20 at the time of sentencing, the prosecutor shall,  
21 within 5 days after sentencing, notify the victim what  
22 information and documentation related to restitution  
23 is needed and that the information and documentation  
24 must be provided to the prosecutor within 45 days  
25 after sentencing. Failure to timely provide  
26 information and documentation related to restitution

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

20 (13) Access to presentence reports.

21 (A) The victim may request a copy of the  
22 presentence report prepared under the Unified Code of  
23 Corrections from the State's Attorney. The State's  
24 Attorney shall redact the following information before  
25 providing a copy of the report:

26 (i) the defendant's mental history and

1 condition;

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

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

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

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

13 (D) The State's Attorney must advise the victim  
14 that the victim must maintain the confidentiality of  
15 the report and other information. Any dissemination of  
16 the report or information that was not stated at a  
17 court proceeding constitutes indirect criminal  
18 contempt of court.

19 (14) Appellate relief. If the trial court denies the  
20 relief requested, the victim, the victim's attorney, or  
21 the prosecuting attorney may file an appeal within 30 days  
22 of the trial court's ruling. The trial or appellate court  
23 may stay the court proceedings if the court finds that a  
24 stay would not violate a constitutional right of the  
25 defendant. If the appellate court denies the relief  
26 sought, the reasons for the denial shall be clearly stated

1 in a written opinion. In any appeal in a criminal case, the  
2 State may assert as error the court's denial of any crime  
3 victim's right in the proceeding to which the appeal  
4 relates.

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

8 (16) The right to be reasonably protected from the  
9 accused throughout the criminal justice process and the  
10 right to have the safety of the victim and the victim's  
11 family considered in determining whether to release the  
12 defendant, and setting conditions of release after arrest  
13 and conviction. A victim of domestic violence, a sexual  
14 offense, or stalking may request the entry of a protective  
15 order under Article 112A of the Code of Criminal Procedure  
16 of 1963.

17 (d) Procedures after the imposition of sentence.

18 (1) The Prisoner Review Board shall inform a victim or  
19 any other concerned citizen, upon written request, of the  
20 prisoner's release on parole, mandatory supervised  
21 release, electronic detention, work release, international  
22 transfer or exchange, or by the custodian, other than the  
23 Department of Juvenile Justice, of the discharge of any  
24 individual who was adjudicated a delinquent for a crime  
25 from State custody and by the sheriff of the appropriate  
26 county of any such person's final discharge from county

1 custody. The Prisoner Review Board, upon written request,  
2 shall provide to a victim or any other concerned citizen a  
3 recent photograph of any person convicted of a felony,  
4 upon his or her release from custody. The Prisoner Review  
5 Board, upon written request, shall inform a victim or any  
6 other concerned citizen when feasible at least 7 days  
7 prior to the prisoner's release on furlough of the times  
8 and dates of such furlough. Upon written request by the  
9 victim or any other concerned citizen, the State's  
10 Attorney shall notify the person once of the times and  
11 dates of release of a prisoner sentenced to periodic  
12 imprisonment. Notification shall be based on the most  
13 recent information as to the victim's or other concerned  
14 citizen's residence or other location available to the  
15 notifying authority.

16 (1.5) The Prisoner Review Board shall notify a victim  
17 of a prisoner's pardon, commutation of sentence, release  
18 on furlough, or early release from State custody, if the  
19 victim has previously requested that notification. The  
20 notification shall be based upon the most recent  
21 information available to the Board as to the victim's  
22 residence or other location. The notification requirement  
23 under this paragraph (1.5) is in addition to any  
24 notification requirements under any other statewide victim  
25 notification systems. The Board shall document its efforts  
26 to provide the required notification if a victim alleges

1       lack of notification under this paragraph (1.5).

2           (2) When the defendant has been committed to the  
3       Department of Human Services pursuant to Section 5-2-4 or  
4       any other provision of the Unified Code of Corrections,  
5       the victim may request to be notified by the releasing  
6       authority of the approval by the court of an on-grounds  
7       pass, a supervised off-grounds pass, an unsupervised  
8       off-grounds pass, or conditional release; the release on  
9       an off-grounds pass; the return from an off-grounds pass;  
10      transfer to another facility; conditional release; escape;  
11      death; or final discharge from State custody. The  
12      Department of Human Services shall establish and maintain  
13      a statewide telephone number to be used by victims to make  
14      notification requests under these provisions and shall  
15      publicize this telephone number on its website and to the  
16      State's Attorney of each county.

17           (3) In the event of an escape from State custody, the  
18      Department of Corrections or the Department of Juvenile  
19      Justice immediately shall notify the Prisoner Review Board  
20      of the escape and the Prisoner Review Board shall notify  
21      the victim. The notification shall be based upon the most  
22      recent information as to the victim's residence or other  
23      location available to the Board. When no such information  
24      is available, the Board shall make all reasonable efforts  
25      to obtain the information and make the notification. When  
26      the escapee is apprehended, the Department of Corrections

1 or the Department of Juvenile Justice immediately shall  
2 notify the Prisoner Review Board and the Board shall  
3 notify the victim. The notification requirement under this  
4 paragraph (3) is in addition to any notification  
5 requirements under any other statewide victim notification  
6 systems. The Board shall document its efforts to provide  
7 the required notification if a victim alleges lack of  
8 notification under this paragraph (3).

9 (4) The victim of the crime for which the prisoner has  
10 been sentenced has the right to register with the Prisoner  
11 Review Board's victim registry. Victims registered with  
12 the Board shall receive reasonable written notice not less  
13 than 30 days prior to the parole hearing or target  
14 aftercare release date. The victim has the right to submit  
15 a victim statement for consideration by the Prisoner  
16 Review Board or the Department of Juvenile Justice in  
17 writing, on film, videotape, or other electronic means, or  
18 in the form of a recording prior to the parole hearing or  
19 target aftercare release date, or in person at the parole  
20 hearing or aftercare release protest hearing, or by  
21 calling the toll-free number established in subsection (f)  
22 of this Section. The victim shall be notified within 7  
23 days after the prisoner has been granted parole or  
24 aftercare release and shall be informed of the right to  
25 inspect the registry of parole decisions, established  
26 under subsection (g) of Section 3-3-5 of the Unified Code

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

8 (4-1) The crime victim, including any person who has  
9 had a final, plenary, non-emergency, or emergency  
10 protective order granted against the petitioner or parole  
11 candidate under Article 112A of the Code of Criminal  
12 Procedure of 1963, the Illinois Domestic Violence Act of  
13 1986, the Stalking No Contact Order Act, or the Civil No  
14 Contact Order Act, has the right to submit a victim  
15 statement, in support or opposition, for consideration by  
16 the Prisoner Review Board or the Department of Juvenile  
17 Justice prior to or at a hearing to determine the  
18 conditions of mandatory supervised release of a person  
19 sentenced to a determinate sentence or at a hearing on  
20 revocation of mandatory supervised release of a person  
21 sentenced to a determinate sentence. A victim statement  
22 may be submitted in writing, on film, videotape, or other  
23 electronic means, or in the form of a recording, or orally  
24 at a hearing, or by calling the toll-free number  
25 established in subsection (f) of this Section. Victim  
26 statements provided to the Board shall be confidential and



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

5 (4-2) The crime victim, including any person who has  
6 had a final, plenary, non-emergency, or emergency  
7 protective order granted against the petitioner or parole  
8 candidate under Article 112A of the Code of Criminal  
9 Procedure of 1963, the Illinois Domestic Violence Act of  
10 1986, the Stalking No Contact Order Act, or the Civil No  
11 Contact Order Act, has the right to submit a victim  
12 statement, in support or opposition, to the Prisoner  
13 Review Board for consideration at an executive clemency  
14 hearing as provided in Section 3-3-13 of the Unified Code  
15 of Corrections. A victim statement may be submitted in  
16 writing, on film, videotape, or other electronic means, or  
17 in the form of a recording prior to a hearing, or orally at  
18 a hearing, or by calling the toll-free number established  
19 in subsection (f) of this Section. Victim statements  
20 provided to the Board shall be confidential and  
21 privileged, including any statements received prior to  
22 January 1, 2020 (the effective date of Public Act  
23 101-288), except if the statement was an oral statement  
24 made by the victim at a hearing open to the public.

25 (5) If a statement is presented under Section 6, the  
26 Prisoner Review Board or Department of Juvenile Justice

1 shall inform the victim of any order of discharge pursuant  
2 to Section 3-2.5-85 or 3-3-8 of the Unified Code of  
3 Corrections.

4 (6) At the written or oral request of the victim of the  
5 crime for which the prisoner was sentenced or the State's  
6 Attorney of the county where the person seeking parole or  
7 aftercare release was prosecuted, the Prisoner Review  
8 Board or Department of Juvenile Justice shall notify the  
9 victim and the State's Attorney of the county where the  
10 person seeking parole or aftercare release was prosecuted  
11 of the death of the prisoner if the prisoner died while on  
12 parole or aftercare release or mandatory supervised  
13 release.

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

25 (8) When a defendant has been convicted of a sex  
26 offense as defined in Section 2 of the Sex Offender

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

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

20 (f) The Prisoner Review Board shall establish a toll-free  
21 number that may be accessed by the crime victim to present a  
22 victim statement to the Board in accordance with paragraphs  
23 (4), (4-1), and (4-2) of subsection (d). The Prisoner Review  
24 Board shall provide registered and identified victims with the  
25 contact information for the State victim assistance hotline as  
26 part of its process to obtain a victim witness statement and as

1 part of its notification.

2 (g) The Prisoner Review Board shall publish on its  
3 official website, and provide to registered victims,  
4 procedural information on how to submit victim statements.

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

8 (725 ILCS 120/5) (from Ch. 38, par. 1405)

9 Sec. 5. Rights of witnesses.

10 (a) Witnesses as defined in subsection (b) of Section 3 of  
11 this Act shall have the following rights:

12 (1) to be notified by the Office of the State's  
13 Attorney of all court proceedings at which the witness'  
14 presence is required in a reasonable amount of time prior  
15 to the proceeding, and to be notified of the cancellation  
16 of any scheduled court proceeding in sufficient time to  
17 prevent an unnecessary appearance in court, where  
18 possible;

19 (2) to be provided with appropriate employer  
20 intercession services by the Office of the State's  
21 Attorney or the victim advocate personnel to ensure that  
22 employers of witnesses will cooperate with the criminal  
23 justice system in order to minimize an employee's loss of  
24 pay and other benefits resulting from court appearances;

25 (3) to be provided, whenever possible, a secure

1 waiting area during court proceedings that does not  
2 require witnesses to be in close proximity to defendants  
3 and their families and friends;

4 (4) to be provided with notice by the Office of the  
5 State's Attorney, where necessary, of the right to have a  
6 translator present whenever the witness' presence is  
7 required and, in compliance with the federal Americans  
8 with Disabilities Act of 1990, to be provided with notice  
9 of the right to communications access through a sign  
10 language interpreter or by other means.

11 (b) At the written request of the witness, the witness  
12 shall:

13 (1) receive notice from the office of the State's  
14 Attorney of any request for post-conviction review filed  
15 by the defendant under Article 122 of the Code of Criminal  
16 Procedure of 1963, and of the date, time, and place of any  
17 hearing concerning the petition for post-conviction  
18 review; whenever possible, notice of the hearing on the  
19 petition shall be given in advance;

20 (2) receive notice by the releasing authority of the  
21 defendant's discharge from State custody if the defendant  
22 was committed to the Department of Human Services under  
23 Section 5-2-4 or any other provision of the Unified Code  
24 of Corrections;

25 (3) receive notice from the Prisoner Review Board of  
26 the prisoner's escape from State custody, after the Board

1 has been notified of the escape by the Department of  
2 Corrections or the Department of Juvenile Justice; when  
3 the escapee is apprehended, the Department of Corrections  
4 or the Department of Juvenile Justice shall immediately  
5 notify the Prisoner Review Board and the Board shall  
6 notify the witness;

7 (4) receive notice from the Prisoner Review Board or  
8 the Department of Juvenile Justice of the prisoner's  
9 release on parole, aftercare release, electronic  
10 detention, work release or mandatory supervised release  
11 and of the prisoner's final discharge from parole,  
12 aftercare release, electronic detention, work release, or  
13 mandatory supervised release.

14 (c) The crime victim, including any person who has had a  
15 final, plenary, non-emergency, or emergency protective order  
16 granted against the petitioner or parole candidate under  
17 Article 112A of the Code of Criminal Procedure of 1963, the  
18 Illinois Domestic Violence Act of 1986, the Stalking No  
19 Contact Order Act, or the Civil No Contact Order Act, has the  
20 right to submit a victim statement, in support or opposition,  
21 to the Prisoner Review Board for consideration at a medical  
22 release hearing as provided in Section 3-3-14 of the Unified  
23 Code of Corrections. A victim statement may be submitted in  
24 writing, on film, videotape, or other electronic means, or in  
25 the form of a recording prior to a hearing, or orally at a  
26 hearing, or by calling the toll-free number established in

1 subsection (f) of Section 4.5. Victim statements provided to  
2 the Board shall be confidential and privileged, including any  
3 statements received prior to the effective date of this  
4 amendatory Act of the 102nd General Assembly, except if the  
5 statement was an oral statement made by the victim at a hearing  
6 open to the public.

7 (Source: P.A. 102-494, eff. 1-1-22.)

8 (725 ILCS 120/8.5)

9 Sec. 8.5. Statewide victim and witness notification  
10 system.

11 (a) The Attorney General may establish a crime victim and  
12 witness notification system to assist public officials in  
13 carrying out their duties to notify and inform crime victims  
14 and witnesses under Section 4.5 of this Act or under  
15 subsections (a), (a-2), and (a-3) of Section 120 of the Sex  
16 Offender Community Notification Law. The system shall download  
17 necessary information from participating officials into its  
18 computers, where it shall be maintained, updated, and  
19 automatically transmitted to victims and witnesses by  
20 telephone, computer, written notice, SMS text message, or  
21 other electronic means.

22 (b) The Illinois Department of Corrections, the Department  
23 of Juvenile Justice, the Department of Human Services, and the  
24 Prisoner Review Board shall cooperate with the Attorney  
25 General in the implementation of this Section and shall

1 provide information as necessary to the effective operation of  
2 the system.

3 (c) State's attorneys, circuit court clerks, and local law  
4 enforcement and correctional authorities may enter into  
5 agreements with the Attorney General for participation in the  
6 system. The Attorney General may provide those who elect to  
7 participate with the equipment, software, or training  
8 necessary to bring their offices into the system.

9 (d) The provision of information to crime victims and  
10 witnesses through the Attorney General's notification system  
11 satisfies a given State or local official's corresponding  
12 obligation to provide the information.

13 (e) The Attorney General may provide for telephonic,  
14 electronic, or other public access to the database established  
15 under this Section.

16 (f) (Blank).

17 (g) There is established in the Office of the Attorney  
18 General a Crime Victim and Witness Notification Advisory  
19 Committee consisting of those victims advocates, sheriffs,  
20 State's Attorneys, circuit court clerks, Illinois Department  
21 of Corrections, the Department of Juvenile Justice, and  
22 Prisoner Review Board employees that the Attorney General  
23 chooses to appoint. The Attorney General shall designate one  
24 member to chair the Committee.

25 (1) The Committee shall consult with and advise the  
26 Attorney General as to the exercise of the Attorney



1 General's authority under this Section, including, but not  
2 limited to:

3 (i) the design, scope, and operation of the  
4 notification system;

5 (ii) the content of any rules adopted to implement  
6 this Section;

7 (iii) the procurement of hardware, software, and  
8 support for the system, including choice of supplier  
9 or operator; and

10 (iv) the acceptance of agreements with and the  
11 award of equipment, software, or training to officials  
12 that seek to participate in the system.

13 (2) The Committee shall review the status and  
14 operation of the system and report any findings and  
15 recommendations for changes to the Attorney General and  
16 the General Assembly by November 1 of each year.

17 (3) The members of the Committee shall receive no  
18 compensation for their services as members of the  
19 Committee, but may be reimbursed for their actual expenses  
20 incurred in serving on the Committee.

21 (h) The Attorney General shall not release the names,  
22 addresses, phone numbers, personal identification numbers, or  
23 email addresses of any person registered to receive  
24 notifications to any other person except State or local  
25 officials using the notification system to satisfy the  
26 official's obligation to provide the information. The Attorney

1 General may grant limited access to the Automated Victim  
2 Notification system (AVN) to law enforcement, prosecution, and  
3 other agencies that provide service to victims of violent  
4 crime to assist victims in enrolling and utilizing the AVN  
5 system.

6 (i) The Attorney General shall conduct an internal review  
7 of the witness notification system to review timely notice to  
8 victims and witnesses throughout the State and shall make  
9 recommendations to the General Assembly for improvements in  
10 the procedures and technologies used in the system. The  
11 Attorney General shall submit the recommendations to the  
12 General Assembly on or before July 1, 2026.

13 (Source: P.A. 98-717, eff. 1-1-15; 99-413, eff. 8-20-15.)

14 Section 10. The Unified Code of Corrections is amended by  
15 changing Sections 3-3-1, 3-3-2, 3-3-5, 3-3-8, 3-3-9, 3-3-13,  
16 3-3-14, 3-5-1, 3-14-1, 5-4.5-115 and by adding Section 3-3-1.5  
17 as follows:

18 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

19 Sec. 3-3-1. Establishment and appointment of Prisoner  
20 Review Board.

21 (a) There shall be a Prisoner Review Board independent of  
22 the Department which shall be:

23 (1) the paroling authority for persons sentenced under  
24 the law in effect prior to the effective date of this

1       amendatory Act of 1977;

2           (1.2) the paroling authority for persons eligible for  
3 parole review under Section 5-4.5-115;

4           (1.5) (blank);

5           (2) the board of review for cases involving the  
6 revocation of sentence credits or a suspension or  
7 reduction in the rate of accumulating the credit;

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

10          (4) the authority for establishing release dates for  
11 certain prisoners sentenced under the law in existence  
12 prior to the effective date of this amendatory Act of  
13 1977, in accordance with Section 3-3-2.1 of this Code;

14          (5) the authority for setting conditions for parole  
15 and mandatory supervised release under Section 5-8-1(a) of  
16 this Code, and determining whether a violation of those  
17 conditions warrant revocation of parole or mandatory  
18 supervised release or the imposition of other sanctions;

19          (6) the authority for determining whether a violation  
20 of aftercare release conditions warrant revocation of  
21 aftercare release; and

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

24          (b) The Board shall consist of 15 persons appointed by the  
25 Governor by and with the advice and consent of the Senate. One  
26 member of the Board shall be designated by the Governor to be

1 Chairman and shall serve as Chairman at the pleasure of the  
2 Governor. The members of the Board shall have had at least 5  
3 years of actual experience in the fields of penology,  
4 corrections work, advocacy for victims of crime and their  
5 families, advocacy for survivors of domestic violence, sexual  
6 violence, or intimate partner violence, law enforcement,  
7 sociology, law, education, social work, medicine, psychology,  
8 other behavioral sciences, or a combination thereof. At least  
9 3 ~~6~~ members so appointed must have at least 3 years experience  
10 ~~in the field of juvenile matters.~~ A total of 7 members must  
11 have at least 5 years' experience as a law enforcement  
12 officer, parole officer, prosecutor, criminal defense  
13 attorney, or judge. No more than 8 Board members may be members  
14 of the same political party.

15 Each member of the Board shall serve on a full-time basis  
16 and shall not hold any other salaried public office, whether  
17 elective or appointive, nor any other office or position of  
18 profit, nor engage in any other business, employment, or  
19 vocation. The Chairman of the Board shall receive the same  
20 salary as the Chairperson of the Illinois Human Rights  
21 Commission ~~\$35,000 a year, or an amount set by the~~  
22 ~~Compensation Review Board, whichever is greater,~~ and each  
23 other member shall receive the same salary as members of the  
24 Illinois Human Rights Commission ~~\$30,000, or an amount set by~~  
25 ~~the Compensation Review Board, whichever is greater.~~ The  
26 changes made to the salary of the Chairman of the Board and to

1 the salaries of other members of the Board by this amendatory  
2 Act of the 104th General Assembly apply only to persons who are  
3 appointed or reappointed to those positions on or after the  
4 effective date of this amendatory Act of the 104th General  
5 Assembly.

6 (c) Notwithstanding any other provision of this Section,  
7 the term of each member of the Board who was appointed by the  
8 Governor and is in office on June 30, 2003 shall terminate at  
9 the close of business on that date or when all of the successor  
10 members to be appointed pursuant to this amendatory Act of the  
11 93rd General Assembly have been appointed by the Governor,  
12 whichever occurs later. As soon as possible, the Governor  
13 shall appoint persons to fill the vacancies created by this  
14 amendatory Act.

15 Of the initial members appointed under this amendatory Act  
16 of the 93rd General Assembly, the Governor shall appoint 5  
17 members whose terms shall expire on the third Monday in  
18 January 2005, 5 members whose terms shall expire on the third  
19 Monday in January 2007, and 5 members whose terms shall expire  
20 on the third Monday in January 2009. Their respective  
21 successors shall be appointed for terms of 6 years from the  
22 third Monday in January of the year of appointment. Each  
23 member shall serve until his or her successor is appointed and  
24 qualified.

25 Notwithstanding any other provision of this Section, any  
26 member appointed after January 1, 2026 shall be appointed for

1 an 8-year term that begins upon the date of appointment or  
2 reappointment. Each member shall serve until the member's  
3 successor is appointed and qualified.

4 Any member may be removed by the Governor for  
5 incompetence, neglect of duty, malfeasance or inability to  
6 serve.

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

13 (e) Each member and commissioner of the Prisoner Review  
14 Board shall be required to complete a training course  
15 developed and administered in consultation with the Department  
16 of Corrections. The training shall be provided to new members  
17 and commissioners of the Prisoner Review Board within 30 days  
18 of the start of their service and before they take part in any  
19 hearings. The training shall cover topics, including, but not  
20 limited to:

21 (1) the prison and incarceration system, including a  
22 tour of a correctional institution or facility and a  
23 meeting with the facility administration;

24 (2) the nature and benefits of rehabilitative  
25 corrections;

26 (3) rehabilitative programming provided by the

1 Department of Corrections available to incarcerated  
2 individuals; and

3 (4) the impact of rehabilitative corrections and  
4 programming on rates of recidivism.

5 In addition to the training course, each member and  
6 commissioner of the Board shall also be required to  
7 participate in 20 hours of continuing education or training  
8 per year. Training shall cover, but shall not be limited to,  
9 the following topics: domestic violence, restorative justice,  
10 racial bias, risk assessment bias, law enforcement bias,  
11 prevalence of wrongful convictions, prosecutorial misconduct,  
12 police misconduct, mental health, cognitive behavioral  
13 therapy, trauma, the age-crime curve, recidivism, and the  
14 benefits of rehabilitative, educational, vocational, and  
15 health, programming in correctional facilities. Documentation  
16 of completion shall be submitted to and recorded by the  
17 Department of Corrections and made available to the public  
18 upon request.

19 The 20 hours of continuing education or training per year  
20 required in this subsection shall include a training course  
21 developed and administered by the entity administering the  
22 Illinois Domestic Violence Hotline. The training shall be  
23 provided to new members and commissioners of the Prisoner  
24 Review Board within 30 days of the start of their service and  
25 before they take part in any hearings.

26 This training shall be tailored specifically to the

1 members of the Board and shall cover topics, including, but  
2 not limited to:

3 (1) the nature, extent, causes, and lethality of  
4 domestic violence and gender-based violence;

5 (2) implicit and explicit biases toward parties  
6 involved in domestic violence and gender-based violence;

7 (3) criminalization of survivors of domestic violence  
8 and gender-based violence;

9 (4) behavioral patterns and relationship dynamics  
10 within the cycle of violence;

11 (5) safety planning and procedures designed to promote  
12 the safety of victims of domestic violence and  
13 gender-based violence and their household members;

14 (6) resources available to victims of domestic  
15 violence and gender-based violence and their household  
16 members; and

17 (7) the Illinois Domestic Violence Act of 1986, the  
18 Stalking No Contact Order Act, the Civil No Contact Order  
19 Act, and the legal process regarding protective orders.

20 (f) The Board may appoint commissioners to assist it in  
21 such manner as it directs and may discharge them at will.  
22 Commissioners shall not be subject to the Personnel Code. Any  
23 commissioner appointed shall be an attorney licensed to  
24 practice law in the State of Illinois. The Board in its  
25 discretion may assign any hearing to a commissioner, except  
26 that, in hearings requiring a quorum of the Board, only



1 members shall participate, and in hearings requiring at least  
2 3 members, at least 2 members shall participate. No  
3 commissioner may act as the lead member or point of contact for  
4 any institutional hearing.

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

6 (730 ILCS 5/3-3-1.5 new)

7 Sec. 3-3-1.5. Director of Victim and Witness Services.

8 (a) There is established a Director of Victim and Witness  
9 Services under the jurisdiction of the Prisoner Review Board.  
10 The Victim and Witness Services Director shall be hired by the  
11 Prisoner Review Board. The Victim and Witness Services  
12 Director shall be responsible for ensuring that victims  
13 receive appropriate notice and the opportunity to provide a  
14 victim impact statement in accordance with this Act. The  
15 Victim and Witness Services Director shall also be responsible  
16 for coordinating with other agencies to improve victim  
17 notification processes, and identifying ways to better serve  
18 victims.

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

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

14 (B) until 5 years have elapsed since any arrests  
15 or detentions by a law enforcement officer for an  
16 alleged violation of law, other than a petty offense,  
17 traffic offense, conservation offense, or local  
18 ordinance offense;

19 (C) if convicted of a violation of the Cannabis  
20 Control Act, Illinois Controlled Substances Act, the  
21 Methamphetamine Control and Community Protection Act,  
22 the Methamphetamine Precursor Control Act, or the  
23 Methamphetamine Precursor Tracking Act unless the  
24 petitioner has completed a drug abuse program for the  
25 offense on which sealing is sought and provides proof  
26 that he or she has completed the program successfully;

1 (D) if convicted of:

2 (i) a sex offense described in Article 11 or  
3 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of  
4 the Criminal Code of 1961 or the Criminal Code of  
5 2012;

6 (ii) aggravated assault;

7 (iii) aggravated battery;

8 (iv) domestic battery;

9 (v) aggravated domestic battery;

10 (vi) violation of an order of protection;

11 (vii) an offense under the Criminal Code of  
12 1961 or the Criminal Code of 2012 involving a  
13 firearm;

14 (viii) driving while under the influence of  
15 alcohol, other drug or drugs, intoxicating  
16 compound or compounds, or any combination thereof;

17 (ix) aggravated driving while under the  
18 influence of alcohol, other drug or drugs,  
19 intoxicating compound or compounds, or any  
20 combination thereof; or

21 (x) any crime defined as a crime of violence  
22 under Section 2 of the Crime Victims Compensation  
23 Act.

24 If a person has applied to the Board for a certificate  
25 of eligibility for sealing and the Board denies the  
26 certificate, the person must wait at least 4 years before

1 filing again or filing for pardon from the Governor unless  
2 the Chairman of the Prisoner Review Board grants a waiver.

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

7 The Board may only authorize the sealing of Class 3  
8 and 4 felony convictions of the petitioner from one  
9 information or indictment under this paragraph (10). A  
10 petitioner may only receive one certificate of eligibility  
11 for sealing under this provision for life; and

12 (11) upon a petition by a person who after having been  
13 convicted of a Class 3 or Class 4 felony thereafter served  
14 in the United States Armed Forces or National Guard of  
15 this or any other state and had received an honorable  
16 discharge from the United States Armed Forces or National  
17 Guard or who at the time of filing the petition is enlisted  
18 in the United States Armed Forces or National Guard of  
19 this or any other state and served one tour of duty and who  
20 meets the requirements of this paragraph, hear by at least  
21 3 members and, with the unanimous vote of a panel of 3  
22 members, issue a certificate of eligibility for  
23 expungement recommending that the court order the  
24 expungement of all official records of the arresting  
25 authority, the circuit court clerk, and the Illinois State  
26 Police concerning the arrest and conviction for the Class



1           3 or 4 felony. A person may not apply to the Board for a  
2           certificate of eligibility for expungement:

3                 (A) if convicted of:

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

8                     (ii) an offense under the Criminal Code of  
9                     1961 or Criminal Code of 2012 involving a firearm;  
10                    or

11                    (iii) a crime of violence as defined in  
12                    Section 2 of the Crime Victims Compensation Act;  
13                    or

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

22                 If a person has applied to the Board for a certificate  
23                 of eligibility for expungement and the Board denies the  
24                 certificate, the person must wait at least 4 years before  
25                 filing again or filing for a pardon with authorization for  
26                 expungement from the Governor unless the Governor or

1 Chairman of the Prisoner Review Board grants a waiver.

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

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

20 (c) The Board shall cooperate with the Department in  
21 promoting an effective system of parole and mandatory  
22 supervised release.

23 (d) The Board shall promulgate rules for the conduct of  
24 its work, and the Chairman shall file a copy of such rules and  
25 any amendments thereto with the Director and with the  
26 Secretary of State.

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

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

26           In case of disobedience to a subpoena, the Board may

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

21 Each member of the Board and any hearing officer  
22 designated by the Board shall have the power to administer  
23 oaths and to take the testimony of persons under oath.

24 (g) Except under subsection (a) of this Section, a  
25 majority of the members then appointed to the Prisoner Review  
26 Board shall constitute a quorum for the transaction of all

1 business of the Board.

2 (h) The Prisoner Review Board shall annually transmit to  
3 the Director a detailed report of its work for the preceding  
4 calendar year, including votes cast by each member. The annual  
5 report shall also be transmitted to the Governor for  
6 submission to the Legislature.

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

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

10 Sec. 3-3-5. Hearing and determination.

11 (a) The Prisoner Review Board shall meet as often as need  
12 requires to consider the cases of persons eligible for parole.  
13 Except as otherwise provided in paragraph (2) of subsection  
14 (a) of Section 3-3-2 of this Act, the Prisoner Review Board may  
15 meet and order its actions in panels of 3 or more members. The  
16 action of a majority of the panel shall be the action of the  
17 Board.

18 (b) If the person under consideration for parole is in the  
19 custody of the Department, at least one member of the Board  
20 shall interview him or her, and a report of that interview  
21 shall be available for the Board's consideration. However, in  
22 the discretion of the Board, the interview need not be  
23 conducted if a psychiatric examination determines that the  
24 person could not meaningfully contribute to the Board's  
25 consideration. The Board may in its discretion parole a person

1 who is then outside the jurisdiction on his or her record  
2 without an interview. The Board need not hold a hearing or  
3 interview a person who is paroled under paragraphs (d) or (e)  
4 of this Section or released on Mandatory release under Section  
5 3-3-10.

6 (c) (Blank). ~~The Board shall not parole a person eligible~~  
7 ~~for parole if it determines that:~~

8 ~~(1) there is a substantial risk that he or she will not~~  
9 ~~conform to reasonable conditions of parole or aftercare~~  
10 ~~release; or~~

11 ~~(2) his or her release at that time would deprecate~~  
12 ~~the seriousness of his or her offense or promote~~  
13 ~~disrespect for the law; or~~

14 ~~(3) his or her release would have a substantially~~  
15 ~~adverse effect on institutional discipline.~~

16 (c-1) In deciding whether to grant or deny parole, the  
17 Board shall consider the following factors:

18 (1) participation in rehabilitative programming  
19 available to the petitioner, including, but not limited  
20 to, educational courses, vocational courses, life skills  
21 courses, individual or group counseling courses, civics  
22 education courses, peer education courses, independent  
23 studies courses, substance abuse counseling courses, and  
24 behavior modification courses;

25 (2) participation in professional licensing courses or  
26 on-the-job training courses;

1           (3) letters from correctional staff, educational  
2           faculty, community members, friends, and other  
3           incarcerated persons;

4           (4) the petitioner's potential for rehabilitation or  
5           the evidence of rehabilitation in the petitioner;

6           (5) the applicant's age at the time of the offense;

7           (6) the circumstances of the offense and the  
8           petitioner's role and degree of participation in the  
9           offense;

10          (7) the presence of a cognitive or developmental  
11          disability in the petitioner at the time of the offense;

12          (8) the petitioner's family, home environment, and  
13          educational and social background at the time of the  
14          offense;

15          (9) evidence that the petitioner has suffered from  
16          gender-based violence as defined by Section 5 of the  
17          Gender Violence Act, postpartum psychosis or postpartum  
18          depression as defined by Section 2-1401 of the Code of  
19          Civil Procedure, post-traumatic stress disorder, adverse  
20          childhood experiences, or other traumas that could have  
21          been a contributing factor to a person's criminal behavior  
22          and participation in the offense;

23          (10) the presence or expression by the petitioner of  
24          remorse, compassion, or insight of harm and collateral  
25          effects experienced by the victims;

26          (11) the commission of a serious disciplinary

1 infraction within the previous 5 years;

2 (12) a pattern of fewer serious institutional  
3 disciplinary infractions within the previous 2 years;

4 (13) evidence that the petitioner has any serious  
5 medical conditions;

6 (14) evidence that the Department is unable to meet  
7 the petitioner's medical needs; and

8 (15) the petitioner's reentry plan, including, but not  
9 limited to, residence plans, employment plans, continued  
10 education plans, rehabilitation plans, and counseling  
11 plans.

12 No one factor listed in this subsection (c-1) shall be  
13 dispositive.

14 (d) (Blank).

15 (d-1) The Board shall, upon due notice, give a hearing to  
16 all petitioners for medical release and all candidates for  
17 parole, allowing representation by counsel, if desired, or the  
18 assistance of advocates and supporters, if desired.

19 (d-2) All petitioners for medical release and all  
20 candidates for parole appearing before the Prisoner Review  
21 Board shall be afforded the opportunity to appear in person or  
22 via interactive video teleconference.

23 (d-3) Clemency petitioners who are currently incarcerated  
24 and their legal counsel, if retained, shall be afforded the  
25 opportunity to a pre-hearing conference in person or via  
26 interactive video teleconference with at least one Board



1 member.

2 (e) A person who has served the maximum term of  
3 imprisonment imposed at the time of sentencing less time  
4 credit for good behavior shall be released on parole to serve a  
5 period of parole under Section 5-8-1.

6 (f) The Board shall render its decision within a  
7 reasonable time after hearing and shall state the basis  
8 therefor both in the records of the Board and in written notice  
9 to the person on whose application it has acted. In its  
10 decision, the Board shall set the person's time for parole, or  
11 if it denies parole it shall provide for a rehearing not less  
12 frequently than once every year, except that the Board may,  
13 after denying parole, schedule a rehearing no later than 5  
14 years from the date of the parole denial, if the Board finds  
15 that it is not reasonable to expect that parole would be  
16 granted at a hearing prior to the scheduled rehearing date. If  
17 the Board shall parole a person, and, if he or she is not  
18 released within 90 days from the effective date of the order  
19 granting parole, the matter shall be returned to the Board for  
20 review. If the Board denies parole, the written notice must  
21 include an explanation of each factor the Board relied on in  
22 making its decision to deny parole and what factors and goals  
23 the applicant should focus on and try to meet to be granted  
24 parole at a subsequent hearing.

25 (f-1) If the Board paroles a person who is eligible for  
26 commitment as a sexually violent person, the effective date of

1 the Board's order shall be stayed for 90 days for the purpose  
2 of evaluation and proceedings under the Sexually Violent  
3 Persons Commitment Act.

4 (g) The Board shall maintain a registry of decisions in  
5 which parole has been granted, which shall include the name  
6 and case number of the prisoner, the highest charge for which  
7 the prisoner was sentenced, the length of sentence imposed,  
8 the date of the sentence, the date of the parole, and the basis  
9 for the decision of the Board to grant parole and the vote of  
10 the Board on any such decisions. The registry shall be made  
11 available for public inspection and copying during business  
12 hours and shall be a public record pursuant to the provisions  
13 of the Freedom of Information Act.

14 (h) The Board shall promulgate rules regarding the  
15 exercise of its discretion under this Section.

16 (Source: P.A. 98-558, eff. 1-1-14; 99-268, eff. 1-1-16;  
17 99-628, eff. 1-1-17.)

18 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

19 Sec. 3-3-8. Length of parole and mandatory supervised  
20 release; discharge.

21 (a) The length of parole for a person sentenced under the  
22 law in effect prior to the effective date of this amendatory  
23 Act of 1977 and the length of mandatory supervised release for  
24 those sentenced under the law in effect on and after such  
25 effective date shall be as set out in Section 5-8-1 unless

1 sooner terminated under paragraph (b) of this Section.

2 (b) The Prisoner Review Board may enter an order releasing  
3 and discharging one from parole or mandatory supervised  
4 release, and his or her commitment to the Department, when it  
5 determines that he or she is likely to remain at liberty  
6 without committing another offense. Before entering such an  
7 order, the Prisoner Review Board shall provide notice and a  
8 30-day opportunity to comment to any registered victim.

9 (b-1) Provided that the subject is in compliance with the  
10 terms and conditions of his or her parole or mandatory  
11 supervised release, the Prisoner Review Board shall reduce the  
12 period of a parolee or releasee's parole or mandatory  
13 supervised release by 90 days upon the parolee or releasee  
14 receiving a high school diploma, associate's degree,  
15 bachelor's degree, career certificate, or vocational technical  
16 certification or upon passage of high school equivalency  
17 testing during the period of his or her parole or mandatory  
18 supervised release. A parolee or releasee shall provide  
19 documentation from the educational institution or the source  
20 of the qualifying educational or vocational credential to  
21 their supervising officer for verification. Each reduction in  
22 the period of a subject's term of parole or mandatory  
23 supervised release shall be available only to subjects who  
24 have not previously earned the relevant credential for which  
25 they are receiving the reduction. As used in this Section,  
26 "career certificate" means a certificate awarded by an

1 institution for satisfactory completion of a prescribed  
2 curriculum that is intended to prepare an individual for  
3 employment in a specific field.

4 (b-2) The Prisoner Review Board may release a low-risk and  
5 need subject person from mandatory supervised release as  
6 determined by an appropriate evidence-based risk and need  
7 assessment.

8 (b-3) After the completion of at least 6 months for  
9 offenses set forth in paragraphs (1.5) through (7) of  
10 subsection (a) of Section 110-6.1 of the Code of Criminal  
11 Procedure of 1963 and 3 months for all other offenses, and upon  
12 completion of all mandatory conditions of parole or mandatory  
13 supervised release set forth in paragraph (7.5) of subsection  
14 (a) of Section 3-3-7 and subsection (b) of Section 3-3-7, the  
15 Department of Corrections shall complete a report describing  
16 whether the subject has completed the mandatory conditions of  
17 parole or mandatory supervised release. The report shall  
18 include whether the subject has complied with any mandatory  
19 conditions of parole or mandatory supervised release relating  
20 to orders of protection, civil no contact orders, or stalking  
21 no contact orders. The report shall also indicate whether a  
22 LEADS report reflects a conviction for a domestic violence  
23 offense within the prior 5 years.

24 (c) The order of discharge shall become effective upon  
25 entry of the order of the Board. The Board shall notify the  
26 clerk of the committing court of the order. Upon receipt of

1 such copy, the clerk shall make an entry on the record judgment  
2 that the sentence or commitment has been satisfied pursuant to  
3 the order.

4 (d) Rights of the person discharged under this Section  
5 shall be restored under Section 5-5-5.

6 (e) Upon a denial of early discharge under this Section,  
7 the Prisoner Review Board shall provide the person on parole  
8 or mandatory supervised release a list of steps or  
9 requirements that the person must complete or meet to be  
10 granted an early discharge at a subsequent review and share  
11 the process for seeking a subsequent early discharge review  
12 under this subsection. Upon the completion of such steps or  
13 requirements, the person on parole or mandatory supervised  
14 release may petition the Prisoner Review Board to grant them  
15 an early discharge review. Within no more than 30 days of a  
16 petition under this subsection, the Prisoner Review Board  
17 shall review the petition and make a determination.

18 (Source: P.A. 103-271, eff. 1-1-24.)

19 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

20 Sec. 3-3-9. Violations; changes of conditions; preliminary  
21 hearing; revocation of parole or mandatory supervised release;  
22 revocation hearing.

23 (a) If prior to expiration or termination of the term of  
24 parole or mandatory supervised release, a person violates a  
25 condition set by the Prisoner Review Board or a condition of

1 parole or mandatory supervised release under Section 3-3-7 of  
2 this Code to govern that term, the Board may:

3 (1) continue the existing term, with or without  
4 modifying or enlarging the conditions; or

5 (1.5) for those released as a result of youthful  
6 offender parole as set forth in Section 5-4.5-115 of this  
7 Code, order that the inmate be subsequently rereleased to  
8 serve a specified mandatory supervised release term not to  
9 exceed the full term permitted under the provisions of  
10 Section 5-4.5-115 and subsection (d) of Section 5-8-1 of  
11 this Code and may modify or enlarge the conditions of the  
12 release as the Board deems proper; or

13 (2) parole or release the person to a half-way house;  
14 or

15 (3) revoke the parole or mandatory supervised release  
16 and reconfine the person for a term computed in the  
17 following manner:

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

26 (B) Except as set forth in paragraphs (C) and (D),

1           for those subject to mandatory supervised release  
2           under paragraph (d) of Section 5-8-1 of this Code, the  
3           recommitment shall be for the total mandatory  
4           supervised release term, less the time elapsed between  
5           the release of the person and the commission of the  
6           violation for which mandatory supervised release is  
7           revoked. The Board may also order that a prisoner  
8           serve up to one year of the sentence imposed by the  
9           court which was not served due to the accumulation of  
10          sentence credit;

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

16           (D) For those released as a result of youthful  
17          offender parole as set forth in Section 5-4.5-115 of  
18          this Code, the reconfinement period shall be for the  
19          total mandatory supervised release term, less the time  
20          elapsed between the release of the person and the  
21          commission of the violation for which mandatory  
22          supervised release is revoked. The Board may also  
23          order that a prisoner serve up to one year of the  
24          mandatory supervised release term previously earned.  
25          The Board may also order that the inmate be  
26          subsequently rereleased to serve a specified mandatory

1 supervised release term not to exceed the full term  
2 permitted under the provisions of Section 5-4.5-115  
3 and subsection (d) of Section 5-8-1 of this Code and  
4 may modify or enlarge the conditions of the release as  
5 the Board deems proper;

6 (ii) the person shall be given credit against the  
7 term of reimprisonment or reconfinement for time spent  
8 in custody since he or she was paroled or released  
9 which has not been credited against another sentence  
10 or period of confinement;

11 (iii) (blank);

12 (iv) this Section is subject to the release under  
13 supervision and the reparole and rerelease provisions  
14 of Section 3-3-10.

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



1 Services Unit prior to the holding of a preliminary parole  
2 revocation hearing. Parolees who are diverted to a  
3 community-based sanction shall serve the entire term of parole  
4 or mandatory supervised release, if otherwise appropriate.

5 (b-5) The Board shall revoke parole or mandatory  
6 supervised release for violation of the conditions prescribed  
7 in paragraph (7.6) of subsection (a) of Section 3-3-7.

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

17 (d) Parole or mandatory supervised release shall not be  
18 revoked without written notice to the offender setting forth  
19 the violation of parole or mandatory supervised release  
20 charged against him or her. Before the Board makes a decision  
21 on whether to revoke an offender's parole or mandatory  
22 supervised release, the Prisoner Review Board must run a LEADS  
23 report. The Board shall publish on the Board's publicly  
24 accessible website the name and identification number of  
25 offenders who are alleged to have violated terms of parole or  
26 mandatory supervised release and the Board's decision as to

1 whether to revoke parole or mandatory supervised release. This  
2 information shall be accessible for a period of 60 days after  
3 the information is posted.

4 (e) A hearing on revocation shall be conducted before at  
5 least one member of the Prisoner Review Board. The Board may  
6 meet and order its actions in panels of 3 or more members. The  
7 action of a majority of the panel shall be the action of the  
8 Board. A record of the hearing shall be made. At the hearing  
9 the offender shall be permitted to:

10 (1) appear and answer the charge; and

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

12 (f) The Board shall either revoke parole or mandatory  
13 supervised release or order the person's term continued with  
14 or without modification or enlargement of the conditions.

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

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

22 (a) Petitions seeking pardon, commutation, or reprieve  
23 shall be addressed to the Governor and filed with the Prisoner  
24 Review Board. The petition shall be in writing and signed by  
25 the person under conviction or by a person on his behalf. It

1 shall contain a brief history of the case, the reasons for  
2 seeking executive clemency, and other relevant information the  
3 Board may require.

4 (a-5) After a petition has been denied by the Governor,  
5 the Board may not accept a repeat petition for executive  
6 clemency for the same person until one full year has elapsed  
7 from the date of the denial. The Chairman of the Board may  
8 waive the one-year requirement if the petitioner offers in  
9 writing new information that was unavailable to the petitioner  
10 at the time of the filing of the prior petition and which the  
11 Chairman determines to be significant. The Chairman also may  
12 waive the one-year waiting period if the petitioner can show  
13 that a change in circumstances of a compelling humanitarian  
14 nature has arisen since the denial of the prior petition.

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

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

1 General Assembly, except if the statement was an oral  
2 statement made by the victim at a hearing open to the public.

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

12 (d) The Governor shall decide each application and  
13 communicate his decision to the Board which shall notify the  
14 petitioner.

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

26 (e) Nothing in this Section shall be construed to limit

1 the power of the Governor under the constitution to grant a  
2 reprieve, commutation of sentence, or pardon.

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

4 (730 ILCS 5/3-3-14)

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

6 (a) Definitions.

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

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

19 (i) the condition is irreversible and incurable;

20 and

21 (ii) in accordance with medical standards and a  
22 reasonable degree of medical certainty, based on an  
23 individual assessment of the petitioner ~~inmate~~, the  
24 condition is likely to cause death to the petitioner  
25 ~~inmate~~ within 18 months.

1 (b) The Prisoner Review Board shall consider an  
2 application for compassionate release on behalf of any  
3 petitioner inmate who meets any of the following:

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

5 (2) has been diagnosed with a condition that will  
6 result in medical incapacity within the next 6 months; or

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

9 (c) Initial application.

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

23 (2) Application materials shall be maintained on the  
24 Prisoner Review Board's website and the Department of  
25 Corrections' website and maintained in a clearly visible  
26 place within the law library and the infirmary of every

1       penal institution and facility operated by the Department  
2       of Corrections.

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

6             (i) the petitioner's ~~inmate's~~ name and Illinois  
7       Department of Corrections number;

8             (ii) the petitioner's ~~inmate's~~ diagnosis;

9             (iii) a statement that the petitioner ~~inmate~~ meets  
10       one of the following diagnostic criteria:

11             (A) the petitioner ~~inmate~~ is suffering from a  
12       terminal illness;

13             (B) the petitioner ~~inmate~~ has been diagnosed  
14       with a condition that will result in medical  
15       incapacity within the next 6 months; or

16             (C) the petitioner ~~inmate~~ has become medically  
17       incapacitated subsequent to sentencing due to  
18       illness or injury.

19       (3.5) The Prisoner Review Board shall place no  
20       additional restrictions, limitations, or requirements on  
21       applications from petitioners.

22       (4) Upon receiving the petitioner's ~~inmate's~~ initial  
23       application, the Board shall order the Department of  
24       Corrections to have a physician or nurse practitioner  
25       evaluate the petitioner ~~inmate~~ and create a written  
26       evaluation within ten days of the Board's order. The

1 evaluation shall include but need not be limited to:

2 (i) a concise statement of the petitioner ~~inmate's~~  
3 medical diagnosis, including prognosis, likelihood of  
4 recovery, and primary symptoms, to include  
5 incapacitation; and

6 (ii) a statement confirming or denying that the  
7 petitioner ~~inmate~~ meets one of the criteria stated in  
8 subsection (b) of this Section.

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

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

13 (ii) provide a copy of the evaluation and any  
14 medical records provided by the Department of  
15 Corrections to the petitioner or the petitioner's  
16 attorney upon scheduling the institutional hearing.

17 (d) Institutional hearing. ~~No public institutional hearing~~  
18 ~~is required for consideration of a petition, but shall be~~  
19 ~~granted at the request of the petitioner. Hearings are public~~  
20 unless the petitioner requests a non-public hearing. The  
21 petitioner has a right to attend the hearing and to speak on  
22 the petitioner's own behalf. The petitioner ~~inmate~~ may be  
23 represented by counsel and may present witnesses to the Board  
24 members. Hearings shall be governed by the Open Parole  
25 Hearings Act. Members of the public shall be permitted to  
26 freely attend public hearings without restriction.



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

4 (f) Consideration. In considering a petition for release  
5 under the statute, the Prisoner Review Board may consider the  
6 following factors:

7 (i) the petitioner's ~~inmate's~~ diagnosis and  
8 likelihood of recovery;

9 (ii) the approximate cost of health care to the  
10 State should the petitioner ~~inmate~~ remain in custody;

11 (iii) the impact that the petitioner's ~~inmate's~~  
12 continued incarceration may have on the provision of  
13 medical care within the Department;

14 (iv) the present likelihood of and ability to pose  
15 a substantial danger to the physical safety of a  
16 specifically identifiable person or persons;

17 (v) any statements by the victim regarding  
18 release; and

19 (vi) whether the petitioner's ~~inmate's~~ condition  
20 was explicitly disclosed to the original sentencing  
21 judge and taken into account at the time of  
22 sentencing.

23 (f-1) Upon denying an eligible petitioner's application  
24 for medical release, the Prisoner Review Board shall publish a  
25 decision letter outlining the reason for denial. The decision  
26 letter must include an explanation of each statutory factor

1 and the estimated annual cost of the petitioner's continued  
2 incarceration, including the petitioner's medical care.

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

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

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

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

21 (k) Data report. The Department of Corrections and the  
22 Prisoner Review Board shall release a report annually  
23 published on their websites that reports the following  
24 information about the Medical Release Program:

25 (1) The number of applications for medical release  
26 received by the Board in the preceding year, and

1 information about those applications, including:

2 (i) demographic data about the petitioner  
3 ~~individual~~, including race or ethnicity, gender, age,  
4 and institution;

5 (ii) the highest class of offense for which the  
6 petitioner ~~individual~~ is incarcerated;

7 (iii) the relationship of the petitioner ~~applicant~~  
8 to the person completing the application;

9 (iv) whether the petitioner ~~applicant~~ had applied  
10 for medical release before and been denied, and, if  
11 so, when;

12 (v) whether the petitioner ~~person~~ applied as a  
13 person who is medically incapacitated or a person who  
14 is terminally ill; ~~and~~

15 (vi) a basic description of the underlying medical  
16 condition that led to the application ; ~~and~~;

17 (vii) the institution in which the petitioner was  
18 confined at the time of the application.

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

21 (3) The number of institutional hearings on medical  
22 release applications conducted by the Board including:-

23 (i) whether the petitioner was represented by an  
24 attorney; and

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

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

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

6                 (ii) whether the person applied as a person who is  
7                 medically incapacitated or a person who is terminally  
8                 ill;

9                 (iii) a basic description of the underlying  
10                medical condition that led to the application; ~~and~~

11                (iv) a basic description of the medical setting  
12                the person was released to; ~~and~~

13                (v) whether the petitioner was represented by an  
14                attorney; and

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

17           (5) The number of people released on the medical  
18           release program.

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

22                 (i) demographic data about the individuals  
23                 including race or ethnicity, gender and age;

24                 (ii) the reason for the delay;

25                 (iii) whether the person remains incarcerated; and

26                 (iv) a basic description of the underlying medical

1 condition of the applying person.

2 (7) For those individuals released on mandatory  
3 supervised release due to a granted application for  
4 medical release:

5 (i) the number of individuals who were serving  
6 terms of mandatory supervised release because of  
7 medical release applications during the previous year;

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

10 (iii) the number of individuals who died during  
11 the previous year.

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

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

21 (ii) the number of people who spent more than one  
22 month in outside hospital care during the previous  
23 year and their home institutions.

24 All the information provided in this report shall be  
25 provided in aggregate, and nothing shall be construed to  
26 require the public dissemination of any personal medical

1 information.

2 (Source: P.A. 102-494, eff. 1-1-22; 102-813, eff. 5-13-22.)

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

4 Sec. 3-5-1. Master record file.

5 (a) The Department of Corrections and the Department of  
6 Juvenile Justice shall maintain a master record file on each  
7 person committed to it, which shall contain the following  
8 information:

9 (1) all information from the committing court;

10 (1.5) ethnic and racial background data collected in  
11 accordance with Section 4.5 of the Criminal Identification  
12 Act and Section 2-5 of the No Representation Without  
13 Population Act;

14 (1.6) the committed person's last known complete  
15 street address prior to incarceration or legal residence  
16 collected in accordance with Section 2-5 of the No  
17 Representation Without Population Act;

18 (2) reception summary;

19 (3) evaluation and assignment reports and  
20 recommendations;

21 (4) reports as to program assignment and progress;

22 (5) reports of disciplinary infractions and  
23 disposition, including tickets and Administrative Review  
24 Board action;

25 (6) any parole or aftercare release plan;

1 (7) any parole or aftercare release reports;

2 (8) the date and circumstances of final discharge;

3 (9) criminal history;

4 (10) current and past gang affiliations and ranks;

5 (11) information regarding associations and family  
6 relationships;

7 (12) any grievances filed and responses to those  
8 grievances;

9 (13) other information that the respective Department  
10 determines is relevant to the secure confinement and  
11 rehabilitation of the committed person;

12 (14) the last known address provided by the person  
13 committed; and

14 (15) all medical and dental records.

15 (b) Except as provided in subsections (f) and (f-5), all  
16 ~~All~~ files shall be confidential and access shall be limited to  
17 authorized personnel of the respective Department or by  
18 disclosure in accordance with a court order or subpoena.  
19 Personnel of other correctional, welfare or law enforcement  
20 agencies may have access to files under rules and regulations  
21 of the respective Department. The respective Department shall  
22 keep a record of all outside personnel who have access to  
23 files, the files reviewed, any file material copied, and the  
24 purpose of access. If the respective Department or the  
25 Prisoner Review Board makes a determination under this Code  
26 which affects the length of the period of confinement or

1 commitment, the committed person and his counsel shall be  
2 advised of factual information relied upon by the respective  
3 Department or Board to make the determination, provided that  
4 the Department or Board shall not be required to advise a  
5 person committed to the Department of Juvenile Justice any  
6 such information which in the opinion of the Department of  
7 Juvenile Justice or Board would be detrimental to his  
8 treatment or rehabilitation.

9 (c) The master file shall be maintained at a place  
10 convenient to its use by personnel of the respective  
11 Department in charge of the person. When custody of a person is  
12 transferred from the Department to another department or  
13 agency, a summary of the file shall be forwarded to the  
14 receiving agency with such other information required by law  
15 or requested by the agency under rules and regulations of the  
16 respective Department.

17 (d) The master file of a person no longer in the custody of  
18 the respective Department shall be placed on inactive status  
19 and its use shall be restricted subject to rules and  
20 regulations of the Department.

21 (e) All public agencies may make available to the  
22 respective Department on request any factual data not  
23 otherwise privileged as a matter of law in their possession in  
24 respect to individuals committed to the respective Department.

25 (f) A committed person may request a summary of the  
26 committed person's master record file once per year and the



1 committed person's attorney may request one summary of the  
2 committed person's master record file once per year. The  
3 Department shall create a form for requesting this summary,  
4 and shall make that form available to committed persons and to  
5 the public on its website. Upon receipt of the request form,  
6 the Department shall provide the summary within 15 days. The  
7 summary must contain, unless otherwise prohibited by law:

8 (1) the person's name, ethnic, racial, last known  
9 street address prior to incarceration or legal residence,  
10 and other identifying information;

11 (2) all digitally available information from the  
12 committing court;

13 (3) all information in the Offender 360 system on the  
14 person's criminal history;

15 (4) the person's complete assignment history in the  
16 Department of Corrections;

17 (5) the person's disciplinary card;

18 (6) additional records about up to 3 specific  
19 disciplinary incidents as identified by the requester;

20 (7) any available records about up to 5 specific  
21 grievances filed by the person, as identified by the  
22 requester; and

23 (8) the records of all grievances filed on or after  
24 January 1, 2023.

25 Notwithstanding any provision of this subsection (f) to  
26 the contrary, a committed person's master record file is not

1 subject to disclosure and copying under the Freedom of  
2 Information Act.

3 (f-5) At least 60 days before a person's executive  
4 clemency, medical release, or parole hearing, if requested,  
5 the Department of Corrections shall provide the person and  
6 their legal counsel, if retained, a copy of (i) the person's  
7 disciplinary card and (ii) any available records of the  
8 person's participation in programming and education.

9 (g) Subject to appropriation, on or before July 1, 2025,  
10 the Department of Corrections shall digitalize all newly  
11 committed persons' master record files who become incarcerated  
12 and all other new information that the Department maintains  
13 concerning its correctional institutions, facilities, and  
14 individuals incarcerated.

15 (h) Subject to appropriation, on or before July 1, 2027,  
16 the Department of Corrections shall digitalize all medical and  
17 dental records in the master record files and all other  
18 information that the Department maintains concerning its  
19 correctional institutions and facilities in relation to  
20 medical records, dental records, and medical and dental needs  
21 of committed persons.

22 (i) Subject to appropriation, on or before July 1, 2029,  
23 the Department of Corrections shall digitalize all information  
24 in the master record files and all other information that the  
25 Department maintains concerning its correctional institutions  
26 and facilities.

1           (j) The Department of Corrections shall adopt rules to  
2     implement subsections (g), (h), and (i) if appropriations are  
3     available to implement these provisions.

4           (k) Subject to appropriation, the Department of  
5     Corrections, in consultation with the Department of Innovation  
6     and Technology, shall conduct a study on the best way to  
7     digitize all Department of Corrections records and the impact  
8     of that digitizing on State agencies, including the impact on  
9     the Department of Innovation and Technology. The study shall  
10    be completed on or before January 1, 2024.

11    (Source: P.A. 102-776, eff. 1-1-23; 102-784, eff. 5-13-22;  
12    103-18, eff. 1-1-24; 103-71, eff. 6-9-23; 103-154, eff.  
13    6-30-23; 103-605, eff. 7-1-24.)

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

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

16           (a) Upon release of a person on parole, mandatory release,  
17     final discharge, or pardon, the Department shall return all  
18     property held for him, provide him with suitable clothing and  
19     procure necessary transportation for him to his designated  
20     place of residence and employment. It may provide such person  
21     with a grant of money for travel and expenses which may be paid  
22     in installments. The amount of the money grant shall be  
23     determined by the Department.

24           (a-1) The Department shall, before a wrongfully imprisoned  
25     person, as defined in Section 3-1-2 of this Code, is

1 discharged from the Department, provide him or her with any  
2 documents necessary after discharge.

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

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

20 (1) All voting rights are restored upon release from  
21 the Department's custody.

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

24 The Department of Corrections shall confirm that the  
25 person received the voter registration application and has  
26 been informed that his or her voting rights have been

1 restored.

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

14 (a-5) Upon release of a person from its custody to parole,  
15 upon mandatory supervised release, or upon final discharge,  
16 the Department shall run a LEADS report and shall notify the  
17 person of all in-effect protective orders issued against the  
18 person under Article 112A of the Code of Criminal Procedure of  
19 1963 or under the Illinois Domestic Violence Act of 1986, the  
20 Civil No Contact Order Act, or the Stalking No Contact Order  
21 Act, that are identified in the LEADS report.

22 (b) (Blank).

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

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

1 (c-1) (Blank).

2 (c-2) The Department shall establish procedures to provide  
3 notice to the Illinois State Police of the release or  
4 discharge of persons convicted of violations of the  
5 Methamphetamine Control and Community Protection Act or a  
6 violation of the Methamphetamine Precursor Control Act. The  
7 Illinois State Police shall make this information available to  
8 local, State, or federal law enforcement agencies upon  
9 request.

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

18 (1) The mittimus and any pre-sentence investigation  
19 reports.

20 (2) The social evaluation prepared pursuant to Section  
21 3-8-2.

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

24 (4) Reports of disciplinary infractions and  
25 dispositions.

26 (5) Any parole plan, including orders issued by the

1 Prisoner Review Board, and any violation reports and  
2 dispositions.

3 (6) The name and contact information for the assigned  
4 parole agent and parole supervisor.

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

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

13 (1) The Prisoner Review Board.

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

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

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



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

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

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

1 the application for health care coverage including medical  
2 assistance;

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

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

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

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

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

25 (7) any other information that the Department of  
26 Corrections deems necessary to provide the committed

1 person in order for the committed person to reenter the  
2 community and avoid recidivism.

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

11 The Department may adopt rules to implement this Section.

12 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;  
13 102-606, eff. 1-1-22; 102-813, eff. 5-13-22; 103-345, eff.  
14 1-1-24.)

15 (730 ILCS 5/5-4.5-115)

16 Sec. 5-4.5-115. Parole review of persons under the age of  
17 21 at the time of the commission of an offense.

18 (a) For purposes of this Section, "victim" means a victim  
19 of a violent crime as defined in subsection (a) of Section 3 of  
20 the Rights of Crime Victims and Witnesses Act including a  
21 witness as defined in subsection (b) of Section 3 of the Rights  
22 of Crime Victims and Witnesses Act; any person legally related  
23 to the victim by blood, marriage, adoption, or guardianship;  
24 any friend of the victim; or any concerned citizen.

25 (b) A person under 21 years of age at the time of the

1 commission of an offense or offenses, other than first degree  
2 murder, and who is not serving a sentence for first degree  
3 murder and who is sentenced on or after June 1, 2019 (the  
4 effective date of Public Act 100-1182) shall be eligible for  
5 parole review by the Prisoner Review Board after serving 10  
6 years or more of his or her sentence or sentences, except for  
7 those serving a sentence or sentences for: (1) aggravated  
8 criminal sexual assault who shall be eligible for parole  
9 review by the Prisoner Review Board after serving 20 years or  
10 more of his or her sentence or sentences or (2) predatory  
11 criminal sexual assault of a child who shall not be eligible  
12 for parole review by the Prisoner Review Board under this  
13 Section. A person under 21 years of age at the time of the  
14 commission of first degree murder who is sentenced on or after  
15 June 1, 2019 (the effective date of Public Act 100-1182) shall  
16 be eligible for parole review by the Prisoner Review Board  
17 after serving 20 years or more of his or her sentence or  
18 sentences, except for those subject to a term of natural life  
19 imprisonment under Section 5-8-1 of this Code or any person  
20 subject to sentencing under subsection (c) of Section  
21 5-4.5-105 of this Code, who shall be eligible for parole  
22 review by the Prisoner Review Board after serving 40 years or  
23 more of his or her sentence or sentences.

24 (c) Three years prior to becoming eligible for parole  
25 review, the eligible person may file his or her petition for  
26 parole review with the Prisoner Review Board. The petition

1 shall include a copy of the order of commitment and sentence to  
2 the Department of Corrections for the offense or offenses for  
3 which review is sought. Within 30 days of receipt of this  
4 petition, the Prisoner Review Board shall determine whether  
5 the petition is appropriately filed, and if so, shall set a  
6 date for parole review 3 years from receipt of the petition and  
7 notify the Department of Corrections within 10 business days.  
8 If the Prisoner Review Board determines that the petition is  
9 not appropriately filed, it shall notify the petitioner in  
10 writing, including a basis for its determination.

11 (d) Within 6 months of the Prisoner Review Board's  
12 determination that the petition was appropriately filed, a  
13 representative from the Department of Corrections shall meet  
14 with the eligible person and provide the inmate information  
15 about the parole hearing process and personalized  
16 recommendations for the inmate regarding his or her work  
17 assignments, rehabilitative programs, and institutional  
18 behavior. Following this meeting, the eligible person has 7  
19 calendar days to file a written request to the representative  
20 from the Department of Corrections who met with the eligible  
21 person of any additional programs and services which the  
22 eligible person believes should be made available to prepare  
23 the eligible person for return to the community.

24 (e) One year prior to the person being eligible for  
25 parole, counsel shall be appointed by the Prisoner Review  
26 Board upon a finding of indigency. The eligible person may

1 waive appointed counsel or retain his or her own counsel at his  
2 or her own expense.

3 (f) Nine months prior to the hearing, the Prisoner Review  
4 Board shall provide the eligible person, and his or her  
5 counsel, any written documents or materials it will be  
6 considering in making its decision unless the written  
7 documents or materials are specifically found to: (1) include  
8 information which, if disclosed, would damage the therapeutic  
9 relationship between the inmate and a mental health  
10 professional; (2) subject any person to the actual risk of  
11 physical harm; (3) threaten the safety or security of the  
12 Department or an institution. In accordance with Section  
13 4.5(d)(4) of the Rights of Crime Victims and Witnesses Act and  
14 Section 10 of the Open Parole Hearings Act, victim statements  
15 provided to the Board shall be confidential and privileged,  
16 including any statements received prior to the effective date  
17 of this amendatory Act of the 101st General Assembly, except  
18 if the statement was an oral statement made by the victim at a  
19 hearing open to the public. Victim statements shall not be  
20 considered public documents under the provisions of the  
21 Freedom of Information Act. The inmate or his or her attorney  
22 shall not be given a copy of the statement, but shall be  
23 informed of the existence of a victim statement and the  
24 position taken by the victim on the inmate's request for  
25 parole. This shall not be construed to permit disclosure to an  
26 inmate of any information which might result in the risk of

1 threats or physical harm to a victim. The Prisoner Review  
2 Board shall have an ongoing duty to provide the eligible  
3 person, and his or her counsel, with any further documents or  
4 materials that come into its possession prior to the hearing  
5 subject to the limitations contained in this subsection.

6 (g) Not less than 12 months prior to the hearing, the  
7 Prisoner Review Board shall provide notification to the  
8 State's Attorney of the county from which the person was  
9 committed and written notification to the victim or family of  
10 the victim of the scheduled hearing place, date, and  
11 approximate time. The written notification shall contain: (1)  
12 information about their right to be present, appear in person  
13 at the parole hearing, and their right to make an oral  
14 statement and submit information in writing, by videotape,  
15 tape recording, or other electronic means; (2) a toll-free  
16 number to call for further information about the parole review  
17 process; and (3) information regarding available resources,  
18 including trauma-informed therapy, they may access. If the  
19 Board does not have knowledge of the current address of the  
20 victim or family of the victim, it shall notify the State's  
21 Attorney of the county of commitment and request assistance in  
22 locating the victim or family of the victim. Those victims or  
23 family of the victims who advise the Board in writing that they  
24 no longer wish to be notified shall not receive future  
25 notices. A victim shall have the right to submit information  
26 by videotape, tape recording, or other electronic means. The

1 victim may submit this material prior to or at the parole  
2 hearing. The victim also has the right to be heard at the  
3 parole hearing.

4 (h) The hearing conducted by the Prisoner Review Board  
5 shall be governed by Sections 15 and 20, subsection (f) of  
6 Section 5, subsections (a), (a-5), (b), (b-5), and (c) of  
7 Section 10, and subsection (d) of Section 25 of the Open Parole  
8 Hearings Act and Part 1610 of Title 20 of the Illinois  
9 Administrative Code. The eligible person has a right to be  
10 present at the Prisoner Review Board hearing, unless the  
11 Prisoner Review Board determines the eligible person's  
12 presence is unduly burdensome when conducting a hearing under  
13 paragraph (6.6) of subsection (a) of Section 3-3-2 of this  
14 Code. If a psychological evaluation is submitted for the  
15 Prisoner Review Board's consideration, it shall be prepared by  
16 a person who has expertise in adolescent brain development and  
17 behavior, and shall take into consideration the diminished  
18 culpability of youthful offenders, the hallmark features of  
19 youth, and any subsequent growth and increased maturity of the  
20 person. At the hearing, the eligible person shall have the  
21 right to make a statement on his or her own behalf.

22 (i) Only upon motion for good cause shall the date for the  
23 Prisoner Review Board hearing, as set by subsection (b) of  
24 this Section, be changed. No less than 15 days prior to the  
25 hearing, the Prisoner Review Board shall notify the victim or  
26 victim representative, the attorney, and the eligible person



1 of the exact date and time of the hearing. All hearings shall  
2 be open to the public.

3 (j) (Blank). ~~The Prisoner Review Board shall not parole~~  
4 ~~the eligible person if it determines that:~~

5 ~~(1) there is a substantial risk that the eligible~~  
6 ~~person will not conform to reasonable conditions of parole~~  
7 ~~or aftercare release; or~~

8 ~~(2) the eligible person's release at that time would~~  
9 ~~depreciate the seriousness of his or her offense or promote~~  
10 ~~disrespect for the law; or~~

11 ~~(3) the eligible person's release would have a~~  
12 ~~substantially adverse effect on institutional discipline.~~

13 ~~In considering the factors affecting the release~~  
14 ~~determination under 20 Ill. Adm. Code 1610.50(b), the Prisoner~~  
15 ~~Review Board panel shall consider the diminished culpability~~  
16 ~~of youthful offenders, the hallmark features of youth, and any~~  
17 ~~subsequent growth and maturity of the youthful offender during~~  
18 ~~incarceration.~~

19 (j-5) In deciding whether to grant or deny parole, the  
20 Board shall consider the following factors:

21 (1) participation in rehabilitative programming  
22 available to the petitioner, including, but not limited  
23 to, educational courses, vocational courses, life skills  
24 courses, individual or group counseling courses, civics  
25 education courses, peer education courses, independent  
26 studies courses, substance abuse counseling courses, and

1 behavior modification courses;

2 (2) participation in professional licensing courses or  
3 on-the-job training courses;

4 (3) letters from correctional staff, educational  
5 faculty, community members, friends, and other  
6 incarcerated persons;

7 (4) the petitioner's potential for rehabilitation or  
8 the evidence of rehabilitation in the petitioner;

9 (5) the applicant's age at the time of the offense;

10 (6) the circumstances of the offense and the  
11 petitioner's role and degree of participation in the  
12 offense;

13 (7) the presence of a cognitive or developmental  
14 disability in the petitioner at the time of the offense;

15 (8) the petitioner's family, home environment,  
16 educational and social background at the time of the  
17 offense;

18 (9) evidence that the petitioner has suffered from  
19 post-traumatic stress disorder, adverse childhood  
20 experiences, or other traumas that could have been a  
21 contributing factor to a person's criminal behavior and  
22 participation in the offense;

23 (10) the presence or expression by the petitioner of  
24 remorse, compassion, or insight of harm and collateral  
25 effects experienced by the victims;

26 (11) the commission of a serious disciplinary

1 infraction within the previous 5 years;

2 (12) a pattern of fewer serious institutional  
3 disciplinary infractions within the previous 2 years;

4 (13) evidence that the petitioner has any serious  
5 medical conditions;

6 (14) evidence that the Department is unable to meet  
7 the petitioner's medical needs; and

8 (15) the petitioner's reentry plan, including, but not  
9 limited to, residence plans, employment plans, continued  
10 education plans, rehabilitation plans, and counseling  
11 plans.

12 No one factor in this subsection (j-5) shall be  
13 dispositive. In considering the factors affecting the release  
14 determination under 20 Ill. Adm. Code 1610.50(b), the Prisoner  
15 Review Board panel shall consider the diminished culpability  
16 of youthful offenders, the hallmark features of youth, and any  
17 subsequent growth and maturity of the youthful offender during  
18 incarceration.

19 (k) Unless denied parole under subsection (j) of this  
20 Section and subject to the provisions of Section 3-3-9 of this  
21 Code: (1) the eligible person serving a sentence for any  
22 non-first degree murder offense or offenses, shall be released  
23 on parole which shall operate to discharge any remaining term  
24 of years sentence imposed upon him or her, notwithstanding any  
25 required mandatory supervised release period the eligible  
26 person is required to serve; and (2) the eligible person

1 serving a sentence for any first degree murder offense, shall  
2 be released on mandatory supervised release for a period of 10  
3 years subject to Section 3-3-8, which shall operate to  
4 discharge any remaining term of years sentence imposed upon  
5 him or her, however in no event shall the eligible person serve  
6 a period of mandatory supervised release greater than the  
7 aggregate of the discharged underlying sentence and the  
8 mandatory supervised release period as sent forth in Section  
9 5-4.5-20.

10 (l) If the Prisoner Review Board denies parole after  
11 conducting the hearing under subsection (j) of this Section,  
12 it shall issue a written decision which states the rationale  
13 for denial, including the primary factors considered. This  
14 decision shall be provided to the eligible person and his or  
15 her counsel within 30 days.

16 (m) A person denied parole under subsection (j) of this  
17 Section, who is not serving a sentence for either first degree  
18 murder or aggravated criminal sexual assault, shall be  
19 eligible for a second parole review by the Prisoner Review  
20 Board 5 years after the written decision under subsection (l)  
21 of this Section; a person denied parole under subsection (j)  
22 of this Section, who is serving a sentence or sentences for  
23 first degree murder or aggravated criminal sexual assault  
24 shall be eligible for a second and final parole review by the  
25 Prisoner Review Board 10 years after the written decision  
26 under subsection (k) of this Section. The procedures for a

1 second parole review shall be governed by subsections (c)  
2 through (k) of this Section.

3 (n) A person denied parole under subsection (m) of this  
4 Section, who is not serving a sentence for either first degree  
5 murder or aggravated criminal sexual assault, shall be  
6 eligible for a third and final parole review by the Prisoner  
7 Review Board 5 years after the written decision under  
8 subsection (l) of this Section. The procedures for the third  
9 and final parole review shall be governed by subsections (c)  
10 through (k) of this Section.

11 (o) Notwithstanding anything else to the contrary in this  
12 Section, nothing in this Section shall be construed to delay  
13 parole or mandatory supervised release consideration for  
14 petitioners who are or will be eligible for release earlier  
15 than this Section provides. Nothing in this Section shall be  
16 construed as a limit, substitution, or bar on a person's right  
17 to sentencing relief, or any other manner of relief, obtained  
18 by order of a court in proceedings other than as provided in  
19 this Section.

20 (Source: P.A. 101-288, eff. 1-1-20; 102-1128, eff. 1-1-24.)

21 Section 25. The Illinois Domestic Violence Act of 1986 is  
22 amended by changing Section 201 as follows:

23 (750 ILCS 60/201) (from Ch. 40, par. 2312-1)

24 Sec. 201. Persons protected by this Act.

1 (a) The following persons are protected by this Act:

2 (i) any person abused by a family or household member;

3 (ii) any high-risk adult with disabilities who is  
4 abused, neglected, or exploited by a family or household  
5 member;

6 (iii) any minor child or dependent adult in the care  
7 of such person;

8 (iv) any person residing or employed at a private home  
9 or public shelter which is housing an abused family or  
10 household member; and

11 (v) any of the following persons if the person is  
12 abused by a family or household member of a child:

13 (A) a foster parent of that child if the child has  
14 been placed in the foster parent's home by the  
15 Department of Children and Family Services or by  
16 another state's public child welfare agency;

17 (B) a legally appointed guardian or legally  
18 appointed custodian of that child;

19 (C) an adoptive parent of that child; or

20 (D) a prospective adoptive parent of that child if  
21 the child has been placed in the prospective adoptive  
22 parent's home pursuant to the Adoption Act or pursuant  
23 to another state's law.

24 For purposes of this paragraph (a)(v), individuals who  
25 would have been considered "family or household members"  
26 of the child under subsection (6) of Section 103 of this

1 Act before a termination of the parental rights with  
2 respect to the child continue to meet the definition of  
3 "family or household members" of the child.

4 (b) A petition for an order of protection may be filed  
5 only:

6 (i) by a person who has been abused by a family or  
7 household member or by any person on behalf of a minor  
8 child or an adult who has been abused by a family or  
9 household member and who, because of age, health,  
10 disability, or inaccessibility, cannot file the petition;

11 (ii) by any person on behalf of a high-risk adult with  
12 disabilities who has been abused, neglected, or exploited  
13 by a family or household member; ~~or~~

14 (iii) by any of the following persons if the person is  
15 abused by a family or household member of a child:

16 (A) a foster parent of that child if the child has  
17 been placed in the foster parent's home by the  
18 Department of Children and Family Services or by  
19 another state's public child welfare agency;

20 (B) a legally appointed guardian or legally  
21 appointed custodian of that child;

22 (C) an adoptive parent of that child;

23 (D) a prospective adoptive parent of that child if  
24 the child has been placed in the prospective adoptive  
25 parent's home pursuant to the Adoption Act or pursuant  
26 to another state's law.

1           For purposes of this paragraph (b)(iii), individuals  
2           who would have been considered "family or household  
3           members" of the child under subsection (6) of Section 103  
4           of this Act before a termination of the parental rights  
5           with respect to the child continue to meet the definition  
6           of "family or household members" of the child;~~:-~~

7           (iv) by a crime victim who was abused by an offender  
8           prior to the incarceration of the offender in a penal  
9           institution and such offender is incarcerated in a penal  
10          institution at the time of the filing of the petition; or

11          (v) by any person who has previously suffered abuse by  
12          a person convicted of (1) domestic battery, aggravated  
13          domestic battery, aggravated battery, or any other offense  
14          that would constitute domestic violence or (2) a violent  
15          crime, as defined in Section 3 of the Rights of Crime  
16          Victims and Witnesses Act, committed against another  
17          person.

18          A petition for an order of protection may not be denied  
19          solely upon the basis that the respondent or petitioner is  
20          incarcerated in a penal institution at the time of the filing  
21          of the petition.

22          (c) Any petition properly filed under this Act may seek  
23          protection for any additional persons protected by this Act.

24          (Source: P.A. 100-639, eff. 1-1-19.)

25          Section 99. Effective date. This Act takes effect upon



1      becoming law.".