



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3816

by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-1-2	from Ch. 38, par. 1003-1-2
730 ILCS 5/3-3-2	from Ch. 38, par. 1003-3-2
730 ILCS 5/3-3-3.1 new	

Amends the Unified Code of Corrections. Provides that a committed person who is at least 55 years of age and who has served at least 20 consecutive years of imprisonment in a Department of Corrections institution or facility may petition the Prisoner Review Board for participation in the Elderly Rehabilitated Prisoner Supervised Release Program. Provides that if the committed person files the petition, the victims and the families of the victims of the petitioner's offenses shall be notified in a timely manner after the petition is filed. Provides that within 30 days after receiving the petition, the Board shall notify the victims and the families of the victims of the committed person's petition, and it shall provide an opportunity for the victims and their families to submit statements in support of or opposition to the petitioner's participation in the Program. Provides that the Board shall consider the petition in its entirety, including information supplied by the Department of Corrections, and shall not order the release of the petitioner if it finds that the petitioner's release would pose an unacceptable risk of danger to public safety. Provides that if the Board determines that the petitioner should participate in the Program, the Board shall set a date for his or her release that is before the expiration of his or her current sentence. Provides that the Board also shall set conditions for the petitioner's release in accordance with the person's risks, assets, and needs which are identified through an assessment tool provided in the Illinois Crime Reduction Act of 2009.

LRB100 10968 RLC 21205 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-1-2 and 3-3-2 by adding Section 3-3-3.1 as
6 follows:

7 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

8 Sec. 3-1-2. Definitions.

9 (a) "Chief Administrative Officer" means the person
10 designated by the Director to exercise the powers and duties of
11 the Department of Corrections in regard to committed persons
12 within a correctional institution or facility, and includes the
13 superintendent of any juvenile institution or facility.

14 (a-3) "Aftercare release" means the conditional and
15 revocable release of a person committed to the Department of
16 Juvenile Justice under the Juvenile Court Act of 1987, under
17 the supervision of the Department of Juvenile Justice.

18 (a-5) "Sex offense" for the purposes of paragraph (16) of
19 subsection (a) of Section 3-3-7, paragraph (10) of subsection
20 (a) of Section 5-6-3, and paragraph (18) of subsection (c) of
21 Section 5-6-3.1 only means:

22 (i) A violation of any of the following Sections of the
23 Criminal Code of 1961 or the Criminal Code of 2012: 10-7

1 (aiding or abetting child abduction under Section
2 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent
3 solicitation of a child), 11-6.5 (indecent solicitation of
4 an adult), 11-14.4 (promoting juvenile prostitution),
5 11-15.1 (soliciting for a juvenile prostitute), 11-17.1
6 (keeping a place of juvenile prostitution), 11-18.1
7 (patronizing a juvenile prostitute), 11-19.1 (juvenile
8 pimping), 11-19.2 (exploitation of a child), 11-20.1
9 (child pornography), 11-20.1B or 11-20.3 (aggravated child
10 pornography), 11-1.40 or 12-14.1 (predatory criminal
11 sexual assault of a child), or 12-33 (ritualized abuse of a
12 child). An attempt to commit any of these offenses.

13 (ii) A violation of any of the following Sections of
14 the Criminal Code of 1961 or the Criminal Code of 2012:
15 11-1.20 or 12-13 (criminal sexual assault), 11-1.30 or
16 12-14 (aggravated criminal sexual assault), 11-1.60 or
17 12-16 (aggravated criminal sexual abuse), and subsection
18 (a) of Section 11-1.50 or subsection (a) of Section 12-15
19 (criminal sexual abuse). An attempt to commit any of these
20 offenses.

21 (iii) A violation of any of the following Sections of
22 the Criminal Code of 1961 or the Criminal Code of 2012 when
23 the defendant is not a parent of the victim:

24 10-1 (kidnapping),

25 10-2 (aggravated kidnapping),

26 10-3 (unlawful restraint),

1 10-3.1 (aggravated unlawful restraint).

2 An attempt to commit any of these offenses.

3 (iv) A violation of any former law of this State
4 substantially equivalent to any offense listed in this
5 subsection (a-5).

6 An offense violating federal law or the law of another
7 state that is substantially equivalent to any offense listed in
8 this subsection (a-5) shall constitute a sex offense for the
9 purpose of this subsection (a-5). A finding or adjudication as
10 a sexually dangerous person under any federal law or law of
11 another state that is substantially equivalent to the Sexually
12 Dangerous Persons Act shall constitute an adjudication for a
13 sex offense for the purposes of this subsection (a-5).

14 (b) "Commitment" means a judicially determined placement
15 in the custody of the Department of Corrections on the basis of
16 delinquency or conviction.

17 (c) "Committed person" is a person committed to the
18 Department, however a committed person shall not be considered
19 to be an employee of the Department of Corrections for any
20 purpose, including eligibility for a pension, benefits, or any
21 other compensation or rights or privileges which may be
22 provided to employees of the Department.

23 (c-5) "Computer scrub software" means any third-party
24 added software, designed to delete information from the
25 computer unit, the hard drive, or other software, which would
26 eliminate and prevent discovery of browser activity, including

1 but not limited to Internet history, address bar or bars, cache
2 or caches, and/or cookies, and which would over-write files in
3 a way so as to make previous computer activity, including but
4 not limited to website access, more difficult to discover.

5 (d) "Correctional institution or facility" means any
6 building or part of a building where committed persons are kept
7 in a secured manner.

8 (e) "Department" means both the Department of Corrections
9 and the Department of Juvenile Justice of this State, unless
10 the context is specific to either the Department of Corrections
11 or the Department of Juvenile Justice.

12 (f) "Director" means both the Director of Corrections and
13 the Director of Juvenile Justice, unless the context is
14 specific to either the Director of Corrections or the Director
15 of Juvenile Justice.

16 (f-5) (Blank).

17 (g) "Discharge" means the final termination of a commitment
18 to the Department of Corrections.

19 (h) "Discipline" means the rules and regulations for the
20 maintenance of order and the protection of persons and property
21 within the institutions and facilities of the Department and
22 their enforcement.

23 (i) "Escape" means the intentional and unauthorized
24 absence of a committed person from the custody of the
25 Department.

26 (j) "Furlough" means an authorized leave of absence from

1 the Department of Corrections for a designated purpose and
2 period of time.

3 (k) "Parole" means the conditional and revocable release of
4 a person committed to the Department of Corrections under the
5 supervision of a parole officer.

6 (l) "Prisoner Review Board" means the Board established in
7 Section 3-3-1(a), independent of the Department, to review
8 rules and regulations with respect to good time credits, to
9 hear charges brought by the Department against certain
10 prisoners alleged to have violated Department rules with
11 respect to good time credits, to set release dates for certain
12 prisoners sentenced under the law in effect prior to the
13 effective date of this Amendatory Act of 1977, to hear and
14 decide the time of aftercare release for persons committed to
15 the Department of Juvenile Justice under the Juvenile Court Act
16 of 1987 to hear requests and make recommendations to the
17 Governor with respect to pardon, reprieve or commutation, to
18 set conditions for parole, aftercare release, and mandatory
19 supervised release and determine whether violations of those
20 conditions justify revocation of parole or release, and to
21 assume all other functions previously exercised by the Illinois
22 Parole and Pardon Board.

23 (1-5) "Program" means the Elderly Rehabilitated Prisoner
24 Supervised Release Program created in Section 3-3-3.1 of this
25 Code.

26 (m) Whenever medical treatment, service, counseling, or

1 care is referred to in this Unified Code of Corrections, such
2 term may be construed by the Department or Court, within its
3 discretion, to include treatment, service or counseling by a
4 Christian Science practitioner or nursing care appropriate
5 therewith whenever request therefor is made by a person subject
6 to the provisions of this Act.

7 (n) "Victim" shall have the meaning ascribed to it in
8 subsection (a) of Section 3 of the Bill of Rights for Victims
9 and Witnesses of Violent Crime Act.

10 (o) "Wrongfully imprisoned person" means a person who has
11 been discharged from a prison of this State and has received:

12 (1) a pardon from the Governor stating that such pardon
13 is issued on the ground of innocence of the crime for which
14 he or she was imprisoned; or

15 (2) a certificate of innocence from the Circuit Court
16 as provided in Section 2-702 of the Code of Civil
17 Procedure.

18 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13;
19 98-558, eff. 1-1-14; 98-685, eff. 1-1-15.)

20 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

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

22 (a) The Parole and Pardon Board is abolished and the term
23 "Parole and Pardon Board" as used in any law of Illinois, shall
24 read "Prisoner Review Board." After the effective date of this
25 amendatory Act of 1977, the Prisoner Review Board shall provide

1 by rule for the orderly transition of all files, records, and
2 documents of the Parole and Pardon Board and for such other
3 steps as may be necessary to effect an orderly transition and
4 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 the effective
8 date of this amendatory Act of 1977, and who are eligible
9 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 the
12 time of discharge from parole, impose sanctions for
13 violations of parole, and revoke parole for those sentenced
14 under the law in effect prior to this amendatory Act of
15 1977; provided that the decision to parole and the
16 conditions of parole for all prisoners who were sentenced
17 for first degree murder or who received a minimum sentence
18 of 20 years or more under the law in effect prior to
19 February 1, 1978 shall be determined by a majority vote of
20 the Prisoner Review Board. One representative supporting
21 parole and one representative opposing parole will be
22 allowed to speak. Their comments shall be limited to making
23 corrections and filling in omissions to the Board's
24 presentation and discussion;

25 (3) hear by at least one member and through a panel of
26 at least 3 members decide, the conditions of mandatory

1 supervised release and the time of discharge from mandatory
2 supervised release, impose sanctions for violations of
3 mandatory supervised release, and revoke mandatory
4 supervised release for those sentenced under the law in
5 effect after the effective date of this amendatory Act of
6 1977;

7 (3.5) hear by at least one member and through a panel
8 of at least 3 members decide, the conditions of mandatory
9 supervised release and the time of discharge from mandatory
10 supervised release, to impose sanctions for violations of
11 mandatory supervised release and revoke mandatory
12 supervised release for those serving extended supervised
13 release terms pursuant to paragraph (4) of subsection (d)
14 of Section 5-8-1;

15 (3.6) hear by at least one member and through a panel
16 of at least 3 members decide whether to revoke aftercare
17 release for those committed to the Department of Juvenile
18 Justice under the Juvenile Court Act of 1987;

19 (4) hear by at least one member and through a panel of
20 at least 3 members, decide cases brought by the Department
21 of Corrections against a prisoner in the custody of the
22 Department for alleged violation of Department rules with
23 respect to sentence credits under Section 3-6-3 of this
24 Code in which the Department seeks to revoke sentence
25 credits, if the amount of time at issue exceeds 30 days or
26 when, during any 12 month period, the cumulative amount of

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

12 (5) hear by at least one member and through a panel of
13 at least 3 members decide, the release dates for certain
14 prisoners sentenced under the law in existence prior to the
15 effective date of this amendatory Act of 1977, in
16 accordance with Section 3-3-2.1 of this Code;

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

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

23 (8) hear by at least one member and, through a panel of
24 at least 3 members, decide cases brought by the Department
25 of Corrections against a prisoner in the custody of the
26 Department for court dismissal of a frivolous lawsuit

1 pursuant to Section 3-6-3(d) of this Code in which the
2 Department seeks to revoke up to 180 days of sentence
3 credit, and if the prisoner has not accumulated 180 days of
4 sentence credit at the time of the dismissal, then all
5 sentence credit accumulated by the prisoner shall be
6 revoked;

7 (9) hear by at least 3 members, and, through a panel of
8 at least 3 members, decide whether to grant certificates of
9 relief from disabilities or certificates of good conduct as
10 provided in Article 5.5 of Chapter V;

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

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

24 (B) until 5 years have elapsed since any arrests or
25 detentions by a law enforcement officer for an alleged
26 violation of law, other than a petty offense, traffic

1 offense, conservation offense, or local ordinance
2 offense;

3 (C) if convicted of a violation of the Cannabis
4 Control Act, Illinois Controlled Substances Act, the
5 Methamphetamine Control and Community Protection Act,
6 the Methamphetamine Precursor Control Act, or the
7 Methamphetamine Precursor Tracking Act unless the
8 petitioner has completed a drug abuse program for the
9 offense on which sealing is sought and provides proof
10 that he or she has completed the program successfully;

11 (D) if convicted of:

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

16 (ii) aggravated assault;

17 (iii) aggravated battery;

18 (iv) domestic battery;

19 (v) aggravated domestic battery;

20 (vi) violation of an order of protection;

21 (vii) an offense under the Criminal Code of
22 1961 or the Criminal Code of 2012 involving a
23 firearm;

24 (viii) driving while under the influence of
25 alcohol, other drug or drugs, intoxicating
26 compound or compounds or any combination thereof;

1 (ix) aggravated driving while under the
2 influence of alcohol, other drug or drugs,
3 intoxicating compound or compounds or any
4 combination thereof; or

5 (x) any crime defined as a crime of violence
6 under Section 2 of the Crime Victims Compensation
7 Act.

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

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

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

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

1 who at the time of filing the petition is enlisted in the
2 United States Armed Forces or National Guard of this or any
3 other state and served one tour of duty 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 expungement recommending
7 that the court order the expungement of all official
8 records of the arresting authority, the circuit court
9 clerk, and the Department of State Police concerning the
10 arrest and conviction for the Class 3 or 4 felony. A person
11 may not apply to the Board for a certificate of eligibility
12 for expungement:

13 (A) if convicted of:

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

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

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

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

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

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

10 (12) upon a petition by a person who is at least 55
11 years of age and who has served at least 20 consecutive
12 years of imprisonment in a Department of Corrections
13 institution or facility, hear by at least 8 members and,
14 with the majority vote of the panel voting, grant the
15 petitioner participation in the Elderly Rehabilitated
16 Prisoner Supervised Release Program established in Section
17 3-3-3.1 of this Code.

18 (a-5) The Prisoner Review Board, with the cooperation of
19 and in coordination with the Department of Corrections and the
20 Department of Central Management Services, shall implement a
21 pilot project in 3 correctional institutions providing for the
22 conduct of hearings under paragraphs (1) and (4) of subsection
23 (a) of this Section through interactive video conferences. The
24 project shall be implemented within 6 months after the
25 effective date of this amendatory Act of 1996. Within 6 months
26 after the implementation of the pilot project, the Prisoner

1 Review Board, with the cooperation of and in coordination with
2 the Department of Corrections and the Department of Central
3 Management Services, shall report to the Governor and the
4 General Assembly regarding the use, costs, effectiveness, and
5 future viability of interactive video conferences for Prisoner
6 Review Board hearings.

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

9 (c) The Board shall cooperate with the Department in
10 promoting an effective system of parole and mandatory
11 supervised release.

12 (d) The Board shall promulgate rules for the conduct of its
13 work, and the Chairman shall file a copy of such rules and any
14 amendments thereto with the Director and with the Secretary of
15 State.

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

19 (f) The Board or one who has allegedly violated the
20 conditions of his or her parole, aftercare release, or
21 mandatory supervised release may require by subpoena the
22 attendance and testimony of witnesses and the production of
23 documentary evidence relating to any matter under
24 investigation or hearing. The Chairman of the Board may sign
25 subpoenas which shall be served by any agent or public official
26 authorized by the Chairman of the Board, or by any person

1 lawfully authorized to serve a subpoena under the laws of the
2 State of Illinois. The attendance of witnesses, and the
3 production of documentary evidence, may be required from any
4 place in the State to a hearing location in the State before
5 the Chairman of the Board or his or her designated agent or
6 agents or any duly constituted Committee or Subcommittee of the
7 Board. Witnesses so summoned shall be paid the same fees and
8 mileage that are paid witnesses in the circuit courts of the
9 State, and witnesses whose depositions are taken and the
10 persons taking those depositions are each entitled to the same
11 fees as are paid for like services in actions in the circuit
12 courts of the State. Fees and mileage shall be vouchered for
13 payment when the witness is discharged from further attendance.

14 In case of disobedience to a subpoena, the Board may
15 petition any circuit court of the State for an order requiring
16 the attendance and testimony of witnesses or the production of
17 documentary evidence or both. A copy of such petition shall be
18 served by personal service or by registered or certified mail
19 upon the person who has failed to obey the subpoena, and such
20 person shall be advised in writing that a hearing upon the
21 petition will be requested in a court room to be designated in
22 such notice before the judge hearing motions or extraordinary
23 remedies at a specified time, on a specified date, not less
24 than 10 nor more than 15 days after the deposit of the copy of
25 the written notice and petition in the U.S. mails addressed to
26 the person at his last known address or after the personal

1 service of the copy of the notice and petition upon such
2 person. The court upon the filing of such a petition, may order
3 the person refusing to obey the subpoena to appear at an
4 investigation or hearing, or to there produce documentary
5 evidence, if so ordered, or to give evidence relative to the
6 subject matter of that investigation or hearing. Any failure to
7 obey such order of the circuit court may be punished by that
8 court as a contempt of court.

9 Each member of the Board and any hearing officer designated
10 by the Board shall have the power to administer oaths and to
11 take the testimony of persons under oath.

12 (g) Except under subsection (a) of this Section, a majority
13 of the members then appointed to the Prisoner Review Board
14 shall constitute a quorum for the transaction of all business
15 of the Board.

16 (h) The Prisoner Review Board shall annually transmit to
17 the Director a detailed report of its work for the preceding
18 calendar year. The annual report shall also be transmitted to
19 the Governor for submission to the Legislature.

20 (Source: P.A. 98-399, eff. 8-16-13; 98-558, eff. 1-1-14;
21 98-756, eff. 7-16-14; 99-628, eff. 1-1-17.)

22 (730 ILCS 5/3-3-3.1 new)

23 Sec. 3-3-3.1. Elderly Rehabilitated Prisoner Supervised
24 Release Program.

25 (a) A committed person who is at least 55 years of age and

1 who has served at least 20 consecutive years of imprisonment in
2 a Department of Corrections institution or facility may
3 petition the Prisoner Review Board for participation in the
4 Elderly Rehabilitated Prisoner Supervised Release Program as
5 provided in this Section. If the committed person files the
6 petition, the victims and the families of the victims of the
7 petitioner's offenses shall be notified in a timely manner
8 after the petition is filed.

9 (b) The petition shall contain a statement by the
10 petitioner explaining why he or she is entitled to participate
11 in the Program as well as the petitioner's plans for reentry,
12 including information about where the petitioner will live, how
13 the petitioner will be supported financially, and any plans for
14 the petitioner's ongoing medical care if the care is necessary.
15 The petition may also contain supporting statements or
16 documentation related to the factors in paragraphs (1) through
17 (7) of subsection (c) of this Section.

18 (c) The petition shall, in the first instance, be screened
19 by the Department of Corrections, which shall determine whether
20 to recommend that the petitioner be considered for
21 participation in the Program. The Department shall make use to
22 determine whether he or she may be released and if so, under
23 what conditions. In so doing it will draw on information in the
24 petition and on its own resources, including its use of a tool
25 which assesses the petitioner's risks, assets, and needs. Among
26 other factors, the Department shall consider the following:

1 (1) the petitioner's successful participation in
2 programs designed to restore him or her to a useful and
3 productive life upon release (including educational
4 programs and programs designed to deal with substance abuse
5 or other issues) or, if the programs are not available,
6 information demonstrating that the petitioner has engaged
7 in self-education programs, correspondence courses, or
8 other self-improvement efforts;

9 (2) the genuine reform and changed behavior the
10 petitioner has demonstrated over a period of years;

11 (3) the petitioner's remorse for the consequences of
12 his or her criminal conduct;

13 (4) the petitioner's ability to socialize with others
14 in an acceptable manner;

15 (5) the petitioner's renunciation of criminal activity
16 and gang affiliation if the petitioner was a member of a
17 gang;

18 (6) an appropriate plan for living arrangements,
19 financial support, and any medical care that will be needed
20 when the petitioner returns to society; and

21 (7) input from the victims of the petitioner's offense
22 and from their families.

23 (d) The Department shall make its decision within a
24 reasonable time after the committed person submits a petition.
25 If the Department determines that the petitioner should be
26 considered, it shall submit the petition to the Board,

1 including its own relevant information and the results of its
2 risk and needs assessment. Within 30 days after receiving the
3 petition, the Board shall notify the victims and the families
4 of the victims of the committed person's petition, and it shall
5 provide an opportunity for the victims and their families to
6 submit statements in support of or opposition to the
7 petitioner's participation in the Program. The Board shall
8 consider the petition in its entirety, including information
9 supplied by the Department, and shall not order the release of
10 the petitioner if it finds that the petitioner's release would
11 pose an unacceptable risk of danger to public safety. If the
12 Board determines that the petitioner should participate in the
13 Program, the Board shall set a date for his or her release that
14 is before the expiration of his or her current sentence. The
15 Board also shall set conditions for the petitioner's release in
16 accordance with the person's risks, assets, and needs which are
17 identified through an assessment tool, as required by paragraph
18 (2) of subsection (b) of Section 10 of the Illinois Crime
19 Reduction Act of 2009. If the Board does not accept the
20 recommendation of the Department, it shall explain why the
21 recommendation was rejected.

22 (e) The Board shall render its decision about each petition
23 within a reasonable time after it has been filed.

24 (f) A petition for participation in the Program under the
25 provisions of this Section may be submitted every 3 years,
26 provided, however, that if the Board denies a petition, it may

1 order that the petitioner may not file a new petition for up to
2 5 years from the date of denial, if the Board finds that it is
3 not reasonable to expect that it would grant a petition filed
4 earlier.

5 (g) The action of a majority of the Board members voting on
6 the petition shall be the action of the Board.

7 (h) The end date of the period of supervised release shall
8 remain the same as it would have been had the petitioner not
9 been given early supervised release, and the petitioner shall
10 remain under the control of the Department until the date,
11 except that the Board may enter an order releasing and
12 discharging the petitioner from supervised release if it
13 determines that he or she is likely to remain at liberty
14 without committing another offense.

15 (i) Beginning on the effective date of this amendatory Act
16 of the 100th General Assembly, notwithstanding any other law to
17 the contrary, all persons serving sentences in the Department
18 who meet the requirements of subsection (a) of this Section are
19 eligible to petition to participate in the Program. The Board
20 shall establish a system to allow for the orderly disposition
21 of the applications of those presently incarcerated as they
22 become eligible.