



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3972

Introduced 1/8/2020, by Rep. Rita Mayfield

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-3

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

730 ILCS 5/3-3-3.1 new

Amends the Unified Code of Corrections. Provides that notwithstanding any provision of the Code to the contrary, post-conviction hearing provisions under the Code of Criminal Procedure of 1963, habeas corpus hearing provisions under the Code of Civil Procedure, or the relief from judgment provisions of the Code of Civil Procedure, a person serving a term of imprisonment in a Department of Corrections facility is eligible for parole and a parole hearing if he or she has served the greater of: (1) a term of imprisonment of at least 20 years; (2) 25% of his or her sentence; or (3) the minimum term of imprisonment for the most serious offense for which the person was convicted. Provides that a person serving a term of natural life imprisonment shall be eligible for parole and a parole hearing after at least 20 years imprisonment. Provides that a person seeking early release under this provision may petition the Prisoner Review Board in the same manner as a person eligible for parole under the Code and the parole hearing shall be conducted as otherwise provided in the Parole Article of the Code and the Open Parole Hearings Act unless otherwise provided in this provision. Provides for offenses excluded from this provision. Provides that nothing in the amendatory Act guarantees parole. Provides that it only guarantees the opportunity of the committed person to present evidence at his or her parole hearing to demonstrate the committed person's rehabilitation before the Prisoner Review Board and to seek parole.

LRB101 15452 RLC 64784 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 Section 3-3-3 and by adding Section 3-3-3.1 as
6 follows:

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

8 Sec. 3-3-3. Eligibility for parole or release.

9 (a) Except as otherwise provided in Section 3-3-3.1 and
10 except ~~Except~~ for those offenders who accept the fixed release
11 date established by the Prisoner Review Board under Section
12 3-3-2.1, every person serving a term of imprisonment under the
13 law in effect prior to the effective date of this amendatory
14 Act of 1977 shall be eligible for parole when he or she has
15 served:

16 (1) the minimum term of an indeterminate sentence less
17 time credit for good behavior, or 20 years less time credit
18 for good behavior, whichever is less; or

19 (2) 20 years of a life sentence less time credit for
20 good behavior; or

21 (3) 20 years or one-third of a determinate sentence,
22 whichever is less, less time credit for good behavior.

23 (b) Except as otherwise provided in Section 3-3-3.1, no ~~no~~

1 person sentenced under this amendatory Act of 1977 or who
2 accepts a release date under Section 3-3-2.1 shall be eligible
3 for parole.

4 (c) Except as otherwise provided in Section 3-3-3.1 and
5 except ~~Except~~ for those sentenced to a term of natural life
6 imprisonment, every person sentenced to imprisonment under
7 this amendatory Act of 1977 or given a release date under
8 Section 3-3-2.1 of this Act shall serve the full term of a
9 determinate sentence less time credit for good behavior and
10 shall then be released under the mandatory supervised release
11 provisions of paragraph (d) of Section 5-8-1 of this Code.

12 (d) Except as otherwise provided in Section 3-3-3.1, no ~~no~~
13 person serving a term of natural life imprisonment may be
14 paroled or released except through executive clemency.

15 (e) Every person committed to the Department of Juvenile
16 Justice under the Juvenile Court Act of 1987 and confined in
17 the State correctional institutions or facilities if such
18 juvenile has not been tried as an adult shall be eligible for
19 aftercare release under Section 3-2.5-85 of this Code. However,
20 if a juvenile has been tried as an adult he or she shall only be
21 eligible for parole or mandatory supervised release as an adult
22 under this Section.

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

24 (730 ILCS 5/3-3-3.1 new)

25 Sec. 3-3-3.1. Parole; parole hearings; sentences of 20

1 years or longer; life imprisonment; early release.

2 (a) Notwithstanding any provision of this Code to the
3 contrary, Article 122 of the Code of Criminal Procedure of
4 1963, Article X of the Code of Civil Procedure, or Section
5 2-1401 of the Code of Civil Procedure, a person serving a term
6 of imprisonment in a Department of Corrections institution or
7 facility is eligible for parole and a parole hearing under this
8 Article if he or she has served the greater of: (1) a term of
9 imprisonment of at least 20 years; (2) 25% of his or her
10 sentence; or (3) the minimum term of imprisonment for the most
11 serious offense for which the person was convicted. A person
12 -serving a term of natural life imprisonment is eligible for
13 parole and a parole hearing under this Article after serving a
14 term of imprisonment of at least 20 years. A person seeking
15 early release under this Section may petition the Prisoner
16 Review Board in the same manner as a person eligible for parole
17 under Section 3-3-2.1 of this Code and the parole hearing shall
18 be conducted as otherwise provided in this Article and the Open
19 Parole Hearings Act unless otherwise provided in this Section.

20 (b) A person is ineligible for parole and a parole hearing
21 under this Section if he or she was convicted of:

22 (1) the first degree murder of 2 or more individuals
23 under Section 9-1 of the Criminal Code of 1961 or the
24 Criminal Code of 2012 as a principal and not for the
25 inchoate offense regardless of whether the deaths occurred
26 as the result of the same act or of several related or

1 unrelated acts so long as the deaths were the result of
2 either an intent to kill more than one person or of
3 separate acts which the person convicted of first degree
4 murder knew would cause death or create a strong
5 probability of death or great bodily harm to the murdered
6 individual or another;

7 (2) criminal sexual assault, aggravated criminal
8 sexual assault, predatory criminal sexual assault of a
9 child, felony criminal sexual abuse, or aggravated
10 criminal sexual abuse; or

11 (3) any law of the United States, former law of this
12 State, or any state or territory of the United States or
13 foreign country that is substantially similar to an offense
14 described in paragraph (1) or (2) of this subsection (b).

15 (c) Veterans, as defined in Section 10 of the Veterans and
16 Servicemembers Court Treatment Act, who have been honorably
17 discharged are eligible for additional good conduct credit as
18 determined by the Prisoner Review Board.

19 (d) A risk assessment instrument shall be used to evaluate
20 every committed person described in this Section at the time of
21 his or her admittance to an institution or facility of the
22 Department for the offense or offenses that resulted in the
23 person's sentence in order to determine the risk factors and
24 identify goals or behavior that the committed person needs to
25 achieve or change in order to be released.

26 (e) Each committed person eligible for parole under this

1 Section on the effective date of this amendatory Act of the
2 101st General Assembly shall receive a risk assessment within
3 one year after the effective date of this amendatory Act of the
4 101st General Assembly.

5 (f) Victims have the right to be present and involved in
6 the initial outlining of the goals for a committed person
7 described in this Section. Victims may have input into the
8 goals that must be achieved by a committed person before the
9 committed person may be released. The risk assessment
10 instrument shall be the primary factor for determining what
11 goals a committed person must accomplish before being released.
12 Each interested party may have meaningful input before the
13 determination of the petitioner's final goals.

14 (g) On the effective date of this amendatory Act of the
15 101st General Assembly, prior evidence of the petitioner's
16 participation in rehabilitative programs shall be added to the
17 petitioner's master record file under Section 3-5-1 and shall
18 be considered at the petitioner's parole hearing.

19 (h) The source code of any risk assessment instrument under
20 subsection (d) shall be made available to a panel composed of
21 representatives from the Illinois Criminal Justice Information
22 Authority and the Illinois Sentencing Policy Advisory Council
23 for periodic review for racial, religious, ethnic, gender,
24 sexual orientation, and socio-economic biases.

25 (i) The Department has a duty to provide rehabilitative
26 programming for each committed person described in this

1 Section.

2 (j) A committed person described in this Section may not be
3 barred from rehabilitative programming because his or her
4 anticipated release is not in the near future.

5 (k) A committed person described in this Section during any
6 period of his or her imprisonment in a Department institution
7 or facility has the right to engage in rehabilitative
8 programming after meeting with a counselor and developing an
9 individualized plan of rehabilitation which shall be made
10 available to the Prisoner Review Board prior to the parole
11 hearing.

12 (l) On the effective date of this amendatory Act of the
13 101st General Assembly, each correctional facility shall
14 comprehensively evaluate how well it facilitates relationships
15 between committed persons in its custody and their family
16 members. This includes, but is not limited to: visiting hours
17 and procedures, phone call protocol and costs, letter writing,
18 and other factors deemed relevant by the Director of
19 Corrections.

20 (m) Every committed person described in this Section shall
21 have the right to legal representation at his or her parole
22 hearing. If the committed person cannot afford legal counsel,
23 free legal service representatives may be utilized.

24 (n) Every committed person described in this Section may
25 attend and testify at his or her parole hearing.

26 (o) Nothing in this amendatory Act of the 101st General

1 Assembly guarantees parole. It only guarantees the opportunity
2 of the committed person to present evidence at his or her
3 parole hearing to demonstrate the committed person's
4 rehabilitation before the Prisoner Review Board and to seek
5 parole.

6 Section 97. Severability. The provisions of this Act are
7 severable under Section 1.31 of the Statute on Statutes.