



Rep. Rita Mayfield

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10200HB1064ham001

LRB102 03077 KMF 25202 a

1 AMENDMENT TO HOUSE BILL 1064

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1064 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by  
5 changing Section 5-4.5-115 as follows:

6 (730 ILCS 5/5-4.5-115)

7 Sec. 5-4.5-115. Parole review of persons under the age of  
8 21 at the time of the commission of an offense.

9 (a) For purposes of this Section, "victim" means a victim  
10 of a violent crime as defined in subsection (a) of Section 3 of  
11 the Rights of Crime Victims and Witnesses Act including a  
12 witness as defined in subsection (b) of Section 3 of the Rights  
13 of Crime Victims and Witnesses Act; any person legally related  
14 to the victim by blood, marriage, adoption, or guardianship;  
15 any friend of the victim; or any concerned citizen.

16 (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) The Prisoner Review Board shall not parole the  
4 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 deprecate 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 (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. 100-1182, eff. 6-1-19; 101-288, eff. 1-1-20.)".