



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3618

Introduced 2/22/2021, by Rep. Jehan Gordon-Booth

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-2

from Ch. 38, par. 1003-3-2

730 ILCS 5/3-14-2

from Ch. 38, par. 1003-14-2

Amends the Unified Code of Corrections. Provides that the Prisoner Review Board shall inform the Department of Corrections of any person that is subject to the specified data entry requirements. Provides that the Department shall enter into the Law Enforcement Agencies Data System (LEADS) any conditions of parole or mandatory supervised release imposed by the Prisoner Review Board or the Department that relate to a no contact order. Effective immediately.

LRB102 16913 KMF 22325 b

1 AN ACT concerning criminal law.

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

4 Section 1. This Act may be referred to as the Kayla Fannon
5 Law.

6 Section 5. The Unified Code of Corrections is amended by
7 changing Sections 3-3-2 and 3-14-2 as follows:

8 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

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

10 (a) The Parole and Pardon Board is abolished and the term
11 "Parole and Pardon Board" as used in any law of Illinois, shall
12 read "Prisoner Review Board." After February 1, 1978 (the
13 effective date of Public Act 81-1099) ~~this amendatory Act of~~
14 ~~1977~~, the Prisoner Review Board shall provide by rule for the
15 orderly transition of all files, records, and documents of the
16 Parole and Pardon Board and for such other steps as may be
17 necessary to effect an orderly transition and shall:

18 (1) hear by at least one member and through a panel of
19 at least 3 members decide, cases of prisoners who were
20 sentenced under the law in effect prior to February 1,
21 1978 (the effective date of Public Act 81-1099) ~~this~~
22 ~~amendatory Act of 1977~~, and who are eligible for parole;

1 (2) hear by at least one member and through a panel of
2 at least 3 members decide, the conditions of parole and
3 the time of discharge from parole, impose sanctions for
4 violations of parole, and revoke parole for those
5 sentenced under the law in effect prior to February 1,
6 1978 (the effective date of Public Act 81-1099) ~~this~~
7 ~~amendatory Act of 1977~~; provided that the decision to
8 parole and the conditions of parole for all prisoners who
9 were sentenced for first degree murder or who received a
10 minimum sentence of 20 years or more under the law in
11 effect prior to February 1, 1978 shall be determined by a
12 majority vote of the Prisoner Review Board. One
13 representative supporting parole and one representative
14 opposing parole will be allowed to speak. Their comments
15 shall be limited to making corrections and filling in
16 omissions to the Board's presentation and discussion;

17 (3) hear by at least one member and through a panel of
18 at least 3 members decide, the conditions of mandatory
19 supervised release and the time of discharge from
20 mandatory supervised release, impose sanctions for
21 violations of mandatory supervised release, and revoke
22 mandatory supervised release for those sentenced under the
23 law in effect after February 1, 1978 (the effective date
24 of Public Act 81-1099) ~~this amendatory Act of 1977~~;

25 (3.5) hear by at least one member and through a panel
26 of at least 3 members decide, the conditions of mandatory

1 supervised release and the time of discharge from
2 mandatory supervised release, to impose sanctions for
3 violations of mandatory supervised release and revoke
4 mandatory supervised release for those serving extended
5 supervised release terms pursuant to paragraph (4) of
6 subsection (d) of Section 5-8-1;

7 (3.6) hear by at least one member and through a panel
8 of at least 3 members decide whether to revoke aftercare
9 release for those committed to the Department of Juvenile
10 Justice under the Juvenile Court Act of 1987;

11 (4) hear by at least one member and through a panel of
12 at least 3 members, decide cases brought by the Department
13 of Corrections against a prisoner in the custody of the
14 Department for alleged violation of Department rules with
15 respect to sentence credits under Section 3-6-3 of this
16 Code in which the Department seeks to revoke sentence
17 credits, if the amount of time at issue exceeds 30 days or
18 when, during any 12-month ~~12-month~~ period, the cumulative
19 amount of credit revoked exceeds 30 days except where the
20 infraction is committed or discovered within 60 days of
21 scheduled release. In such cases, the Department of
22 Corrections may revoke up to 30 days of sentence credit.
23 The Board may subsequently approve the revocation of
24 additional sentence credit, if the Department seeks to
25 revoke sentence credit in excess of 30 ~~thirty~~ days.
26 However, the Board shall not be empowered to review the

1 Department's decision with respect to the loss of 30 days
2 of sentence credit for any prisoner or to increase any
3 penalty beyond the length requested by the Department;

4 (5) hear by at least one member and through a panel of
5 at least 3 members decide, the release dates for certain
6 prisoners sentenced under the law in existence prior to
7 February 1, 1978 (the effective date of Public Act
8 81-1099) ~~this amendatory Act of 1977~~, in accordance with
9 Section 3-3-2.1 of this Code;

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

14 (6.5) hear by at least one member who is qualified in
15 the field of juvenile matters and through a panel of at
16 least 3 members, 2 of whom are qualified in the field of
17 juvenile matters, decide parole review cases in accordance
18 with Section 5-4.5-115 of this Code and make release
19 determinations of persons under the age of 21 at the time
20 of the commission of an offense or offenses, other than
21 those persons serving sentences for first degree murder or
22 aggravated criminal sexual assault;

23 (6.6) hear by at least a quorum of the Prisoner Review
24 Board and decide by a majority of members present at the
25 hearing, in accordance with Section 5-4.5-115 of this
26 Code, release determinations of persons under the age of

1 21 at the time of the commission of an offense or offenses
2 of those persons serving sentences for first degree murder
3 or aggravated criminal sexual assault;

4 (7) comply with the requirements of the Open Parole
5 Hearings Act;

6 (8) hear by at least one member and, through a panel of
7 at least 3 members, decide cases brought by the Department
8 of Corrections against a prisoner in the custody of the
9 Department for court dismissal of a frivolous lawsuit
10 pursuant to Section 3-6-3(d) of this Code in which the
11 Department seeks to revoke up to 180 days of sentence
12 credit, and if the prisoner has not accumulated 180 days
13 of sentence credit at the time of the dismissal, then all
14 sentence credit accumulated by the prisoner shall be
15 revoked;

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

20 (10) upon a petition by a person who has been
21 convicted of a Class 3 or Class 4 felony and who meets the
22 requirements of this paragraph, hear by at least 3 members
23 and, with the unanimous vote of a panel of 3 members, issue
24 a certificate of eligibility for sealing recommending that
25 the court order the sealing of all official records of the
26 arresting authority, the circuit court clerk, and the

1 Department of State Police concerning the arrest and
2 conviction for the Class 3 or 4 felony. A person may not
3 apply to the Board for a certificate of eligibility for
4 sealing:

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

7 (B) until 5 years have elapsed since any arrests
8 or detentions by a law enforcement officer for an
9 alleged violation of law, other than a petty offense,
10 traffic offense, conservation offense, or local
11 ordinance offense;

12 (C) if convicted of a violation of the Cannabis
13 Control Act, Illinois Controlled Substances Act, the
14 Methamphetamine Control and Community Protection Act,
15 the Methamphetamine Precursor Control Act, or the
16 Methamphetamine Precursor Tracking Act unless the
17 petitioner has completed a drug abuse program for the
18 offense on which sealing is sought and provides proof
19 that he or she has completed the program successfully;

20 (D) if convicted of:

21 (i) a sex offense described in Article 11 or
22 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
23 the Criminal Code of 1961 or the Criminal Code of
24 2012;

25 (ii) aggravated assault;

26 (iii) aggravated battery;

- 1 (iv) domestic battery;
- 2 (v) aggravated domestic battery;
- 3 (vi) violation of an order of protection;
- 4 (vii) an offense under the Criminal Code of
5 1961 or the Criminal Code of 2012 involving a
6 firearm;
- 7 (viii) driving while under the influence of
8 alcohol, other drug or drugs, intoxicating
9 compound or compounds, or any combination thereof;
- 10 (ix) aggravated driving while under the
11 influence of alcohol, other drug or drugs,
12 intoxicating compound or compounds, or any
13 combination thereof; or
- 14 (x) any crime defined as a crime of violence
15 under Section 2 of the Crime Victims Compensation
16 Act.

17 If a person has applied to the Board for a certificate
18 of eligibility for sealing and the Board denies the
19 certificate, the person must wait at least 4 years before
20 filing again or filing for pardon from the Governor unless
21 the Chairman of the Prisoner Review Board grants a waiver.

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

26 The Board may only authorize the sealing of Class 3

1 and 4 felony convictions of the petitioner from one
2 information or indictment under this paragraph (10). A
3 petitioner may only receive one certificate of eligibility
4 for sealing under this provision for life; and

5 (11) upon a petition by a person who after having been
6 convicted of a Class 3 or Class 4 felony thereafter served
7 in the United States Armed Forces or National Guard of
8 this or any other state and had received an honorable
9 discharge from the United States Armed Forces or National
10 Guard or who at the time of filing the petition is enlisted
11 in the United States Armed Forces or National Guard of
12 this or any other state and served one tour of duty and who
13 meets the requirements of this paragraph, hear by at least
14 3 members and, with the unanimous vote of a panel of 3
15 members, issue a certificate of eligibility for
16 expungement recommending that the court order the
17 expungement of all official records of the arresting
18 authority, the circuit court clerk, and the Department of
19 State Police concerning the arrest and conviction for the
20 Class 3 or 4 felony. A person may not apply to the Board
21 for a certificate of eligibility for expungement:

22 (A) if convicted of:

23 (i) a sex offense described in Article 11 or
24 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
25 the Criminal Code of 1961 or Criminal Code of
26 2012;

1 (ii) an offense under the Criminal Code of
2 1961 or Criminal Code of 2012 involving a firearm;

3 or

4 (iii) a crime of violence as defined in
5 Section 2 of the Crime Victims Compensation Act;

6 or

7 (B) if the person has not served in the United
8 States Armed Forces or National Guard of this or any
9 other state or has not received an honorable discharge
10 from the United States Armed Forces or National Guard
11 of this or any other state or who at the time of the
12 filing of the petition is serving in the United States
13 Armed Forces or National Guard of this or any other
14 state and has not completed one tour of duty.

15 If a person has applied to the Board for a certificate
16 of eligibility for expungement and the Board denies the
17 certificate, the person must wait at least 4 years before
18 filing again or filing for a pardon with authorization for
19 expungement from the Governor unless the Governor or
20 Chairman of the Prisoner Review Board grants a waiver.

21 (a-5) The Prisoner Review Board, with the cooperation of
22 and in coordination with the Department of Corrections and the
23 Department of Central Management Services, shall implement a
24 pilot project in 3 correctional institutions providing for the
25 conduct of hearings under paragraphs (1) and (4) of subsection
26 (a) of this Section through interactive video conferences. The

1 project shall be implemented within 6 months after January 1,
2 1997 (the effective date of Public Act 89-490) ~~this amendatory~~
3 ~~Act of 1996~~. Within 6 months after the implementation of the
4 pilot project, the Prisoner Review Board, with the cooperation
5 of and in coordination with the Department of Corrections and
6 the Department of Central Management Services, shall report to
7 the Governor and the General Assembly regarding the use,
8 costs, effectiveness, and future viability of interactive
9 video conferences for Prisoner Review Board hearings.

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

12 (c) The Board shall cooperate with the Department in
13 promoting an effective system of parole and mandatory
14 supervised release. The Board shall inform the Department of
15 any person that is subject to the data entry requirements
16 under Section 3-14-2.

17 (d) The Board shall promulgate rules for the conduct of
18 its work, and the Chairman shall file a copy of such rules and
19 any amendments thereto with the Director and with the
20 Secretary of State.

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

24 (f) The Board or one who has allegedly violated the
25 conditions of his or her parole, aftercare release, or
26 mandatory supervised release may require by subpoena the

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

20 In case of disobedience to a subpoena, the Board may
21 petition any circuit court of the State for an order requiring
22 the attendance and testimony of witnesses or the production of
23 documentary evidence or both. A copy of such petition shall be
24 served by personal service or by registered or certified mail
25 upon the person who has failed to obey the subpoena, and such
26 person shall be advised in writing that a hearing upon the

1 petition will be requested in a court room to be designated in
2 such notice before the judge hearing motions or extraordinary
3 remedies at a specified time, on a specified date, not less
4 than 10 nor more than 15 days after the deposit of the copy of
5 the written notice and petition in the U.S. mail ~~mails~~
6 addressed to the person at his or her last known address or
7 after the personal service of the copy of the notice and
8 petition upon such person. The court upon the filing of such a
9 petition, may order the person refusing to obey the subpoena
10 to appear at an investigation or hearing, or to there produce
11 documentary evidence, if so ordered, or to give evidence
12 relative to the subject matter of that investigation or
13 hearing. Any failure to obey such order of the circuit court
14 may be punished by that court as a contempt of court.

15 Each member of the Board and any hearing officer
16 designated by the Board shall have the power to administer
17 oaths and to take the testimony of persons under oath.

18 (g) Except under subsection (a) of this Section, a
19 majority of the members then appointed to the Prisoner Review
20 Board shall constitute a quorum for the transaction of all
21 business of the Board.

22 (h) The Prisoner Review Board shall annually transmit to
23 the Director a detailed report of its work for the preceding
24 calendar year. The annual report shall also be transmitted to
25 the Governor for submission to the Legislature.

26 (Source: P.A. 100-1182, eff. 6-1-19; 101-288, eff. 1-1-20;

1 revised 8-19-20.)

2 (730 ILCS 5/3-14-2) (from Ch. 38, par. 1003-14-2)

3 Sec. 3-14-2. Supervision on Parole, Mandatory Supervised
4 Release and Release by Statute.

5 (a) The Department shall retain custody of all persons
6 placed on parole or mandatory supervised release or released
7 pursuant to Section 3-3-10 of this Code and shall supervise
8 such persons during their parole or release period in accord
9 with the conditions set by the Prisoner Review Board. The
10 Department shall enter into the Law Enforcement Agencies Data
11 System (LEADS) any conditions of parole or mandatory
12 supervised release imposed by the Prisoner Review Board or the
13 Department that relate to a no contact order. Such conditions
14 shall include referral to an alcohol or drug abuse treatment
15 program, as appropriate, if such person has previously been
16 identified as having an alcohol or drug abuse problem. Such
17 conditions may include that the person use an approved
18 electronic monitoring device subject to Article 8A of Chapter
19 V.

20 (b) The Department shall assign personnel to assist
21 persons eligible for parole in preparing a parole plan. Such
22 Department personnel shall make a report of their efforts and
23 findings to the Prisoner Review Board prior to its
24 consideration of the case of such eligible person.

25 (c) A copy of the conditions of his parole or release shall

1 be signed by the parolee or releasee and given to him and to
2 his supervising officer who shall report on his progress under
3 the rules and regulations of the Prisoner Review Board. The
4 supervising officer shall report violations to the Prisoner
5 Review Board and shall have the full power of peace officers in
6 the arrest and retaking of any parolees or releasees or the
7 officer may request the Department to issue a warrant for the
8 arrest of any parolee or releasee who has allegedly violated
9 his parole or release conditions.

10 (c-1) The supervising officer shall request the Department
11 to issue a parole violation warrant, and the Department shall
12 issue a parole violation warrant, under the following
13 circumstances:

14 (1) if the parolee or releasee commits an act that
15 constitutes a felony using a firearm or knife,

16 (2) if applicable, fails to comply with the
17 requirements of the Sex Offender Registration Act,

18 (3) if the parolee or releasee is charged with:

19 (A) a felony offense of domestic battery under
20 Section 12-3.2 of the Criminal Code of 1961 or the
21 Criminal Code of 2012,

22 (B) aggravated domestic battery under Section
23 12-3.3 of the Criminal Code of 1961 or the Criminal
24 Code of 2012,

25 (C) stalking under Section 12-7.3 of the Criminal
26 Code of 1961 or the Criminal Code of 2012,

1 (D) aggravated stalking under Section 12-7.4 of
2 the Criminal Code of 1961 or the Criminal Code of 2012,

3 (E) violation of an order of protection under
4 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
5 the Criminal Code of 2012, or

6 (F) any offense that would require registration as
7 a sex offender under the Sex Offender Registration
8 Act, or

9 (4) if the parolee or releasee is on parole or
10 mandatory supervised release for a murder, a Class X
11 felony or a Class 1 felony violation of the Criminal Code
12 of 1961 or the Criminal Code of 2012, or any felony that
13 requires registration as a sex offender under the Sex
14 Offender Registration Act and commits an act that
15 constitutes first degree murder, a Class X felony, a Class
16 1 felony, a Class 2 felony, or a Class 3 felony.

17 A sheriff or other peace officer may detain an alleged
18 parole or release violator until a warrant for his return to
19 the Department can be issued. The parolee or releasee may be
20 delivered to any secure place until he can be transported to
21 the Department. The officer or the Department shall file a
22 violation report with notice of charges with the Prisoner
23 Review Board.

24 (d) The supervising officer shall regularly advise and
25 consult with the parolee or releasee, assist him in adjusting
26 to community life, inform him of the restoration of his rights

1 on successful completion of sentence under Section 5-5-5. If
2 the parolee or releasee has been convicted of a sex offense as
3 defined in the Sex Offender Management Board Act, the
4 supervising officer shall periodically, but not less than once
5 a month, verify that the parolee or releasee is in compliance
6 with paragraph (7.6) of subsection (a) of Section 3-3-7.

7 (e) Supervising officers shall receive specialized
8 training in the special needs of female releasees or parolees
9 including the family reunification process.

10 (f) The supervising officer shall keep such records as the
11 Prisoner Review Board or Department may require. All records
12 shall be entered in the master file of the individual.

13 (Source: P.A. 96-282, eff. 1-1-10; 96-1447, eff. 8-20-10;
14 97-389, eff. 8-15-11; 97-1150, eff. 1-25-13.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.