



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5340

Introduced 1/31/2022, by Rep. Patrick Windhorst

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-1

from Ch. 38, par. 1003-3-1

Amends the Unified Code of Corrections. Provides that a person may not be appointed or serve as a member of the Prisoner Review Board who has been convicted of a Class 2 felony or higher or a violent crime as defined in the Rights of Crime Victims and Witnesses Act or a substantially similar offense in another jurisdiction.

LRB102 22553 RLC 31694 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 5. The Unified Code of Corrections is amended by
5 changing Section 3-3-1 as follows:

6 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

7 (Text of Section before amendment by P.A. 102-494)

8 Sec. 3-3-1. Establishment and appointment of Prisoner
9 Review Board.

10 (a) There shall be a Prisoner Review Board independent of
11 the Department which shall be:

12 (1) the paroling authority for persons sentenced under
13 the law in effect prior to the effective date of this
14 amendatory Act of 1977;

15 (1.2) the paroling authority for persons eligible for
16 parole review under Section 5-4.5-115;

17 (1.5) (blank);

18 (2) the board of review for cases involving the
19 revocation of sentence credits or a suspension or
20 reduction in the rate of accumulating the credit;

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

23 (4) the authority for establishing release dates for

1 certain prisoners sentenced under the law in existence
2 prior to the effective date of this amendatory Act of
3 1977, in accordance with Section 3-3-2.1 of this Code;

4 (5) the authority for setting conditions for parole
5 and mandatory supervised release under Section 5-8-1(a) of
6 this Code, and determining whether a violation of those
7 conditions warrant revocation of parole or mandatory
8 supervised release or the imposition of other sanctions;
9 and

10 (6) the authority for determining whether a violation
11 of aftercare release conditions warrant revocation of
12 aftercare release.

13 (b) The Board shall consist of 15 persons appointed by the
14 Governor by and with the advice and consent of the Senate. One
15 member of the Board shall be designated by the Governor to be
16 Chairman and shall serve as Chairman at the pleasure of the
17 Governor. The members of the Board shall have had at least 5
18 years of actual experience in the fields of penology,
19 corrections work, law enforcement, sociology, law, education,
20 social work, medicine, psychology, other behavioral sciences,
21 or a combination thereof. At least 6 members so appointed must
22 have at least 3 years experience in the field of juvenile
23 matters. No more than 8 Board members may be members of the
24 same political party.

25 Each member of the Board shall serve on a full-time basis
26 and shall not hold any other salaried public office, whether

1 elective or appointive, nor any other office or position of
2 profit, nor engage in any other business, employment, or
3 vocation. The Chairman of the Board shall receive \$35,000 a
4 year, or an amount set by the Compensation Review Board,
5 whichever is greater, and each other member \$30,000, or an
6 amount set by the Compensation Review Board, whichever is
7 greater.

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

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

1 Any member may be removed by the Governor for
2 incompetence, neglect of duty, malfeasance or inability to
3 serve.

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

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

11 (Text of Section after amendment by P.A. 102-494)

12 Sec. 3-3-1. Establishment and appointment of Prisoner
13 Review Board.

14 (a) There shall be a Prisoner Review Board independent of
15 the Department which shall be:

16 (1) the paroling authority for persons sentenced under
17 the law in effect prior to the effective date of this
18 amendatory Act of 1977;

19 (1.2) the paroling authority for persons eligible for
20 parole review under Section 5-4.5-115;

21 (1.5) (blank);

22 (2) the board of review for cases involving the
23 revocation of sentence credits or a suspension or
24 reduction in the rate of accumulating the credit;

25 (3) the board of review and recommendation for the

1 exercise of executive clemency by the Governor;

2 (4) the authority for establishing release dates for
3 certain prisoners sentenced under the law in existence
4 prior to the effective date of this amendatory Act of
5 1977, in accordance with Section 3-3-2.1 of this Code;

6 (5) the authority for setting conditions for parole
7 and mandatory supervised release under Section 5-8-1(a) of
8 this Code, and determining whether a violation of those
9 conditions warrant revocation of parole or mandatory
10 supervised release or the imposition of other sanctions;

11 (6) the authority for determining whether a violation
12 of aftercare release conditions warrant revocation of
13 aftercare release; and

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

16 (b) The Board shall consist of 15 persons appointed by the
17 Governor by and with the advice and consent of the Senate. One
18 member of the Board shall be designated by the Governor to be
19 Chairman and shall serve as Chairman at the pleasure of the
20 Governor. The members of the Board shall have had at least 5
21 years of actual experience in the fields of penology,
22 corrections work, law enforcement, sociology, law, education,
23 social work, medicine, psychology, other behavioral sciences,
24 or a combination thereof. At least 6 members so appointed must
25 have at least 3 years experience in the field of juvenile
26 matters. No more than 8 Board members may be members of the

1 same political party. A person may not be appointed or serve as
2 a member of the Prisoner Review Board who has been convicted of
3 a Class 2 felony or higher or a violent crime as defined in
4 Section 3 of the Rights of Crime Victims and Witnesses Act or a
5 substantially similar offense in another jurisdiction.

6 Each member of the Board shall serve on a full-time basis
7 and shall not hold any other salaried public office, whether
8 elective or appointive, nor any other office or position of
9 profit, nor engage in any other business, employment, or
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11 year, or an amount set by the Compensation Review Board,
12 whichever is greater, and each other member \$30,000, or an
13 amount set by the Compensation Review Board, whichever is
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11 (d) The Chairman of the Board shall be its chief executive
12 and administrative officer. The Board may have an Executive
13 Director; if so, the Executive Director shall be appointed by
14 the Governor with the advice and consent of the Senate. The
15 salary and duties of the Executive Director shall be fixed by
16 the Board.

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

18 Section 95. No acceleration or delay. Where this Act makes
19 changes in a statute that is represented in this Act by text
20 that is not yet or no longer in effect (for example, a Section
21 represented by multiple versions), the use of that text does
22 not accelerate or delay the taking effect of (i) the changes
23 made by this Act or (ii) provisions derived from any other
24 Public Act.