



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### SB2120

Introduced 2/26/2021, by Sen. Robert Peters

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-3	from Ch. 38, par. 1003-3-3
730 ILCS 5/3-3-5	from Ch. 38, par. 1003-3-5
730 ILCS 5/3-3-14 new	

Amends the Unified Code of Corrections. Provides that a committed person who has attained the age of 60 years and served at least 20 consecutive years of imprisonment or a committed person who has served 25 consecutive years of imprisonment may submit a petition to the Prisoner Review Board seeking parole. Provides that the petition shall contain a statement by the petitioner, documentation of rehabilitation, character references, evidence of program participation, employment history, criminal history, disciplinary history, and housing plans upon release. Provides that victims' families shall be given timely notification and the opportunity to participate in the parole hearing. Provides that a Board hearing shall be conducted by at least 8 members, with a majority vote needed to grant the petition. Provides when a petitioner is eligible to reapply if parole is denied. Effective immediately.

LRB102 16076 KMF 21449 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 Sections 3-3-3, 3-3-5 and adding Section 3-3-14 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 for those offenders who accept the fixed  
10 release date established by the Prisoner Review Board under  
11 Section 3-3-2.1, every person serving a term of imprisonment  
12 under the law in effect prior to the effective date of this  
13 amendatory Act of 1977 shall be eligible for parole when he or  
14 she has served:

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

18 (2) 20 years of a life sentence less time credit for  
19 good behavior; or

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

22 (b) Except as otherwise provided in Section 3-3-14 of this  
23 Act, no ~~no~~ person sentenced under this amendatory Act of 1977

1 or who accepts a release date under Section 3-3-2.1 shall be  
2 eligible for parole.

3 (c) Except as otherwise provided in Section 3-3-14 of this  
4 Act ~~Except for those sentenced to a term of natural life~~  
5 ~~imprisonment~~, every person sentenced to imprisonment under  
6 this amendatory Act of 1977 or given a release date under  
7 Section 3-3-2.1 of this Act shall serve the full term of a  
8 determinate sentence less time credit for good behavior and  
9 shall then be released under the mandatory supervised release  
10 provisions of paragraph (d) of Section 5-8-1 of this Code.

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

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

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

23 (730 ILCS 5/3-3-5) (from Ch. 38, par. 1003-3-5)

24 Sec. 3-3-5. Hearing and determination.

25 (a) The Prisoner Review Board shall meet as often as need

1 requires to consider the cases of persons eligible for parole.  
2 Except as otherwise provided in paragraph (2) of subsection  
3 (a) of Section 3-3-2 or Section 3-3-14 of this Act, the  
4 Prisoner Review Board may meet and order its actions in panels  
5 of 3 or more members. The action of a majority of the panel  
6 shall be the action of the Board.

7 (b) If the person under consideration for parole is in the  
8 custody of the Department, at least one member of the Board  
9 shall interview him or her, and a report of that interview  
10 shall be available for the Board's consideration. However, in  
11 the discretion of the Board, the interview need not be  
12 conducted if a psychiatric examination determines that the  
13 person could not meaningfully contribute to the Board's  
14 consideration. The Board may in its discretion parole a person  
15 who is then outside the jurisdiction on his or her record  
16 without an interview. The Board need not hold a hearing or  
17 interview a person who is paroled under paragraphs (d) or (e)  
18 of this Section or released on Mandatory release under Section  
19 3-3-10.

20 (c) The Board shall not parole a person eligible for  
21 parole if it determines that:

22 (1) there is a substantial risk that he or she will not  
23 conform to reasonable conditions of parole or aftercare  
24 release; or

25 (2) his or her release at that time would deprecate  
26 the seriousness of his or her offense or promote

1           disrespect for the law; or

2           (3) his or her release would have a substantially  
3           adverse effect on institutional discipline.

4           (d) (Blank).

5           (e) A person who has served the maximum term of  
6           imprisonment imposed at the time of sentencing less time  
7           credit for good behavior shall be released on parole to serve a  
8           period of parole under Section 5-8-1.

9           (f) The Board shall render its decision within a  
10          reasonable time after hearing and shall state the basis  
11          therefor both in the records of the Board and in written notice  
12          to the person on whose application it has acted. In its  
13          decision, the Board shall set the person's time for parole, or  
14          if it denies parole it shall provide for a rehearing not less  
15          frequently than once every year, except that the Board may,  
16          after denying parole, schedule a rehearing no later than 5  
17          years from the date of the parole denial, if the Board finds  
18          that it is not reasonable to expect that parole would be  
19          granted at a hearing prior to the scheduled rehearing date. If  
20          the Board shall parole a person, and, if he or she is not  
21          released within 90 days from the effective date of the order  
22          granting parole, the matter shall be returned to the Board for  
23          review.

24          (f-1) If the Board paroles a person who is eligible for  
25          commitment as a sexually violent person, the effective date of  
26          the Board's order shall be stayed for 90 days for the purpose

1 of evaluation and proceedings under the Sexually Violent  
2 Persons Commitment Act.

3 (g) The Board shall maintain a registry of decisions in  
4 which parole has been granted, which shall include the name  
5 and case number of the prisoner, the highest charge for which  
6 the prisoner was sentenced, the length of sentence imposed,  
7 the date of the sentence, the date of the parole, and the basis  
8 for the decision of the Board to grant parole and the vote of  
9 the Board on any such decisions. The registry shall be made  
10 available for public inspection and copying during business  
11 hours and shall be a public record pursuant to the provisions  
12 of the Freedom of Information Act.

13 (h) The Board shall promulgate rules regarding the  
14 exercise of its discretion under this Section.

15 (Source: P.A. 98-558, eff. 1-1-14; 99-268, eff. 1-1-16;  
16 99-628, eff. 1-1-17.)

17 (730 ILCS 5/3-3-14 new)

18 Sec. 3-3-14. Long term imprisonment; petition for parole.

19 (a) A committed person who has attained the age of 60 years  
20 and served at least 20 consecutive years of imprisonment or a  
21 committed person who has served 25 consecutive years of  
22 imprisonment may submit a petition to the Prisoner Review  
23 Board seeking parole.

24 (b) The petition shall contain:

25 (1) a statement by the petitioner as to the reasons

1 why the petitioner believes he or she should be paroled,  
2 including estimated costs of continuing imprisonment;

3 (2) documentation of the petitioner's rehabilitation  
4 during the period of the petitioner's incarceration,  
5 including remorse for his or her criminal behavior, if  
6 applicable, and his or her commitment not to recidivate;

7 (3) character references and community support for the  
8 petitioner's release;

9 (4) evidence of the petitioner's participation in  
10 educational, vocational, substance abuse, behavior  
11 modification programs, life skills courses, re-entry  
12 planning, or correctional industry programs and  
13 independent efforts at rehabilitation;

14 (5) evidence of the petitioner's employment history in  
15 the correctional institution;

16 (6) the petitioner's criminal history;

17 (7) the petitioner's disciplinary history while  
18 incarcerated in the correctional institution; and

19 (8) the petitioner's plans for housing upon release  
20 from incarceration.

21 If the programs described in paragraph (4) of this  
22 subsection (b) or employment opportunities were not available  
23 in the correctional institution, the Board shall not penalize  
24 the committed person in his or her petition for parole under  
25 this Section.

26 (c) Victims' families shall be notified in a timely manner

1 and provided opportunity to participate at the parole hearing  
2 concerning the petitioner's application for parole under this  
3 Section in accordance with the Rights of Crime Victims and  
4 Witnesses Act, the Open Parole Hearings Act, and this Article.

5 (d) Prisoner Review Board hearings under this Section  
6 shall be conducted by a panel of at least 8 members of the  
7 Board and a majority vote of the panel is required to grant the  
8 petition and release the petitioner on parole.

9 (e) When parole is denied under this Section a written  
10 statement shall be submitted by the Board that shall include  
11 when the petitioner is eligible to reapply for parole under  
12 this Section; which hearing shall be held no later than 3 years  
13 after denial of parole.

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