

SB3669



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3669

Introduced 1/21/2022, by Sen. Terri Bryant

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-2

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

Amends the Unified Code of Corrections. Provides that the annual report of the Prisoner Review Board transmitted to the Director of Corrections shall list how many C-Number Cases and Good Conduct Requests are considered, granted, and denied by the Board, disaggregated by offense, including, but not limited to, murder and offenses involving sexual conduct or sexual penetration, and indicate if the victims were under 18 years of age or members of law enforcement.

LRB102 22479 RLC 31619 b

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 3-3-2 as follows:

6 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

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

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

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

21 (2) hear by at least one member and through a panel of
22 at least 3 members decide, the conditions of parole and
23 the time of discharge from parole, impose sanctions for

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

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

22 (3.5) hear by at least one member and through a panel
23 of at least 3 members decide, the conditions of mandatory
24 supervised release and the time of discharge from
25 mandatory supervised release, to impose sanctions for
26 violations of mandatory supervised release and revoke

1 mandatory supervised release for those serving extended
2 supervised release terms pursuant to paragraph (4) of
3 subsection (d) of Section 5-8-1;

4 (3.6) hear by at least one member and through a panel
5 of at least 3 members decide whether to revoke aftercare
6 release for those committed to the Department of Juvenile
7 Justice under the Juvenile Court Act of 1987;

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

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

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

10 (6.5) hear by at least one member who is qualified in
11 the field of juvenile matters and through a panel of at
12 least 3 members, 2 of whom are qualified in the field of
13 juvenile matters, decide parole review cases in accordance
14 with Section 5-4.5-115 of this Code and make release
15 determinations of persons under the age of 21 at the time
16 of the commission of an offense or offenses, other than
17 those persons serving sentences for first degree murder or
18 aggravated criminal sexual assault;

19 (6.6) hear by at least a quorum of the Prisoner Review
20 Board and decide by a majority of members present at the
21 hearing, in accordance with Section 5-4.5-115 of this
22 Code, release determinations of persons under the age of
23 21 at the time of the commission of an offense or offenses
24 of those persons serving sentences for first degree murder
25 or aggravated criminal sexual assault;

26 (7) comply with the requirements of the Open Parole

1 Hearings Act;

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

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

16 (10) upon a petition by a person who has been
17 convicted of a Class 3 or Class 4 felony and who meets the
18 requirements of this paragraph, hear by at least 3 members
19 and, with the unanimous vote of a panel of 3 members, issue
20 a certificate of eligibility for sealing recommending that
21 the court order the sealing of all official records of the
22 arresting authority, the circuit court clerk, and the
23 Illinois State Police concerning the arrest and conviction
24 for the Class 3 or 4 felony. A person may not apply to the
25 Board for a certificate of eligibility for sealing:

26 (A) until 5 years have elapsed since the

1 expiration of his or her sentence;

2 (B) until 5 years have elapsed since any arrests
3 or detentions by a law enforcement officer for an
4 alleged violation of law, other than a petty offense,
5 traffic offense, conservation offense, or local
6 ordinance offense;

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

15 (D) if convicted of:

16 (i) a sex offense described in Article 11 or
17 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
18 the Criminal Code of 1961 or the Criminal Code of
19 2012;

20 (ii) aggravated assault;

21 (iii) aggravated battery;

22 (iv) domestic battery;

23 (v) aggravated domestic battery;

24 (vi) violation of an order of protection;

25 (vii) an offense under the Criminal Code of
26 1961 or the Criminal Code of 2012 involving a

1 firearm;

2 (viii) driving while under the influence of
3 alcohol, other drug or drugs, intoxicating
4 compound or compounds, or any combination thereof;

5 (ix) aggravated driving while under the
6 influence of alcohol, other drug or drugs,
7 intoxicating compound or compounds, or any
8 combination thereof; or

9 (x) any crime defined as a crime of violence
10 under Section 2 of the Crime Victims Compensation
11 Act.

12 If a person has applied to the Board for a certificate
13 of eligibility for sealing and the Board denies the
14 certificate, the person must wait at least 4 years before
15 filing again or filing for pardon from the Governor unless
16 the Chairman of the Prisoner Review Board grants a waiver.

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

21 The Board may only authorize the sealing of Class 3
22 and 4 felony convictions of the petitioner from one
23 information or indictment under this paragraph (10). A
24 petitioner may only receive one certificate of eligibility
25 for sealing under this provision for life; and

26 (11) upon a petition by a person who after having been

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

17 (A) if convicted of:

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

22 (ii) an offense under the Criminal Code of
23 1961 or Criminal Code of 2012 involving a firearm;
24 or

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

1 or

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

10 If a person has applied to the Board for a certificate
11 of eligibility for expungement and the Board denies the
12 certificate, the person must wait at least 4 years before
13 filing again or filing for a pardon with authorization for
14 expungement from the Governor unless the Governor or
15 Chairman of the Prisoner Review Board grants a waiver.

16 (a-5) The Prisoner Review Board, with the cooperation of
17 and in coordination with the Department of Corrections and the
18 Department of Central Management Services, shall implement a
19 pilot project in 3 correctional institutions providing for the
20 conduct of hearings under paragraphs (1) and (4) of subsection
21 (a) of this Section through interactive video conferences. The
22 project shall be implemented within 6 months after January 1,
23 1997 (the effective date of Public Act 89-490). Within 6
24 months after the implementation of the pilot project, the
25 Prisoner Review Board, with the cooperation of and in
26 coordination with the Department of Corrections and the

1 Department of Central Management Services, shall report to the
2 Governor and the General Assembly regarding the use, costs,
3 effectiveness, and future viability of interactive video
4 conferences for Prisoner Review Board hearings.

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

7 (c) The Board shall cooperate with the Department in
8 promoting an effective system of parole and mandatory
9 supervised release.

10 (d) The Board shall promulgate rules for the conduct of
11 its work, and the Chairman shall file a copy of such rules and
12 any amendments thereto with the Director and with the
13 Secretary of State.

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

17 (f) The Board or one who has allegedly violated the
18 conditions of his or her parole, aftercare release, or
19 mandatory supervised release may require by subpoena the
20 attendance and testimony of witnesses and the production of
21 documentary evidence relating to any matter under
22 investigation or hearing. The Chairman of the Board may sign
23 subpoenas which shall be served by any agent or public
24 official authorized by the Chairman of the Board, or by any
25 person lawfully authorized to serve a subpoena under the laws
26 of the State of Illinois. The attendance of witnesses, and the

1 production of documentary evidence, may be required from any
2 place in the State to a hearing location in the State before
3 the Chairman of the Board or his or her designated agent or
4 agents or any duly constituted Committee or Subcommittee of
5 the Board. Witnesses so summoned shall be paid the same fees
6 and mileage that are paid witnesses in the circuit courts of
7 the State, and witnesses whose depositions are taken and the
8 persons taking those depositions are each entitled to the same
9 fees as are paid for like services in actions in the circuit
10 courts of the State. Fees and mileage shall be vouchered for
11 payment when the witness is discharged from further
12 attendance.

13 In case of disobedience to a subpoena, the Board may
14 petition any circuit court of the State for an order requiring
15 the attendance and testimony of witnesses or the production of
16 documentary evidence or both. A copy of such petition shall be
17 served by personal service or by registered or certified mail
18 upon the person who has failed to obey the subpoena, and such
19 person shall be advised in writing that a hearing upon the
20 petition will be requested in a court room to be designated in
21 such notice before the judge hearing motions or extraordinary
22 remedies at a specified time, on a specified date, not less
23 than 10 nor more than 15 days after the deposit of the copy of
24 the written notice and petition in the U.S. mail addressed to
25 the person at his or her last known address or after the
26 personal service of the copy of the notice and petition upon

1 such person. The court upon the filing of such a petition, may
2 order the person refusing to obey the subpoena to appear at an
3 investigation or hearing, or to there produce documentary
4 evidence, if so ordered, or to give evidence relative to the
5 subject matter of that investigation or hearing. Any failure
6 to obey such order of the circuit court may be punished by that
7 court as a contempt of court.

8 Each member of the Board and any hearing officer
9 designated by the Board shall have the power to administer
10 oaths and to take the testimony of persons under oath.

11 (g) Except under subsection (a) of this Section, a
12 majority of the members then appointed to the Prisoner Review
13 Board shall constitute a quorum for the transaction of all
14 business of the Board.

15 (h) The Prisoner Review Board shall annually transmit to
16 the Director a detailed report of its work for the preceding
17 calendar year. The report shall list how many C-Number Cases
18 and Good Conduct Requests are considered, granted, and denied
19 by the Board, disaggregated by offense, including, but not
20 limited to, murder and offenses involving sexual conduct or
21 sexual penetration, and indicate if the victims were under 18
22 years of age or members of law enforcement. The annual report
23 shall also be transmitted to the Governor for submission to
24 the Legislature and shall be published on the Board's website
25 no later than March 1 of each year.

26 (Source: P.A. 101-288, eff. 1-1-20; 102-538, eff. 8-20-21;

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1 102-558, eff. 8-20-21.)