

SB3670



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3670

Introduced 1/21/2022, by Sen. Jason Plummer

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-1

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

Amends the Unified Code of Corrections. Provides that the Senate shall confirm or reject an appointee to the Prisoner Review Board within either: (1) 30 session days after the person has been appointed by the Governor or (2) 90 calendar days after the person has been appointed by the Governor, whichever occurs first. Provides that failure of the Senate to confirm or reject the person appointed within this time period shall be deemed a rejection of the appointment by the Senate. Provides that an appointee to the Board whose name has been withdrawn as a nominee to the Board by the Governor is ineligible to serve on the Board for a period of 2 years after the date of withdrawal.

LRB102 22480 RLC 31620 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 3-3-1 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. The
18 Senate shall confirm or reject an appointee to the Board
19 within either: (1) 30 session days after the person has been
20 appointed by the Governor or (2) 90 calendar days after the
21 person has been appointed by the Governor, whichever occurs
22 first. Failure of the Senate to confirm or reject the person
23 appointed within this time period shall be deemed a rejection
24 of the appointment by the Senate. An appointee to the Board
25 whose name has been withdrawn as a nominee to the Board by the
26 Governor is ineligible to serve on the Board for a period of 2

1 years after the date of withdrawal. One member of the Board
2 shall be designated by the Governor to be Chairman and shall
3 serve as Chairman at the pleasure of the Governor. The members
4 of the Board shall have had at least 5 years of actual
5 experience in the fields of penology, corrections work, law
6 enforcement, sociology, law, education, social work, medicine,
7 psychology, other behavioral sciences, or a combination
8 thereof. At least 6 members so appointed must have at least 3
9 years experience in the field of juvenile matters. No more
10 than 8 Board members may be members of the same political
11 party.

12 Each member of the Board shall serve on a full-time basis
13 and shall not hold any other salaried public office, whether
14 elective or appointive, nor any other office or position of
15 profit, nor engage in any other business, employment, or
16 vocation. The Chairman of the Board shall receive \$35,000 a
17 year, or an amount set by the Compensation Review Board,
18 whichever is greater, and each other member \$30,000, or an
19 amount set by the Compensation Review Board, whichever is
20 greater.

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22 the term of each member of the Board who was appointed by the
23 Governor and is in office on June 30, 2003 shall terminate at
24 the close of business on that date or when all of the successor
25 members to be appointed pursuant to this amendatory Act of the
26 93rd General Assembly have been appointed by the Governor,

1 whichever occurs later. As soon as possible, the Governor
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3 amendatory Act.

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17 (d) The Chairman of the Board shall be its chief executive
18 and administrative officer. The Board may have an Executive
19 Director; if so, the Executive Director shall be appointed by
20 the Governor with the advice and consent of the Senate. The
21 salary and duties of the Executive Director shall be fixed by
22 the Board.

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

24 Section 95. No acceleration or delay. Where this Act makes
25 changes in a statute that is represented in this Act by text

1 that is not yet or no longer in effect (for example, a Section
2 represented by multiple versions), the use of that text does
3 not accelerate or delay the taking effect of (i) the changes
4 made by this Act or (ii) provisions derived from any other
5 Public Act.