

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 Rights of Crime Victims and Witnesses Act
5 is amended by changing Section 4.5 as follows:

6 (725 ILCS 120/4.5)

7 Sec. 4.5. Procedures to implement the rights of crime
8 victims. To afford crime victims their rights, law
9 enforcement, prosecutors, judges, and corrections will provide
10 information, as appropriate, of the following procedures:

11 (a) At the request of the crime victim, law enforcement
12 authorities investigating the case shall provide notice of the
13 status of the investigation, except where the State's Attorney
14 determines that disclosure of such information would
15 unreasonably interfere with the investigation, until such time
16 as the alleged assailant is apprehended or the investigation
17 is closed.

18 (a-5) When law enforcement authorities reopen a closed
19 case to resume investigating, they shall provide notice of the
20 reopening of the case, except where the State's Attorney
21 determines that disclosure of such information would
22 unreasonably interfere with the investigation.

23 (a-6) The Prisoner Review Board shall publish on its

1 official public website and provide to registered victims
2 information regarding how to submit a victim impact statement.
3 The Prisoner Review Board shall consider victim impact
4 statements from any registered victims. Any registered victim,
5 including a person who has had a final, plenary, or
6 non-emergency order of protection granted under Article 112A
7 of the Code of Criminal Procedure of 1963 or under the Illinois
8 Domestic Violence Act of 1986, may present victim statements
9 that the Prisoner Review Board shall consider in its
10 deliberations.

11 (b) The office of the State's Attorney:

12 (1) shall provide notice of the filing of an
13 information, the return of an indictment, or the filing of
14 a petition to adjudicate a minor as a delinquent for a
15 violent crime;

16 (2) shall provide timely notice of the date, time, and
17 place of court proceedings; of any change in the date,
18 time, and place of court proceedings; and of any
19 cancellation of court proceedings. Notice shall be
20 provided in sufficient time, wherever possible, for the
21 victim to make arrangements to attend or to prevent an
22 unnecessary appearance at court proceedings;

23 (3) or victim advocate personnel shall provide
24 information of social services and financial assistance
25 available for victims of crime, including information of
26 how to apply for these services and assistance;

1 (3.5) or victim advocate personnel shall provide
2 information about available victim services, including
3 referrals to programs, counselors, and agencies that
4 assist a victim to deal with trauma, loss, and grief;

5 (4) shall assist in having any stolen or other
6 personal property held by law enforcement authorities for
7 evidentiary or other purposes returned as expeditiously as
8 possible, pursuant to the procedures set out in Section
9 115-9 of the Code of Criminal Procedure of 1963;

10 (5) or victim advocate personnel shall provide
11 appropriate employer intercession services to ensure that
12 employers of victims will cooperate with the criminal
13 justice system in order to minimize an employee's loss of
14 pay and other benefits resulting from court appearances;

15 (6) shall provide, whenever possible, a secure waiting
16 area during court proceedings that does not require
17 victims to be in close proximity to defendants or
18 juveniles accused of a violent crime, and their families
19 and friends;

20 (7) shall provide notice to the crime victim of the
21 right to have a translator present at all court
22 proceedings and, in compliance with the federal Americans
23 with Disabilities Act of 1990, the right to communications
24 access through a sign language interpreter or by other
25 means;

26 (8) (blank);

1 (8.5) shall inform the victim of the right to be
2 present at all court proceedings, unless the victim is to
3 testify and the court determines that the victim's
4 testimony would be materially affected if the victim hears
5 other testimony at trial;

6 (9) shall inform the victim of the right to have
7 present at all court proceedings, subject to the rules of
8 evidence and confidentiality, an advocate and other
9 support person of the victim's choice;

10 (9.3) shall inform the victim of the right to retain
11 an attorney, at the victim's own expense, who, upon
12 written notice filed with the clerk of the court and
13 State's Attorney, is to receive copies of all notices,
14 motions, and court orders filed thereafter in the case, in
15 the same manner as if the victim were a named party in the
16 case;

17 (9.5) shall inform the victim of (A) the victim's
18 right under Section 6 of this Act to make a statement at
19 the sentencing hearing; (B) the right of the victim's
20 spouse, guardian, parent, grandparent, and other immediate
21 family and household members under Section 6 of this Act
22 to present a statement at sentencing; and (C) if a
23 presentence report is to be prepared, the right of the
24 victim's spouse, guardian, parent, grandparent, and other
25 immediate family and household members to submit
26 information to the preparer of the presentence report

1 about the effect the offense has had on the victim and the
2 person;

3 (10) at the sentencing shall make a good faith attempt
4 to explain the minimum amount of time during which the
5 defendant may actually be physically imprisoned. The
6 Office of the State's Attorney shall further notify the
7 crime victim of the right to request from the Prisoner
8 Review Board or Department of Juvenile Justice information
9 concerning the release of the defendant;

10 (11) shall request restitution at sentencing and as
11 part of a plea agreement if the victim requests
12 restitution;

13 (12) shall, upon the court entering a verdict of not
14 guilty by reason of insanity, inform the victim of the
15 notification services available from the Department of
16 Human Services, including the statewide telephone number,
17 under subparagraph (d) (2) of this Section;

18 (13) shall provide notice within a reasonable time
19 after receipt of notice from the custodian, of the release
20 of the defendant on pretrial release or personal
21 recognizance or the release from detention of a minor who
22 has been detained;

23 (14) shall explain in nontechnical language the
24 details of any plea or verdict of a defendant, or any
25 adjudication of a juvenile as a delinquent;

26 (15) shall make all reasonable efforts to consult with

1 the crime victim before the Office of the State's Attorney
2 makes an offer of a plea bargain to the defendant or enters
3 into negotiations with the defendant concerning a possible
4 plea agreement, and shall consider the written statement,
5 if prepared prior to entering into a plea agreement. The
6 right to consult with the prosecutor does not include the
7 right to veto a plea agreement or to insist the case go to
8 trial. If the State's Attorney has not consulted with the
9 victim prior to making an offer or entering into plea
10 negotiations with the defendant, the Office of the State's
11 Attorney shall notify the victim of the offer or the
12 negotiations within 2 business days and confer with the
13 victim;

14 (16) shall provide notice of the ultimate disposition
15 of the cases arising from an indictment or an information,
16 or a petition to have a juvenile adjudicated as a
17 delinquent for a violent crime;

18 (17) shall provide notice of any appeal taken by the
19 defendant and information on how to contact the
20 appropriate agency handling the appeal, and how to request
21 notice of any hearing, oral argument, or decision of an
22 appellate court;

23 (18) shall provide timely notice of any request for
24 post-conviction review filed by the defendant under
25 Article 122 of the Code of Criminal Procedure of 1963, and
26 of the date, time and place of any hearing concerning the

1 petition. Whenever possible, notice of the hearing shall
2 be given within 48 hours of the court's scheduling of the
3 hearing;

4 (19) shall forward a copy of any statement presented
5 under Section 6 to the Prisoner Review Board or Department
6 of Juvenile Justice to be considered in making a
7 determination under Section 3-2.5-85 or subsection (b) of
8 Section 3-3-8 of the Unified Code of Corrections;

9 (20) shall, within a reasonable time, offer to meet
10 with the crime victim regarding the decision of the
11 State's Attorney not to charge an offense, and shall meet
12 with the victim, if the victim agrees. The victim has a
13 right to have an attorney, advocate, and other support
14 person of the victim's choice attend this meeting with the
15 victim; and

16 (21) shall give the crime victim timely notice of any
17 decision not to pursue charges and consider the safety of
18 the victim when deciding how to give such notice.

19 (c) The court shall ensure that the rights of the victim
20 are afforded.

21 (c-5) The following procedures shall be followed to afford
22 victims the rights guaranteed by Article I, Section 8.1 of the
23 Illinois Constitution:

24 (1) Written notice. A victim may complete a written
25 notice of intent to assert rights on a form prepared by the
26 Office of the Attorney General and provided to the victim

1 by the State's Attorney. The victim may at any time
2 provide a revised written notice to the State's Attorney.
3 The State's Attorney shall file the written notice with
4 the court. At the beginning of any court proceeding in
5 which the right of a victim may be at issue, the court and
6 prosecutor shall review the written notice to determine
7 whether the victim has asserted the right that may be at
8 issue.

9 (2) Victim's retained attorney. A victim's attorney
10 shall file an entry of appearance limited to assertion of
11 the victim's rights. Upon the filing of the entry of
12 appearance and service on the State's Attorney and the
13 defendant, the attorney is to receive copies of all
14 notices, motions and court orders filed thereafter in the
15 case.

16 (3) Standing. The victim has standing to assert the
17 rights enumerated in subsection (a) of Article I, Section
18 8.1 of the Illinois Constitution and the statutory rights
19 under Section 4 of this Act in any court exercising
20 jurisdiction over the criminal case. The prosecuting
21 attorney, a victim, or the victim's retained attorney may
22 assert the victim's rights. The defendant in the criminal
23 case has no standing to assert a right of the victim in any
24 court proceeding, including on appeal.

25 (4) Assertion of and enforcement of rights.

26 (A) The prosecuting attorney shall assert a

1 victim's right or request enforcement of a right by
2 filing a motion or by orally asserting the right or
3 requesting enforcement in open court in the criminal
4 case outside the presence of the jury. The prosecuting
5 attorney shall consult with the victim and the
6 victim's attorney regarding the assertion or
7 enforcement of a right. If the prosecuting attorney
8 decides not to assert or enforce a victim's right, the
9 prosecuting attorney shall notify the victim or the
10 victim's attorney in sufficient time to allow the
11 victim or the victim's attorney to assert the right or
12 to seek enforcement of a right.

13 (B) If the prosecuting attorney elects not to
14 assert a victim's right or to seek enforcement of a
15 right, the victim or the victim's attorney may assert
16 the victim's right or request enforcement of a right
17 by filing a motion or by orally asserting the right or
18 requesting enforcement in open court in the criminal
19 case outside the presence of the jury.

20 (C) If the prosecuting attorney asserts a victim's
21 right or seeks enforcement of a right, unless the
22 prosecuting attorney objects or the trial court does
23 not allow it, the victim or the victim's attorney may
24 be heard regarding the prosecuting attorney's motion
25 or may file a simultaneous motion to assert or request
26 enforcement of the victim's right. If the victim or

1 the victim's attorney was not allowed to be heard at
2 the hearing regarding the prosecuting attorney's
3 motion, and the court denies the prosecuting
4 attorney's assertion of the right or denies the
5 request for enforcement of a right, the victim or
6 victim's attorney may file a motion to assert the
7 victim's right or to request enforcement of the right
8 within 10 days of the court's ruling. The motion need
9 not demonstrate the grounds for a motion for
10 reconsideration. The court shall rule on the merits of
11 the motion.

12 (D) The court shall take up and decide any motion
13 or request asserting or seeking enforcement of a
14 victim's right without delay, unless a specific time
15 period is specified by law or court rule. The reasons
16 for any decision denying the motion or request shall
17 be clearly stated on the record.

18 (E) No later than January 1, 2023, the Office of
19 the Attorney General shall:

20 (i) designate an administrative authority
21 within the Office of the Attorney General to
22 receive and investigate complaints relating to the
23 provision or violation of the rights of a crime
24 victim as described in Article I, Section 8.1 of
25 the Illinois Constitution and in this Act;

26 (ii) create and administer a course of

1 training for employees and offices of the State of
2 Illinois that fail to comply with provisions of
3 Illinois law pertaining to the treatment of crime
4 victims as described in Article I, Section 8.1 of
5 the Illinois Constitution and in this Act as
6 required by the court under Section 5 of this Act;
7 and

8 (iii) have the authority to make
9 recommendations to employees and offices of the
10 State of Illinois to respond more effectively to
11 the needs of crime victims, including regarding
12 the violation of the rights of a crime victim.

13 (F) Crime victims' rights may also be asserted by
14 filing a complaint for mandamus, injunctive, or
15 declaratory relief in the jurisdiction in which the
16 victim's right is being violated or where the crime is
17 being prosecuted. For complaints or motions filed by
18 or on behalf of the victim, the clerk of court shall
19 waive filing fees that would otherwise be owed by the
20 victim for any court filing with the purpose of
21 enforcing crime victims' rights. If the court denies
22 the relief sought by the victim, the reasons for the
23 denial shall be clearly stated on the record in the
24 transcript of the proceedings, in a written opinion,
25 or in the docket entry, and the victim may appeal the
26 circuit court's decision to the appellate court. The

1 court shall issue prompt rulings regarding victims'
2 rights. Proceedings seeking to enforce victims' rights
3 shall not be stayed or subject to unreasonable delay
4 via continuances.

5 (5) Violation of rights and remedies.

6 (A) If the court determines that a victim's right
7 has been violated, the court shall determine the
8 appropriate remedy for the violation of the victim's
9 right by hearing from the victim and the parties,
10 considering all factors relevant to the issue, and
11 then awarding appropriate relief to the victim.

12 (A-5) Consideration of an issue of a substantive
13 nature or an issue that implicates the constitutional
14 or statutory right of a victim at a court proceeding
15 labeled as a status hearing shall constitute a per se
16 violation of a victim's right.

17 (B) The appropriate remedy shall include only
18 actions necessary to provide the victim the right to
19 which the victim was entitled. Remedies may include,
20 but are not limited to: injunctive relief requiring
21 the victim's right to be afforded; declaratory
22 judgment recognizing or clarifying the victim's
23 rights; a writ of mandamus; and may include reopening
24 previously held proceedings; however, in no event
25 shall the court vacate a conviction. Any remedy shall
26 be tailored to provide the victim an appropriate

1 remedy without violating any constitutional right of
2 the defendant. In no event shall the appropriate
3 remedy to the victim be a new trial or damages.

4 The court shall impose a mandatory training course
5 provided by the Attorney General for the employee under
6 item (ii) of subparagraph (E) of paragraph (4), which must
7 be successfully completed within 6 months of the entry of
8 the court order.

9 This paragraph (5) takes effect January 2, 2023.

10 (6) Right to be heard. Whenever a victim has the right
11 to be heard, the court shall allow the victim to exercise
12 the right in any reasonable manner the victim chooses.

13 (7) Right to attend trial. A party must file a written
14 motion to exclude a victim from trial at least 60 days
15 prior to the date set for trial. The motion must state with
16 specificity the reason exclusion is necessary to protect a
17 constitutional right of the party, and must contain an
18 offer of proof. The court shall rule on the motion within
19 30 days. If the motion is granted, the court shall set
20 forth on the record the facts that support its finding
21 that the victim's testimony will be materially affected if
22 the victim hears other testimony at trial.

23 (8) Right to have advocate and support person present
24 at court proceedings.

25 (A) A party who intends to call an advocate as a
26 witness at trial must seek permission of the court

1 before the subpoena is issued. The party must file a
2 written motion at least 90 days before trial that sets
3 forth specifically the issues on which the advocate's
4 testimony is sought and an offer of proof regarding
5 (i) the content of the anticipated testimony of the
6 advocate; and (ii) the relevance, admissibility, and
7 materiality of the anticipated testimony. The court
8 shall consider the motion and make findings within 30
9 days of the filing of the motion. If the court finds by
10 a preponderance of the evidence that: (i) the
11 anticipated testimony is not protected by an absolute
12 privilege; and (ii) the anticipated testimony contains
13 relevant, admissible, and material evidence that is
14 not available through other witnesses or evidence, the
15 court shall issue a subpoena requiring the advocate to
16 appear to testify at an in camera hearing. The
17 prosecuting attorney and the victim shall have 15 days
18 to seek appellate review before the advocate is
19 required to testify at an ex parte in camera
20 proceeding.

21 The prosecuting attorney, the victim, and the
22 advocate's attorney shall be allowed to be present at
23 the ex parte in camera proceeding. If, after
24 conducting the ex parte in camera hearing, the court
25 determines that due process requires any testimony
26 regarding confidential or privileged information or

1 communications, the court shall provide to the
2 prosecuting attorney, the victim, and the advocate's
3 attorney a written memorandum on the substance of the
4 advocate's testimony. The prosecuting attorney, the
5 victim, and the advocate's attorney shall have 15 days
6 to seek appellate review before a subpoena may be
7 issued for the advocate to testify at trial. The
8 presence of the prosecuting attorney at the ex parte
9 in camera proceeding does not make the substance of
10 the advocate's testimony that the court has ruled
11 inadmissible subject to discovery.

12 (B) If a victim has asserted the right to have a
13 support person present at the court proceedings, the
14 victim shall provide the name of the person the victim
15 has chosen to be the victim's support person to the
16 prosecuting attorney, within 60 days of trial. The
17 prosecuting attorney shall provide the name to the
18 defendant. If the defendant intends to call the
19 support person as a witness at trial, the defendant
20 must seek permission of the court before a subpoena is
21 issued. The defendant must file a written motion at
22 least 45 days prior to trial that sets forth
23 specifically the issues on which the support person
24 will testify and an offer of proof regarding: (i) the
25 content of the anticipated testimony of the support
26 person; and (ii) the relevance, admissibility, and

1 materiality of the anticipated testimony.

2 If the prosecuting attorney intends to call the
3 support person as a witness during the State's
4 case-in-chief, the prosecuting attorney shall inform
5 the court of this intent in the response to the
6 defendant's written motion. The victim may choose a
7 different person to be the victim's support person.
8 The court may allow the defendant to inquire about
9 matters outside the scope of the direct examination
10 during cross-examination. If the court allows the
11 defendant to do so, the support person shall be
12 allowed to remain in the courtroom after the support
13 person has testified. A defendant who fails to
14 question the support person about matters outside the
15 scope of direct examination during the State's
16 case-in-chief waives the right to challenge the
17 presence of the support person on appeal. The court
18 shall allow the support person to testify if called as
19 a witness in the defendant's case-in-chief or the
20 State's rebuttal.

21 If the court does not allow the defendant to
22 inquire about matters outside the scope of the direct
23 examination, the support person shall be allowed to
24 remain in the courtroom after the support person has
25 been called by the defendant or the defendant has
26 rested. The court shall allow the support person to

1 testify in the State's rebuttal.

2 If the prosecuting attorney does not intend to
3 call the support person in the State's case-in-chief,
4 the court shall verify with the support person whether
5 the support person, if called as a witness, would
6 testify as set forth in the offer of proof. If the
7 court finds that the support person would testify as
8 set forth in the offer of proof, the court shall rule
9 on the relevance, materiality, and admissibility of
10 the anticipated testimony. If the court rules the
11 anticipated testimony is admissible, the court shall
12 issue the subpoena. The support person may remain in
13 the courtroom after the support person testifies and
14 shall be allowed to testify in rebuttal.

15 If the court excludes the victim's support person
16 during the State's case-in-chief, the victim shall be
17 allowed to choose another support person to be present
18 in court.

19 If the victim fails to designate a support person
20 within 60 days of trial and the defendant has
21 subpoenaed the support person to testify at trial, the
22 court may exclude the support person from the trial
23 until the support person testifies. If the court
24 excludes the support person the victim may choose
25 another person as a support person.

26 (9) Right to notice and hearing before disclosure of

1 confidential or privileged information or records.

2 (A) A defendant who seeks to subpoena testimony or
3 records of or concerning the victim that are
4 confidential or privileged by law must seek permission
5 of the court before the subpoena is issued. The
6 defendant must file a written motion and an offer of
7 proof regarding the relevance, admissibility and
8 materiality of the testimony or records. If the court
9 finds by a preponderance of the evidence that:

10 (i) the testimony or records are not protected
11 by an absolute privilege and

12 (ii) the testimony or records contain
13 relevant, admissible, and material evidence that
14 is not available through other witnesses or
15 evidence, the court shall issue a subpoena
16 requiring the witness to appear in camera or a
17 sealed copy of the records be delivered to the
18 court to be reviewed in camera. If, after
19 conducting an in camera review of the witness
20 statement or records, the court determines that
21 due process requires disclosure of any potential
22 testimony or any portion of the records, the court
23 shall provide copies of the records that it
24 intends to disclose to the prosecuting attorney
25 and the victim. The prosecuting attorney and the
26 victim shall have 30 days to seek appellate review

1 before the records are disclosed to the defendant,
2 used in any court proceeding, or disclosed to
3 anyone or in any way that would subject the
4 testimony or records to public review. The
5 disclosure of copies of any portion of the
6 testimony or records to the prosecuting attorney
7 under this Section does not make the records
8 subject to discovery or required to be provided to
9 the defendant.

10 (B) A prosecuting attorney who seeks to subpoena
11 information or records concerning the victim that are
12 confidential or privileged by law must first request
13 the written consent of the crime victim. If the victim
14 does not provide such written consent, including where
15 necessary the appropriate signed document required for
16 waiving privilege, the prosecuting attorney must serve
17 the subpoena at least 21 days prior to the date a
18 response or appearance is required to allow the
19 subject of the subpoena time to file a motion to quash
20 or request a hearing. The prosecuting attorney must
21 also send a written notice to the victim at least 21
22 days prior to the response date to allow the victim to
23 file a motion or request a hearing. The notice to the
24 victim shall inform the victim (i) that a subpoena has
25 been issued for confidential information or records
26 concerning the victim, (ii) that the victim has the

1 right to request a hearing prior to the response date
2 of the subpoena, and (iii) how to request the hearing.
3 The notice to the victim shall also include a copy of
4 the subpoena. If requested, a hearing regarding the
5 subpoena shall occur before information or records are
6 provided to the prosecuting attorney.

7 (10) Right to notice of court proceedings. If the
8 victim is not present at a court proceeding in which a
9 right of the victim is at issue, the court shall ask the
10 prosecuting attorney whether the victim was notified of
11 the time, place, and purpose of the court proceeding and
12 that the victim had a right to be heard at the court
13 proceeding. If the court determines that timely notice was
14 not given or that the victim was not adequately informed
15 of the nature of the court proceeding, the court shall not
16 rule on any substantive issues, accept a plea, or impose a
17 sentence and shall continue the hearing for the time
18 necessary to notify the victim of the time, place and
19 nature of the court proceeding. The time between court
20 proceedings shall not be attributable to the State under
21 Section 103-5 of the Code of Criminal Procedure of 1963.

22 (11) Right to timely disposition of the case. A victim
23 has the right to timely disposition of the case so as to
24 minimize the stress, cost, and inconvenience resulting
25 from the victim's involvement in the case. Before ruling
26 on a motion to continue trial or other court proceeding,

1 the court shall inquire into the circumstances for the
2 request for the delay and, if the victim has provided
3 written notice of the assertion of the right to a timely
4 disposition, and whether the victim objects to the delay.
5 If the victim objects, the prosecutor shall inform the
6 court of the victim's objections. If the prosecutor has
7 not conferred with the victim about the continuance, the
8 prosecutor shall inform the court of the attempts to
9 confer. If the court finds the attempts of the prosecutor
10 to confer with the victim were inadequate to protect the
11 victim's right to be heard, the court shall give the
12 prosecutor at least 3 but not more than 5 business days to
13 confer with the victim. In ruling on a motion to continue,
14 the court shall consider the reasons for the requested
15 continuance, the number and length of continuances that
16 have been granted, the victim's objections and procedures
17 to avoid further delays. If a continuance is granted over
18 the victim's objection, the court shall specify on the
19 record the reasons for the continuance and the procedures
20 that have been or will be taken to avoid further delays.

21 (12) Right to Restitution.

22 (A) If the victim has asserted the right to
23 restitution and the amount of restitution is known at
24 the time of sentencing, the court shall enter the
25 judgment of restitution at the time of sentencing.

26 (B) If the victim has asserted the right to

1 restitution and the amount of restitution is not known
2 at the time of sentencing, the prosecutor shall,
3 within 5 days after sentencing, notify the victim what
4 information and documentation related to restitution
5 is needed and that the information and documentation
6 must be provided to the prosecutor within 45 days
7 after sentencing. Failure to timely provide
8 information and documentation related to restitution
9 shall be deemed a waiver of the right to restitution.
10 The prosecutor shall file and serve within 60 days
11 after sentencing a proposed judgment for restitution
12 and a notice that includes information concerning the
13 identity of any victims or other persons seeking
14 restitution, whether any victim or other person
15 expressly declines restitution, the nature and amount
16 of any damages together with any supporting
17 documentation, a restitution amount recommendation,
18 and the names of any co-defendants and their case
19 numbers. Within 30 days after receipt of the proposed
20 judgment for restitution, the defendant shall file any
21 objection to the proposed judgment, a statement of
22 grounds for the objection, and a financial statement.
23 If the defendant does not file an objection, the court
24 may enter the judgment for restitution without further
25 proceedings. If the defendant files an objection and
26 either party requests a hearing, the court shall

1 schedule a hearing.

2 (13) Access to presentence reports.

3 (A) The victim may request a copy of the
4 presentence report prepared under the Unified Code of
5 Corrections from the State's Attorney. The State's
6 Attorney shall redact the following information before
7 providing a copy of the report:

8 (i) the defendant's mental history and
9 condition;

10 (ii) any evaluation prepared under subsection
11 (b) or (b-5) of Section 5-3-2; and

12 (iii) the name, address, phone number, and
13 other personal information about any other victim.

14 (B) The State's Attorney or the defendant may
15 request the court redact other information in the
16 report that may endanger the safety of any person.

17 (C) The State's Attorney may orally disclose to
18 the victim any of the information that has been
19 redacted if there is a reasonable likelihood that the
20 information will be stated in court at the sentencing.

21 (D) The State's Attorney must advise the victim
22 that the victim must maintain the confidentiality of
23 the report and other information. Any dissemination of
24 the report or information that was not stated at a
25 court proceeding constitutes indirect criminal
26 contempt of court.

1 (14) Appellate relief. If the trial court denies the
2 relief requested, the victim, the victim's attorney, or
3 the prosecuting attorney may file an appeal within 30 days
4 of the trial court's ruling. The trial or appellate court
5 may stay the court proceedings if the court finds that a
6 stay would not violate a constitutional right of the
7 defendant. If the appellate court denies the relief
8 sought, the reasons for the denial shall be clearly stated
9 in a written opinion. In any appeal in a criminal case, the
10 State may assert as error the court's denial of any crime
11 victim's right in the proceeding to which the appeal
12 relates.

13 (15) Limitation on appellate relief. In no case shall
14 an appellate court provide a new trial to remedy the
15 violation of a victim's right.

16 (16) The right to be reasonably protected from the
17 accused throughout the criminal justice process and the
18 right to have the safety of the victim and the victim's
19 family considered in determining whether to release the
20 defendant, and setting conditions of release after arrest
21 and conviction. A victim of domestic violence, a sexual
22 offense, or stalking may request the entry of a protective
23 order under Article 112A of the Code of Criminal Procedure
24 of 1963.

25 (d) Procedures after the imposition of sentence.

26 (1) The Prisoner Review Board shall inform a victim or

1 any other concerned citizen, upon written request, of the
2 prisoner's release on parole, mandatory supervised
3 release, electronic detention, work release, international
4 transfer or exchange, or by the custodian, other than the
5 Department of Juvenile Justice, of the discharge of any
6 individual who was adjudicated a delinquent for a crime
7 from State custody and by the sheriff of the appropriate
8 county of any such person's final discharge from county
9 custody. The Prisoner Review Board, upon written request,
10 shall provide to a victim or any other concerned citizen a
11 recent photograph of any person convicted of a felony,
12 upon his or her release from custody. The Prisoner Review
13 Board, upon written request, shall inform a victim or any
14 other concerned citizen when feasible at least 7 days
15 prior to the prisoner's release on furlough of the times
16 and dates of such furlough. Upon written request by the
17 victim or any other concerned citizen, the State's
18 Attorney shall notify the person once of the times and
19 dates of release of a prisoner sentenced to periodic
20 imprisonment. Notification shall be based on the most
21 recent information as to the victim's or other concerned
22 citizen's residence or other location available to the
23 notifying authority.

24 (2) When the defendant has been committed to the
25 Department of Human Services pursuant to Section 5-2-4 or
26 any other provision of the Unified Code of Corrections,

1 the victim may request to be notified by the releasing
2 authority of the approval by the court of an on-grounds
3 pass, a supervised off-grounds pass, an unsupervised
4 off-grounds pass, or conditional release; the release on
5 an off-grounds pass; the return from an off-grounds pass;
6 transfer to another facility; conditional release; escape;
7 death; or final discharge from State custody. The
8 Department of Human Services shall establish and maintain
9 a statewide telephone number to be used by victims to make
10 notification requests under these provisions and shall
11 publicize this telephone number on its website and to the
12 State's Attorney of each county.

13 (3) In the event of an escape from State custody, the
14 Department of Corrections or the Department of Juvenile
15 Justice immediately shall notify the Prisoner Review Board
16 of the escape and the Prisoner Review Board shall notify
17 the victim. The notification shall be based upon the most
18 recent information as to the victim's residence or other
19 location available to the Board. When no such information
20 is available, the Board shall make all reasonable efforts
21 to obtain the information and make the notification. When
22 the escapee is apprehended, the Department of Corrections
23 or the Department of Juvenile Justice immediately shall
24 notify the Prisoner Review Board and the Board shall
25 notify the victim.

26 (4) The victim of the crime for which the prisoner has

1 been sentenced has the right to register with the Prisoner
2 Review Board's victim registry. Victims registered with
3 the Board shall receive reasonable written notice not less
4 than 30 days prior to the parole hearing or target
5 aftercare release date. The victim has the right to submit
6 a victim statement for consideration by the Prisoner
7 Review Board or the Department of Juvenile Justice in
8 writing, on film, videotape, or other electronic means, or
9 in the form of a recording prior to the parole hearing or
10 target aftercare release date, or in person at the parole
11 hearing or aftercare release protest hearing, or by
12 calling the toll-free number established in subsection (f)
13 of this Section. The victim shall be notified within 7
14 days after the prisoner has been granted parole or
15 aftercare release and shall be informed of the right to
16 inspect the registry of parole decisions, established
17 under subsection (g) of Section 3-3-5 of the Unified Code
18 of Corrections. The provisions of this paragraph (4) are
19 subject to the Open Parole Hearings Act. Victim statements
20 provided to the Board shall be confidential and
21 privileged, including any statements received prior to
22 January 1, 2020 (the effective date of Public Act
23 101-288), except if the statement was an oral statement
24 made by the victim at a hearing open to the public.

25 (4-1) The crime victim has the right to submit a
26 victim statement for consideration by the Prisoner Review

1 Board or the Department of Juvenile Justice prior to or at
2 a hearing to determine the conditions of mandatory
3 supervised release of a person sentenced to a determinate
4 sentence or at a hearing on revocation of mandatory
5 supervised release of a person sentenced to a determinate
6 sentence. A victim statement may be submitted in writing,
7 on film, videotape, or other electronic means, or in the
8 form of a recording, or orally at a hearing, or by calling
9 the toll-free number established in subsection (f) of this
10 Section. Victim statements provided to the Board shall be
11 confidential and privileged, including any statements
12 received prior to January 1, 2020 (the effective date of
13 Public Act 101-288), except if the statement was an oral
14 statement made by the victim at a hearing open to the
15 public.

16 (4-2) The crime victim has the right to submit a
17 victim statement to the Prisoner Review Board for
18 consideration at an executive clemency hearing as provided
19 in Section 3-3-13 of the Unified Code of Corrections. A
20 victim statement may be submitted in writing, on film,
21 videotape, or other electronic means, or in the form of a
22 recording prior to a hearing, or orally at a hearing, or by
23 calling the toll-free number established in subsection (f)
24 of this Section. Victim statements provided to the Board
25 shall be confidential and privileged, including any
26 statements received prior to January 1, 2020 (the

1 effective date of Public Act 101-288), except if the
2 statement was an oral statement made by the victim at a
3 hearing open to the public.

4 (5) If a statement is presented under Section 6, the
5 Prisoner Review Board or Department of Juvenile Justice
6 shall inform the victim of any order of discharge pursuant
7 to Section 3-2.5-85 or 3-3-8 of the Unified Code of
8 Corrections.

9 (6) At the written or oral request of the victim of the
10 crime for which the prisoner was sentenced or the State's
11 Attorney of the county where the person seeking parole or
12 aftercare release was prosecuted, the Prisoner Review
13 Board or Department of Juvenile Justice shall notify the
14 victim and the State's Attorney of the county where the
15 person seeking parole or aftercare release was prosecuted
16 of the death of the prisoner if the prisoner died while on
17 parole or aftercare release or mandatory supervised
18 release.

19 (7) When a defendant who has been committed to the
20 Department of Corrections, the Department of Juvenile
21 Justice, or the Department of Human Services is released
22 or discharged and subsequently committed to the Department
23 of Human Services as a sexually violent person and the
24 victim had requested to be notified by the releasing
25 authority of the defendant's discharge, conditional
26 release, death, or escape from State custody, the

1 releasing authority shall provide to the Department of
2 Human Services such information that would allow the
3 Department of Human Services to contact the victim.

4 (8) When a defendant has been convicted of a sex
5 offense as defined in Section 2 of the Sex Offender
6 Registration Act and has been sentenced to the Department
7 of Corrections or the Department of Juvenile Justice, the
8 Prisoner Review Board or the Department of Juvenile
9 Justice shall notify the victim of the sex offense of the
10 prisoner's eligibility for release on parole, aftercare
11 release, mandatory supervised release, electronic
12 detention, work release, international transfer or
13 exchange, or by the custodian of the discharge of any
14 individual who was adjudicated a delinquent for a sex
15 offense from State custody and by the sheriff of the
16 appropriate county of any such person's final discharge
17 from county custody. The notification shall be made to the
18 victim at least 30 days, whenever possible, before release
19 of the sex offender.

20 (e) The officials named in this Section may satisfy some
21 or all of their obligations to provide notices and other
22 information through participation in a statewide victim and
23 witness notification system established by the Attorney
24 General under Section 8.5 of this Act.

25 (f) The Prisoner Review Board shall establish a toll-free
26 number that may be accessed by the crime victim to present a

1 victim statement to the Board in accordance with paragraphs
2 (4), (4-1), and (4-2) of subsection (d).

3 (Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20;
4 101-652, eff. 1-1-23; 102-22, eff. 6-25-21; 102-558, eff.
5 8-20-21; 102-813, eff. 5-13-22.)

6 Section 10. The Unified Code of Corrections is amended by
7 changing Sections 3-3-1, 3-3-8, 3-3-9, and 3-14-1 and by
8 adding Sections 3-3-1.1 and 3-3-16 as follows:

9 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

10 Sec. 3-3-1. Establishment and appointment of Prisoner
11 Review Board.

12 (a) There shall be a Prisoner Review Board independent of
13 the Department which shall be:

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

17 (1.2) the paroling authority for persons eligible for
18 parole review under Section 5-4.5-115;

19 (1.5) (blank);

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

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

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

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

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

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

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

1 Each member of the Board shall serve on a full-time basis
2 and shall not hold any other salaried public office, whether
3 elective or appointive, nor any other office or position of
4 profit, nor engage in any other business, employment, or
5 vocation. The Chairman of the Board shall receive \$35,000 a
6 year, or an amount set by the Compensation Review Board,
7 whichever is greater, and each other member \$30,000, or an
8 amount set by the Compensation Review Board, whichever is
9 greater.

10 (b-5) Within one year of the effective date of this
11 amendatory Act of the 103rd General Assembly or within one
12 year of the start of the member's term, a member of the
13 Prisoner Review Board shall complete, on an annual basis, a
14 training program, to be provided by the entity administering
15 the Illinois Domestic Violence Hotline. This training shall be
16 tailored specifically to the members of the Prisoner Review
17 Board and shall cover topics including, but not limited to,
18 safety planning, criminalized survivors, substantiation of
19 gender-based violence, the Illinois Domestic Violence Act of
20 1986, the legal process surrounding orders of protection, and
21 the dynamics of gender-based violence.

22 (c) Notwithstanding any other provision of this Section,
23 the term of each member of the Board who was appointed by the
24 Governor and is in office on June 30, 2003 shall terminate at
25 the close of business on that date or when all of the successor
26 members to be appointed pursuant to this amendatory Act of the

1 93rd General Assembly have been appointed by the Governor,
2 whichever occurs later. As soon as possible, the Governor
3 shall appoint persons to fill the vacancies created by this
4 amendatory Act.

5 Of the initial members appointed under this amendatory Act
6 of the 93rd General Assembly, the Governor shall appoint 5
7 members whose terms shall expire on the third Monday in
8 January 2005, 5 members whose terms shall expire on the third
9 Monday in January 2007, and 5 members whose terms shall expire
10 on the third Monday in January 2009. Their respective
11 successors shall be appointed for terms of 6 years from the
12 third Monday in January of the year of appointment. Each
13 member shall serve until his or her successor is appointed and
14 qualified.

15 Any member may be removed by the Governor for
16 incompetence, neglect of duty, malfeasance or inability to
17 serve.

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

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

25 (730 ILCS 5/3-3-1.1 new)

1 Sec. 3-3-1.1. Mission of the Prisoner Review Board. The
2 mission of the Prisoner Review Board is to promote public
3 safety and strive for justice and fairness in the exercise of
4 its authority. As set forth in this Article, the Board has the
5 authority to impose release conditions for incarcerated
6 individuals who are exiting penal facilities and conduct
7 hearings to determine whether parolees or releasees have
8 violated conditions of parole or mandatory supervised release.
9 The Board also has the authority to make recommendations to
10 the Governor relative to clemency petitions for those
11 convicted of violating Illinois laws. In exercising this
12 authority, the Board seeks to render just, fair, objective,
13 impartial, and informed decisions and recommendations. In
14 reaching those decisions and recommendations, the Prisoner
15 Review Board strives to consider public safety, the rights of
16 victims of crimes, and the goal of successful rehabilitation
17 and reintegration for all individuals who have been convicted
18 of crimes.

19 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

20 Sec. 3-3-8. Length of parole and mandatory supervised
21 release; discharge.

22 (a) The length of parole for a person sentenced under the
23 law in effect prior to the effective date of this amendatory
24 Act of 1977 and the length of mandatory supervised release for
25 those sentenced under the law in effect on and after such

1 effective date shall be as set out in Section 5-8-1 unless
2 sooner terminated under paragraph (b) of this Section.

3 (b) The Prisoner Review Board may enter an order releasing
4 and discharging one from parole or mandatory supervised
5 release, and his or her commitment to the Department, when it
6 determines that he or she is likely to remain at liberty
7 without committing another offense. Prior to entering such an
8 order, the Prisoner Review Board shall provide notice and a
9 30-day opportunity to comment to any registered victim.

10 (b-1) Provided that the subject is in compliance with the
11 terms and conditions of his or her parole or mandatory
12 supervised release, the Prisoner Review Board shall reduce the
13 period of a parolee or releasee's parole or mandatory
14 supervised release by 90 days upon the parolee or releasee
15 receiving a high school diploma, associate's degree,
16 bachelor's degree, career certificate, or vocational technical
17 certification or upon passage of high school equivalency
18 testing during the period of his or her parole or mandatory
19 supervised release. A parolee or releasee shall provide
20 documentation from the educational institution or the source
21 of the qualifying educational or vocational credential to
22 their supervising officer for verification. Each reduction in
23 the period of a subject's term of parole or mandatory
24 supervised release shall be available only to subjects who
25 have not previously earned the relevant credential for which
26 they are receiving the reduction. As used in this Section,

1 "career certificate" means a certificate awarded by an
2 institution for satisfactory completion of a prescribed
3 curriculum that is intended to prepare an individual for
4 employment in a specific field.

5 (b-2) The Prisoner Review Board may release a low-risk and
6 need subject person from mandatory supervised release as
7 determined by an appropriate evidence-based risk and need
8 assessment.

9 (b-3) After the completion of at least 6 months for
10 offenses set forth in paragraphs (1.5) through (7) of
11 subsection (a) of Section 110-6.1 of the Code of Criminal
12 Procedure of 1963, and 3 months for all other offenses, and
13 upon completion of all mandatory conditions of parole or
14 mandatory supervised release set forth in paragraph (7.5) of
15 subsection (a) of Section 3-3-7 and subsection (b) of Section
16 3-3-7, the Department of Corrections shall complete a report
17 describing whether the subject has completed the mandatory
18 conditions of parole or mandatory supervised release. The
19 report shall include whether the subject has complied with any
20 mandatory conditions of parole or mandatory supervised release
21 relating to orders of protection, civil no contact orders, or
22 stalking no contact orders. The report shall also indicate
23 whether a LEADS report reflects a conviction of a domestic
24 violence offense within the prior 5 years.

25 (c) The order of discharge shall become effective upon
26 entry of the order of the Board. The Board shall notify the

1 clerk of the committing court of the order. Upon receipt of
2 such copy, the clerk shall make an entry on the record judgment
3 that the sentence or commitment has been satisfied pursuant to
4 the order.

5 (d) Rights of the person discharged under this Section
6 shall be restored under Section 5-5-5.

7 (e) Upon a denial of early discharge under this Section,
8 the Prisoner Review Board shall provide the person on parole
9 or mandatory supervised release a list of steps or
10 requirements that the person must complete or meet to be
11 granted an early discharge at a subsequent review and share
12 the process for seeking a subsequent early discharge review
13 under this subsection. Upon the completion of such steps or
14 requirements, the person on parole or mandatory supervised
15 release may petition the Prisoner Review Board to grant them
16 an early discharge review. Within no more than 30 days of a
17 petition under this subsection, the Prisoner Review Board
18 shall review the petition and make a determination.

19 (Source: P.A. 103-271, eff. 1-1-24.)

20 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

21 Sec. 3-3-9. Violations; changes of conditions; preliminary
22 hearing; revocation of parole or mandatory supervised release;
23 revocation hearing.

24 (a) If prior to expiration or termination of the term of
25 parole or mandatory supervised release, a person violates a

1 condition set by the Prisoner Review Board or a condition of
2 parole or mandatory supervised release under Section 3-3-7 of
3 this Code to govern that term, the Board may:

4 (1) continue the existing term, with or without
5 modifying or enlarging the conditions; or

6 (1.5) for those released as a result of youthful
7 offender parole as set forth in Section 5-4.5-115 of this
8 Code, order that the inmate be subsequently rereleased to
9 serve a specified mandatory supervised release term not to
10 exceed the full term permitted under the provisions of
11 Section 5-4.5-115 and subsection (d) of Section 5-8-1 of
12 this Code and may modify or enlarge the conditions of the
13 release as the Board deems proper; or

14 (2) parole or release the person to a half-way house;
15 or

16 (3) revoke the parole or mandatory supervised release
17 and reconfine the person for a term computed in the
18 following manner:

19 (i) (A) For those sentenced under the law in
20 effect prior to this amendatory Act of 1977, the
21 recommitment shall be for any portion of the imposed
22 maximum term of imprisonment or confinement which had
23 not been served at the time of parole and the parole
24 term, less the time elapsed between the parole of the
25 person and the commission of the violation for which
26 parole was revoked;

1 (B) Except as set forth in paragraphs (C) and (D),
2 for those subject to mandatory supervised release
3 under paragraph (d) of Section 5-8-1 of this Code, the
4 recommitment shall be for the total mandatory
5 supervised release term, less the time elapsed between
6 the release of the person and the commission of the
7 violation for which mandatory supervised release is
8 revoked. The Board may also order that a prisoner
9 serve up to one year of the sentence imposed by the
10 court which was not served due to the accumulation of
11 sentence credit;

12 (C) For those subject to sex offender supervision
13 under clause (d) (4) of Section 5-8-1 of this Code, the
14 reconfinement period for violations of clauses (a) (3)
15 through (b-1) (15) of Section 3-3-7 shall not exceed 2
16 years from the date of reconfinement;

17 (D) For those released as a result of youthful
18 offender parole as set forth in Section 5-4.5-115 of
19 this Code, the reconfinement period shall be for the
20 total mandatory supervised release term, less the time
21 elapsed between the release of the person and the
22 commission of the violation for which mandatory
23 supervised release is revoked. The Board may also
24 order that a prisoner serve up to one year of the
25 mandatory supervised release term previously earned.
26 The Board may also order that the inmate be

1 subsequently rereleased to serve a specified mandatory
2 supervised release term not to exceed the full term
3 permitted under the provisions of Section 5-4.5-115
4 and subsection (d) of Section 5-8-1 of this Code and
5 may modify or enlarge the conditions of the release as
6 the Board deems proper;

7 (ii) the person shall be given credit against the
8 term of reimprisonment or reconfinement for time spent
9 in custody since he or she was paroled or released
10 which has not been credited against another sentence
11 or period of confinement;

12 (iii) (blank);

13 (iv) this Section is subject to the release under
14 supervision and the reparole and rerelease provisions
15 of Section 3-3-10.

16 (b) The Board may revoke parole or mandatory supervised
17 release for violation of a condition for the duration of the
18 term and for any further period which is reasonably necessary
19 for the adjudication of matters arising before its expiration.
20 The issuance of a warrant of arrest for an alleged violation of
21 the conditions of parole or mandatory supervised release shall
22 toll the running of the term until the final determination of
23 the charge. When parole or mandatory supervised release is not
24 revoked that period shall be credited to the term, unless a
25 community-based sanction is imposed as an alternative to
26 revocation and reincarceration, including a diversion

1 established by the Illinois Department of Corrections Parole
2 Services Unit prior to the holding of a preliminary parole
3 revocation hearing. Parolees who are diverted to a
4 community-based sanction shall serve the entire term of parole
5 or mandatory supervised release, if otherwise appropriate.

6 (b-5) The Board shall revoke parole or mandatory
7 supervised release for violation of the conditions prescribed
8 in paragraph (7.6) of subsection (a) of Section 3-3-7.

9 (c) A person charged with violating a condition of parole
10 or mandatory supervised release shall have a preliminary
11 hearing before a hearing officer designated by the Board to
12 determine if there is cause to hold the person for a revocation
13 hearing. However, no preliminary hearing need be held when
14 revocation is based upon new criminal charges and a court
15 finds probable cause on the new criminal charges or when the
16 revocation is based upon a new criminal conviction and a
17 certified copy of that conviction is available.

18 (d) Parole or mandatory supervised release shall not be
19 revoked without written notice to the offender setting forth
20 the violation of parole or mandatory supervised release
21 charged against him or her. Before the Board makes a decision
22 on whether to revoke an offender's parole or mandatory
23 supervised release, the Prisoner Review Board must run a LEADS
24 report. The Board shall publish on the Board's publicly
25 accessible website the name and identification number of
26 offenders alleged to have violated terms of parole or

1 mandatory supervised release, the Board's decision whether to
2 revoke parole or mandatory supervised release, and the names
3 of the voting Board members. This information shall only be
4 accessible while the offender is in State custody.

5 (e) A hearing on revocation shall be conducted before at
6 least one member of the Prisoner Review Board. The Board may
7 meet and order its actions in panels of 3 or more members. The
8 action of a majority of the panel shall be the action of the
9 Board. A record of the hearing shall be made. At the hearing
10 the offender shall be permitted to:

11 (1) appear and answer the charge; and

12 (2) bring witnesses on his or her behalf.

13 (f) The Board shall either revoke parole or mandatory
14 supervised release or order the person's term continued with
15 or without modification or enlargement of the conditions.

16 (g) Parole or mandatory supervised release shall not be
17 revoked for failure to make payments under the conditions of
18 parole or release unless the Board determines that such
19 failure is due to the offender's willful refusal to pay.

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

21 (730 ILCS 5/3-3-16 new)

22 Sec. 3-3-16. Prisoner Review Board Task Force.

23 (a) Creation. The Prisoner Review Board Task Force is
24 created under the Illinois Sentencing Policy Advisory Council
25 and hereinafter shall be referred to as the Task Force.

1 (b) Purposes and goals. The purpose of the Task Force is to
2 study the following subject areas:

3 (1) the notification process for when a committed
4 person is released or pending release;

5 (2) the process for a victim or other individual to
6 request notice of a committed person's status at all
7 points of incarceration;

8 (3) the possibility for victim involvement in parole
9 or mandatory supervised release revocation hearings,
10 including a notice to potential victims and the
11 opportunity for written comment;

12 (4) methods for committed persons who are survivors of
13 gender-based violence to have their experiences fully
14 considered during Prisoner Review Board hearings;

15 (5) safety planning for survivors of gender-based
16 violence who may be impacted by an offender's release;

17 (6) safety planning for survivors of gender-based
18 violence who are being released from State custody;

19 (7) the creation and administration of a special fund
20 to support safety planning;

21 (8) specific areas of training for Board members,
22 including, but not limited to, juvenile justice, implicit
23 bias, and rehabilitation practices;

24 (9) qualifications for Board members, including, but
25 not limited to, professional experience, experience with
26 incarceration, experience as a victim advocate, or

1 experience as a social worker;

2 (10) increasing the number of members appointed to the
3 Board;

4 (11) judicial education regarding orders of protection
5 when a respondent is incarcerated;

6 (12) judicial education regarding orders of protection
7 when a petitioner is incarcerated;

8 (13) examining the current electronic monitoring
9 process for those on mandatory supervised release; and

10 (14) any other subject areas related to the
11 responsibilities and duties of the Prisoner Review Board.

12 (c) Task Force composition. The Task Force shall consist
13 of the following members:

14 (1) the Director of Corrections, or his or her
15 designee;

16 (2) the Department of Corrections chief in charge of
17 earned discretionary sentence credit decisions, or his or
18 her designee;

19 (3) a Department of Corrections Parole representative;

20 (4) the Chair of the Prisoner Review Board, or his or
21 her designee;

22 (5) the Executive Director of the Prisoner Review
23 Board, or his or her designee;

24 (6) a member of the Illinois Department of Corrections
25 Reentry Team;

26 (7) a member from the Administrative Office of the

1 Illinois Courts;

2 (8) the Presiding Judge of Domestic Violence Division
3 of the Cook County Circuit Court, or his or her designee;

4 (9) a representative of a statewide sexual assault
5 coalition;

6 (10) a representative of a statewide domestic violence
7 coalition;

8 (11) a representative of the agency administering the
9 State-designated domestic violence hotline;

10 (12) a representative of an organization that focuses
11 on women impacted by incarceration;

12 (13) a representative of an organization that provides
13 legal services for individuals seeking orders of
14 protection located within the courthouse hearing domestic
15 violence cases;

16 (14) two representatives from gender-based violence
17 organizations based outside of Cook County;

18 (15) a formerly incarcerated individual who was a
19 victim of gender-based violence;

20 (16) a member of the House of Representatives,
21 appointed by the Speaker of the House;

22 (17) a member of the House of Representatives,
23 appointed by the Minority Leader of the House;

24 (18) a member of the Senate, appointed by the
25 President of the Senate;

26 (19) a member of the Senate, appointed by the Minority

1 Leader of the Senate;

2 (20) a representative from the Illinois Criminal
3 Justice Information Authority;

4 (21) the Cook County State's Attorney, or his or her
5 designee;

6 (22) a representative from the Illinois State's
7 Attorneys' Association;

8 (23) a representative from the Office of the Cook
9 County Public Defender;

10 (24) a representative from the Illinois Public
11 Defender Association;

12 (25) a member from a legal aid organization which
13 currently or formerly represented individuals in parole
14 revocation hearings;

15 (26) a member from an organization that examines
16 mandatory supervised release conditions; and

17 (27) a representative from an organization providing
18 services for survivors of human trafficking.

19 The members of the Task Force, other than the ex officio
20 members, shall be appointed by the Executive Director of the
21 Illinois Sentencing Policy Advisory Council.

22 (d) Duties. The Task Force shall conduct studies of the
23 topics included in paragraph (b) and make a report
24 recommending legislative actions to address any issues found.

25 (e) Report. The Task Force shall provide an interim report
26 describing its work-to-date to the General Assembly and

1 Governor by no later than July 1, 2025. The Task Force shall
2 provide a full report, outlining issues and recommendations,
3 to the General Assembly and Governor by no later than July 1,
4 2026. Upon issuance of the final report, the Task Force shall
5 thereafter be dissolved.

6 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

7 Sec. 3-14-1. Release from the institution.

8 (a) Upon release of a person on parole, mandatory release,
9 final discharge, or pardon, the Department shall return all
10 property held for him, provide him with suitable clothing and
11 procure necessary transportation for him to his designated
12 place of residence and employment. It may provide such person
13 with a grant of money for travel and expenses which may be paid
14 in installments. The amount of the money grant shall be
15 determined by the Department.

16 (a-1) The Department shall, before a wrongfully imprisoned
17 person, as defined in Section 3-1-2 of this Code, is
18 discharged from the Department, provide him or her with any
19 documents necessary after discharge.

20 (a-2) The Department of Corrections may establish and
21 maintain, in any institution it administers, revolving funds
22 to be known as "Travel and Allowances Revolving Funds". These
23 revolving funds shall be used for advancing travel and expense
24 allowances to committed, paroled, and discharged prisoners.
25 The moneys paid into such revolving funds shall be from

1 appropriations to the Department for Committed, Paroled, and
2 Discharged Prisoners.

3 (a-3) Upon release of a person who is eligible to vote on
4 parole, mandatory release, final discharge, or pardon, the
5 Department shall provide the person with a form that informs
6 him or her that his or her voting rights have been restored and
7 a voter registration application. The Department shall have
8 available voter registration applications in the languages
9 provided by the Illinois State Board of Elections. The form
10 that informs the person that his or her rights have been
11 restored shall include the following information:

12 (1) All voting rights are restored upon release from
13 the Department's custody.

14 (2) A person who is eligible to vote must register in
15 order to be able to vote.

16 The Department of Corrections shall confirm that the
17 person received the voter registration application and has
18 been informed that his or her voting rights have been
19 restored.

20 (a-4) Prior to release of a person on parole, mandatory
21 supervised release, final discharge, or pardon, the Department
22 shall screen every person for Medicaid eligibility. Officials
23 of the correctional institution or facility where the
24 committed person is assigned shall assist an eligible person
25 to complete a Medicaid application to ensure that the person
26 begins receiving benefits as soon as possible after his or her

1 release. The application must include the eligible person's
2 address associated with his or her residence upon release from
3 the facility. If the residence is temporary, the eligible
4 person must notify the Department of Human Services of his or
5 her change in address upon transition to permanent housing.

6 (a-5) Upon release of a person from its custody onto
7 parole, mandatory supervised release, or final discharge, the
8 Department shall run a LEADS report and shall notify the
9 person of all in-effect orders of protection issued against
10 the person under Article 112A of the Code of Criminal
11 Procedure of 1963 or under the Illinois Domestic Violence Act
12 of 1986 that are identified in the LEADS report.

13 (b) (Blank).

14 (c) Except as otherwise provided in this Code, the
15 Department shall establish procedures to provide written
16 notification of any release of any person who has been
17 convicted of a felony to the State's Attorney and sheriff of
18 the county from which the offender was committed, and the
19 State's Attorney and sheriff of the county into which the
20 offender is to be paroled or released. Except as otherwise
21 provided in this Code, the Department shall establish
22 procedures to provide written notification to the proper law
23 enforcement agency for any municipality of any release of any
24 person who has been convicted of a felony if the arrest of the
25 offender or the commission of the offense took place in the
26 municipality, if the offender is to be paroled or released

1 into the municipality, or if the offender resided in the
2 municipality at the time of the commission of the offense. If a
3 person convicted of a felony who is in the custody of the
4 Department of Corrections or on parole or mandatory supervised
5 release informs the Department that he or she has resided,
6 resides, or will reside at an address that is a housing
7 facility owned, managed, operated, or leased by a public
8 housing agency, the Department must send written notification
9 of that information to the public housing agency that owns,
10 manages, operates, or leases the housing facility. The written
11 notification shall, when possible, be given at least 14 days
12 before release of the person from custody, or as soon
13 thereafter as possible. The written notification shall be
14 provided electronically if the State's Attorney, sheriff,
15 proper law enforcement agency, or public housing agency has
16 provided the Department with an accurate and up to date email
17 address.

18 (c-1) (Blank).

19 (c-2) The Department shall establish procedures to provide
20 notice to the Illinois State Police of the release or
21 discharge of persons convicted of violations of the
22 Methamphetamine Control and Community Protection Act or a
23 violation of the Methamphetamine Precursor Control Act. The
24 Illinois State Police shall make this information available to
25 local, State, or federal law enforcement agencies upon
26 request.

1 (c-5) If a person on parole or mandatory supervised
2 release becomes a resident of a facility licensed or regulated
3 by the Department of Public Health, the Illinois Department of
4 Public Aid, or the Illinois Department of Human Services, the
5 Department of Corrections shall provide copies of the
6 following information to the appropriate licensing or
7 regulating Department and the licensed or regulated facility
8 where the person becomes a resident:

9 (1) The mittimus and any pre-sentence investigation
10 reports.

11 (2) The social evaluation prepared pursuant to Section
12 3-8-2.

13 (3) Any pre-release evaluation conducted pursuant to
14 subsection (j) of Section 3-6-2.

15 (4) Reports of disciplinary infractions and
16 dispositions.

17 (5) Any parole plan, including orders issued by the
18 Prisoner Review Board, and any violation reports and
19 dispositions.

20 (6) The name and contact information for the assigned
21 parole agent and parole supervisor.

22 This information shall be provided within 3 days of the
23 person becoming a resident of the facility.

24 (c-10) If a person on parole or mandatory supervised
25 release becomes a resident of a facility licensed or regulated
26 by the Department of Public Health, the Illinois Department of

1 Public Aid, or the Illinois Department of Human Services, the
2 Department of Corrections shall provide written notification
3 of such residence to the following:

4 (1) The Prisoner Review Board.

5 (2) The chief of police and sheriff in the
6 municipality and county in which the licensed facility is
7 located.

8 The notification shall be provided within 3 days of the
9 person becoming a resident of the facility.

10 (d) Upon the release of a committed person on parole,
11 mandatory supervised release, final discharge, or pardon, the
12 Department shall provide such person with information
13 concerning programs and services of the Illinois Department of
14 Public Health to ascertain whether such person has been
15 exposed to the human immunodeficiency virus (HIV) or any
16 identified causative agent of Acquired Immunodeficiency
17 Syndrome (AIDS).

18 (e) Upon the release of a committed person on parole,
19 mandatory supervised release, final discharge, pardon, or who
20 has been wrongfully imprisoned, the Department shall verify
21 the released person's full name, date of birth, and social
22 security number. If verification is made by the Department by
23 obtaining a certified copy of the released person's birth
24 certificate and the released person's social security card or
25 other documents authorized by the Secretary, the Department
26 shall provide the birth certificate and social security card

1 or other documents authorized by the Secretary to the released
2 person. If verification by the Department is done by means
3 other than obtaining a certified copy of the released person's
4 birth certificate and the released person's social security
5 card or other documents authorized by the Secretary, the
6 Department shall complete a verification form, prescribed by
7 the Secretary of State, and shall provide that verification
8 form to the released person.

9 (f) Forty-five days prior to the scheduled discharge of a
10 person committed to the custody of the Department of
11 Corrections, the Department shall give the person:

12 (1) who is otherwise uninsured an opportunity to apply
13 for health care coverage including medical assistance
14 under Article V of the Illinois Public Aid Code in
15 accordance with subsection (b) of Section 1-8.5 of the
16 Illinois Public Aid Code, and the Department of
17 Corrections shall provide assistance with completion of
18 the application for health care coverage including medical
19 assistance;

20 (2) information about obtaining a standard Illinois
21 Identification Card or a limited-term Illinois
22 Identification Card under Section 4 of the Illinois
23 Identification Card Act if the person has not been issued
24 an Illinois Identification Card under subsection (a-20) of
25 Section 4 of the Illinois Identification Card Act;

26 (3) information about voter registration and may

1 distribute information prepared by the State Board of
2 Elections. The Department of Corrections may enter into an
3 interagency contract with the State Board of Elections to
4 participate in the automatic voter registration program
5 and be a designated automatic voter registration agency
6 under Section 1A-16.2 of the Election Code;

7 (4) information about job listings upon discharge from
8 the correctional institution or facility;

9 (5) information about available housing upon discharge
10 from the correctional institution or facility;

11 (6) a directory of elected State officials and of
12 officials elected in the county and municipality, if any,
13 in which the committed person intends to reside upon
14 discharge from the correctional institution or facility;
15 and

16 (7) any other information that the Department of
17 Corrections deems necessary to provide the committed
18 person in order for the committed person to reenter the
19 community and avoid recidivism.

20 (g) Sixty days before the scheduled discharge of a person
21 committed to the custody of the Department or upon receipt of
22 the person's certified birth certificate and social security
23 card as set forth in subsection (d) of Section 3-8-1 of this
24 Act, whichever occurs later, the Department shall transmit an
25 application for an Identification Card to the Secretary of
26 State, in accordance with subsection (a-20) of Section 4 of

1 the Illinois Identification Card Act.

2 The Department may adopt rules to implement this Section.

3 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
4 102-606, eff. 1-1-22; 102-813, eff. 5-13-22; 103-345, eff.
5 1-1-24.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law, except that the provisions changing Section 4.5
8 of the Rights of Crime Victims and Witnesses Act and Sections
9 3-3-8 and 3-3-9 of the Unified Code of Corrections take effect
10 on July 1, 2025.