



Rep. Kelly M. Cassidy

Filed: 5/13/2024

10300HB0681ham001

LRB103 04272 RLC 73325 a

1 AMENDMENT TO HOUSE BILL 681

2 AMENDMENT NO. _____. Amend House Bill 681 by replacing
3 everything after the enacting clause with the following:

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

1 is closed.

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

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

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

19 (1) shall provide notice of the filing of an
20 information, the return of an indictment, or the filing of
21 a petition to adjudicate a minor as a delinquent for a
22 violent crime;

23 (2) shall provide timely notice of the date, time, and
24 place of court proceedings; of any change in the date,
25 time, and place of court proceedings; and of any
26 cancellation of court proceedings. Notice shall be

1 provided in sufficient time, wherever possible, for the
2 victim to make arrangements to attend or to prevent an
3 unnecessary appearance at court proceedings;

4 (3) or victim advocate personnel shall provide
5 information of social services and financial assistance
6 available for victims of crime, including information of
7 how to apply for these services and assistance;

8 (3.5) or victim advocate personnel shall provide
9 information about available victim services, including
10 referrals to programs, counselors, and agencies that
11 assist a victim to deal with trauma, loss, and grief;

12 (4) shall assist in having any stolen or other
13 personal property held by law enforcement authorities for
14 evidentiary or other purposes returned as expeditiously as
15 possible, pursuant to the procedures set out in Section
16 115-9 of the Code of Criminal Procedure of 1963;

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

22 (6) shall provide, whenever possible, a secure waiting
23 area during court proceedings that does not require
24 victims to be in close proximity to defendants or
25 juveniles accused of a violent crime, and their families
26 and friends;

1 (7) shall provide notice to the crime victim of the
2 right to have a translator present at all court
3 proceedings and, in compliance with the federal Americans
4 with Disabilities Act of 1990, the right to communications
5 access through a sign language interpreter or by other
6 means;

7 (8) (blank);

8 (8.5) shall inform the victim of the right to be
9 present at all court proceedings, unless the victim is to
10 testify and the court determines that the victim's
11 testimony would be materially affected if the victim hears
12 other testimony at trial;

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

17 (9.3) shall inform the victim of the right to retain
18 an attorney, at the victim's own expense, who, upon
19 written notice filed with the clerk of the court and
20 State's Attorney, is to receive copies of all notices,
21 motions, and court orders filed thereafter in the case, in
22 the same manner as if the victim were a named party in the
23 case;

24 (9.5) shall inform the victim of (A) the victim's
25 right under Section 6 of this Act to make a statement at
26 the sentencing hearing; (B) the right of the victim's

1 spouse, guardian, parent, grandparent, and other immediate
2 family and household members under Section 6 of this Act
3 to present a statement at sentencing; and (C) if a
4 presentence report is to be prepared, the right of the
5 victim's spouse, guardian, parent, grandparent, and other
6 immediate family and household members to submit
7 information to the preparer of the presentence report
8 about the effect the offense has had on the victim and the
9 person;

10 (10) at the sentencing shall make a good faith attempt
11 to explain the minimum amount of time during which the
12 defendant may actually be physically imprisoned. The
13 Office of the State's Attorney shall further notify the
14 crime victim of the right to request from the Prisoner
15 Review Board or Department of Juvenile Justice information
16 concerning the release of the defendant;

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

20 (12) shall, upon the court entering a verdict of not
21 guilty by reason of insanity, inform the victim of the
22 notification services available from the Department of
23 Human Services, including the statewide telephone number,
24 under subparagraph (d) (2) of this Section;

25 (13) shall provide notice within a reasonable time
26 after receipt of notice from the custodian, of the release

1 of the defendant on pretrial release or personal
2 recognizance or the release from detention of a minor who
3 has been detained;

4 (14) shall explain in nontechnical language the
5 details of any plea or verdict of a defendant, or any
6 adjudication of a juvenile as a delinquent;

7 (15) shall make all reasonable efforts to consult with
8 the crime victim before the Office of the State's Attorney
9 makes an offer of a plea bargain to the defendant or enters
10 into negotiations with the defendant concerning a possible
11 plea agreement, and shall consider the written statement,
12 if prepared prior to entering into a plea agreement. The
13 right to consult with the prosecutor does not include the
14 right to veto a plea agreement or to insist the case go to
15 trial. If the State's Attorney has not consulted with the
16 victim prior to making an offer or entering into plea
17 negotiations with the defendant, the Office of the State's
18 Attorney shall notify the victim of the offer or the
19 negotiations within 2 business days and confer with the
20 victim;

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

25 (17) shall provide notice of any appeal taken by the
26 defendant and information on how to contact the

1 appropriate agency handling the appeal, and how to request
2 notice of any hearing, oral argument, or decision of an
3 appellate court;

4 (18) shall provide timely notice of any request for
5 post-conviction review filed by the defendant under
6 Article 122 of the Code of Criminal Procedure of 1963, and
7 of the date, time and place of any hearing concerning the
8 petition. Whenever possible, notice of the hearing shall
9 be given within 48 hours of the court's scheduling of the
10 hearing;

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

16 (20) shall, within a reasonable time, offer to meet
17 with the crime victim regarding the decision of the
18 State's Attorney not to charge an offense, and shall meet
19 with the victim, if the victim agrees. The victim has a
20 right to have an attorney, advocate, and other support
21 person of the victim's choice attend this meeting with the
22 victim; and

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

26 (c) The court shall ensure that the rights of the victim

1 are afforded.

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

5 (1) Written notice. A victim may complete a written
6 notice of intent to assert rights on a form prepared by the
7 Office of the Attorney General and provided to the victim
8 by the State's Attorney. The victim may at any time
9 provide a revised written notice to the State's Attorney.
10 The State's Attorney shall file the written notice with
11 the court. At the beginning of any court proceeding in
12 which the right of a victim may be at issue, the court and
13 prosecutor shall review the written notice to determine
14 whether the victim has asserted the right that may be at
15 issue.

16 (2) Victim's retained attorney. A victim's attorney
17 shall file an entry of appearance limited to assertion of
18 the victim's rights. Upon the filing of the entry of
19 appearance and service on the State's Attorney and the
20 defendant, the attorney is to receive copies of all
21 notices, motions and court orders filed thereafter in the
22 case.

23 (3) Standing. The victim has standing to assert the
24 rights enumerated in subsection (a) of Article I, Section
25 8.1 of the Illinois Constitution and the statutory rights
26 under Section 4 of this Act in any court exercising

1 jurisdiction over the criminal case. The prosecuting
2 attorney, a victim, or the victim's retained attorney may
3 assert the victim's rights. The defendant in the criminal
4 case has no standing to assert a right of the victim in any
5 court proceeding, including on appeal.

6 (4) Assertion of and enforcement of rights.

7 (A) The prosecuting attorney shall assert a
8 victim's right or request enforcement of a right by
9 filing a motion or by orally asserting the right or
10 requesting enforcement in open court in the criminal
11 case outside the presence of the jury. The prosecuting
12 attorney shall consult with the victim and the
13 victim's attorney regarding the assertion or
14 enforcement of a right. If the prosecuting attorney
15 decides not to assert or enforce a victim's right, the
16 prosecuting attorney shall notify the victim or the
17 victim's attorney in sufficient time to allow the
18 victim or the victim's attorney to assert the right or
19 to seek enforcement of a right.

20 (B) If the prosecuting attorney elects not to
21 assert a victim's right or to seek enforcement of a
22 right, the victim or the victim's attorney may assert
23 the victim's right or request enforcement of a right
24 by filing a motion or by orally asserting the right or
25 requesting enforcement in open court in the criminal
26 case outside the presence of the jury.

1 (C) If the prosecuting attorney asserts a victim's
2 right or seeks enforcement of a right, unless the
3 prosecuting attorney objects or the trial court does
4 not allow it, the victim or the victim's attorney may
5 be heard regarding the prosecuting attorney's motion
6 or may file a simultaneous motion to assert or request
7 enforcement of the victim's right. If the victim or
8 the victim's attorney was not allowed to be heard at
9 the hearing regarding the prosecuting attorney's
10 motion, and the court denies the prosecuting
11 attorney's assertion of the right or denies the
12 request for enforcement of a right, the victim or
13 victim's attorney may file a motion to assert the
14 victim's right or to request enforcement of the right
15 within 10 days of the court's ruling. The motion need
16 not demonstrate the grounds for a motion for
17 reconsideration. The court shall rule on the merits of
18 the motion.

19 (D) The court shall take up and decide any motion
20 or request asserting or seeking enforcement of a
21 victim's right without delay, unless a specific time
22 period is specified by law or court rule. The reasons
23 for any decision denying the motion or request shall
24 be clearly stated on the record.

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

1 (i) designate an administrative authority
2 within the Office of the Attorney General to
3 receive and investigate complaints relating to the
4 provision or violation of the rights of a crime
5 victim as described in Article I, Section 8.1 of
6 the Illinois Constitution and in this Act;

7 (ii) create and administer a course of
8 training for employees and offices of the State of
9 Illinois that fail to comply with provisions of
10 Illinois law pertaining to the treatment of crime
11 victims as described in Article I, Section 8.1 of
12 the Illinois Constitution and in this Act as
13 required by the court under Section 5 of this Act;
14 and

15 (iii) have the authority to make
16 recommendations to employees and offices of the
17 State of Illinois to respond more effectively to
18 the needs of crime victims, including regarding
19 the violation of the rights of a crime victim.

20 (F) Crime victims' rights may also be asserted by
21 filing a complaint for mandamus, injunctive, or
22 declaratory relief in the jurisdiction in which the
23 victim's right is being violated or where the crime is
24 being prosecuted. For complaints or motions filed by
25 or on behalf of the victim, the clerk of court shall
26 waive filing fees that would otherwise be owed by the

1 victim for any court filing with the purpose of
2 enforcing crime victims' rights. If the court denies
3 the relief sought by the victim, the reasons for the
4 denial shall be clearly stated on the record in the
5 transcript of the proceedings, in a written opinion,
6 or in the docket entry, and the victim may appeal the
7 circuit court's decision to the appellate court. The
8 court shall issue prompt rulings regarding victims'
9 rights. Proceedings seeking to enforce victims' rights
10 shall not be stayed or subject to unreasonable delay
11 via continuances.

12 (5) Violation of rights and remedies.

13 (A) If the court determines that a victim's right
14 has been violated, the court shall determine the
15 appropriate remedy for the violation of the victim's
16 right by hearing from the victim and the parties,
17 considering all factors relevant to the issue, and
18 then awarding appropriate relief to the victim.

19 (A-5) Consideration of an issue of a substantive
20 nature or an issue that implicates the constitutional
21 or statutory right of a victim at a court proceeding
22 labeled as a status hearing shall constitute a per se
23 violation of a victim's right.

24 (B) The appropriate remedy shall include only
25 actions necessary to provide the victim the right to
26 which the victim was entitled. Remedies may include,

1 but are not limited to: injunctive relief requiring
2 the victim's right to be afforded; declaratory
3 judgment recognizing or clarifying the victim's
4 rights; a writ of mandamus; and may include reopening
5 previously held proceedings; however, in no event
6 shall the court vacate a conviction. Any remedy shall
7 be tailored to provide the victim an appropriate
8 remedy without violating any constitutional right of
9 the defendant. In no event shall the appropriate
10 remedy to the victim be a new trial or damages.

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

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

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

20 (7) Right to attend trial. A party must file a written
21 motion to exclude a victim from trial at least 60 days
22 prior to the date set for trial. The motion must state with
23 specificity the reason exclusion is necessary to protect a
24 constitutional right of the party, and must contain an
25 offer of proof. The court shall rule on the motion within
26 30 days. If the motion is granted, the court shall set

1 forth on the record the facts that support its finding
2 that the victim's testimony will be materially affected if
3 the victim hears other testimony at trial.

4 (8) Right to have advocate and support person present
5 at court proceedings.

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

1 proceeding.

2 The prosecuting attorney, the victim, and the
3 advocate's attorney shall be allowed to be present at
4 the ex parte in camera proceeding. If, after
5 conducting the ex parte in camera hearing, the court
6 determines that due process requires any testimony
7 regarding confidential or privileged information or
8 communications, the court shall provide to the
9 prosecuting attorney, the victim, and the advocate's
10 attorney a written memorandum on the substance of the
11 advocate's testimony. The prosecuting attorney, the
12 victim, and the advocate's attorney shall have 15 days
13 to seek appellate review before a subpoena may be
14 issued for the advocate to testify at trial. The
15 presence of the prosecuting attorney at the ex parte
16 in camera proceeding does not make the substance of
17 the advocate's testimony that the court has ruled
18 inadmissible subject to discovery.

19 (B) If a victim has asserted the right to have a
20 support person present at the court proceedings, the
21 victim shall provide the name of the person the victim
22 has chosen to be the victim's support person to the
23 prosecuting attorney, within 60 days of trial. The
24 prosecuting attorney shall provide the name to the
25 defendant. If the defendant intends to call the
26 support person as a witness at trial, the defendant

1 must seek permission of the court before a subpoena is
2 issued. The defendant must file a written motion at
3 least 45 days prior to trial that sets forth
4 specifically the issues on which the support person
5 will testify and an offer of proof regarding: (i) the
6 content of the anticipated testimony of the support
7 person; and (ii) the relevance, admissibility, and
8 materiality of the anticipated testimony.

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

1 State's rebuttal.

2 If the court does not allow the defendant to
3 inquire about matters outside the scope of the direct
4 examination, the support person shall be allowed to
5 remain in the courtroom after the support person has
6 been called by the defendant or the defendant has
7 rested. The court shall allow the support person to
8 testify in the State's rebuttal.

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

22 If the court excludes the victim's support person
23 during the State's case-in-chief, the victim shall be
24 allowed to choose another support person to be present
25 in court.

26 If the victim fails to designate a support person

1 within 60 days of trial and the defendant has
2 subpoenaed the support person to testify at trial, the
3 court may exclude the support person from the trial
4 until the support person testifies. If the court
5 excludes the support person the victim may choose
6 another person as a support person.

7 (9) Right to notice and hearing before disclosure of
8 confidential or privileged information or records.

9 (A) A defendant who seeks to subpoena testimony or
10 records of or concerning the victim that are
11 confidential or privileged by law must seek permission
12 of the court before the subpoena is issued. The
13 defendant must file a written motion and an offer of
14 proof regarding the relevance, admissibility and
15 materiality of the testimony or records. If the court
16 finds by a preponderance of the evidence that:

17 (i) the testimony or records are not protected
18 by an absolute privilege and

19 (ii) the testimony or records contain
20 relevant, admissible, and material evidence that
21 is not available through other witnesses or
22 evidence, the court shall issue a subpoena
23 requiring the witness to appear in camera or a
24 sealed copy of the records be delivered to the
25 court to be reviewed in camera. If, after
26 conducting an in camera review of the witness

1 statement or records, the court determines that
2 due process requires disclosure of any potential
3 testimony or any portion of the records, the court
4 shall provide copies of the records that it
5 intends to disclose to the prosecuting attorney
6 and the victim. The prosecuting attorney and the
7 victim shall have 30 days to seek appellate review
8 before the records are disclosed to the defendant,
9 used in any court proceeding, or disclosed to
10 anyone or in any way that would subject the
11 testimony or records to public review. The
12 disclosure of copies of any portion of the
13 testimony or records to the prosecuting attorney
14 under this Section does not make the records
15 subject to discovery or required to be provided to
16 the defendant.

17 (B) A prosecuting attorney who seeks to subpoena
18 information or records concerning the victim that are
19 confidential or privileged by law must first request
20 the written consent of the crime victim. If the victim
21 does not provide such written consent, including where
22 necessary the appropriate signed document required for
23 waiving privilege, the prosecuting attorney must serve
24 the subpoena at least 21 days prior to the date a
25 response or appearance is required to allow the
26 subject of the subpoena time to file a motion to quash

1 or request a hearing. The prosecuting attorney must
2 also send a written notice to the victim at least 21
3 days prior to the response date to allow the victim to
4 file a motion or request a hearing. The notice to the
5 victim shall inform the victim (i) that a subpoena has
6 been issued for confidential information or records
7 concerning the victim, (ii) that the victim has the
8 right to request a hearing prior to the response date
9 of the subpoena, and (iii) how to request the hearing.
10 The notice to the victim shall also include a copy of
11 the subpoena. If requested, a hearing regarding the
12 subpoena shall occur before information or records are
13 provided to the prosecuting attorney.

14 (10) Right to notice of court proceedings. If the
15 victim is not present at a court proceeding in which a
16 right of the victim is at issue, the court shall ask the
17 prosecuting attorney whether the victim was notified of
18 the time, place, and purpose of the court proceeding and
19 that the victim had a right to be heard at the court
20 proceeding. If the court determines that timely notice was
21 not given or that the victim was not adequately informed
22 of the nature of the court proceeding, the court shall not
23 rule on any substantive issues, accept a plea, or impose a
24 sentence and shall continue the hearing for the time
25 necessary to notify the victim of the time, place and
26 nature of the court proceeding. The time between court

1 proceedings shall not be attributable to the State under
2 Section 103-5 of the Code of Criminal Procedure of 1963.

3 (11) Right to timely disposition of the case. A victim
4 has the right to timely disposition of the case so as to
5 minimize the stress, cost, and inconvenience resulting
6 from the victim's involvement in the case. Before ruling
7 on a motion to continue trial or other court proceeding,
8 the court shall inquire into the circumstances for the
9 request for the delay and, if the victim has provided
10 written notice of the assertion of the right to a timely
11 disposition, and whether the victim objects to the delay.
12 If the victim objects, the prosecutor shall inform the
13 court of the victim's objections. If the prosecutor has
14 not conferred with the victim about the continuance, the
15 prosecutor shall inform the court of the attempts to
16 confer. If the court finds the attempts of the prosecutor
17 to confer with the victim were inadequate to protect the
18 victim's right to be heard, the court shall give the
19 prosecutor at least 3 but not more than 5 business days to
20 confer with the victim. In ruling on a motion to continue,
21 the court shall consider the reasons for the requested
22 continuance, the number and length of continuances that
23 have been granted, the victim's objections and procedures
24 to avoid further delays. If a continuance is granted over
25 the victim's objection, the court shall specify on the
26 record the reasons for the continuance and the procedures

1 that have been or will be taken to avoid further delays.

2 (12) Right to Restitution.

3 (A) If the victim has asserted the right to
4 restitution and the amount of restitution is known at
5 the time of sentencing, the court shall enter the
6 judgment of restitution at the time of sentencing.

7 (B) If the victim has asserted the right to
8 restitution and the amount of restitution is not known
9 at the time of sentencing, the prosecutor shall,
10 within 5 days after sentencing, notify the victim what
11 information and documentation related to restitution
12 is needed and that the information and documentation
13 must be provided to the prosecutor within 45 days
14 after sentencing. Failure to timely provide
15 information and documentation related to restitution
16 shall be deemed a waiver of the right to restitution.
17 The prosecutor shall file and serve within 60 days
18 after sentencing a proposed judgment for restitution
19 and a notice that includes information concerning the
20 identity of any victims or other persons seeking
21 restitution, whether any victim or other person
22 expressly declines restitution, the nature and amount
23 of any damages together with any supporting
24 documentation, a restitution amount recommendation,
25 and the names of any co-defendants and their case
26 numbers. Within 30 days after receipt of the proposed

1 judgment for restitution, the defendant shall file any
2 objection to the proposed judgment, a statement of
3 grounds for the objection, and a financial statement.
4 If the defendant does not file an objection, the court
5 may enter the judgment for restitution without further
6 proceedings. If the defendant files an objection and
7 either party requests a hearing, the court shall
8 schedule a hearing.

9 (13) Access to presentence reports.

10 (A) The victim may request a copy of the
11 presentence report prepared under the Unified Code of
12 Corrections from the State's Attorney. The State's
13 Attorney shall redact the following information before
14 providing a copy of the report:

15 (i) the defendant's mental history and
16 condition;

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

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

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

24 (C) The State's Attorney may orally disclose to
25 the victim any of the information that has been
26 redacted if there is a reasonable likelihood that the

1 information will be stated in court at the sentencing.

2 (D) The State's Attorney must advise the victim
3 that the victim must maintain the confidentiality of
4 the report and other information. Any dissemination of
5 the report or information that was not stated at a
6 court proceeding constitutes indirect criminal
7 contempt of court.

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

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

23 (16) The right to be reasonably protected from the
24 accused throughout the criminal justice process and the
25 right to have the safety of the victim and the victim's
26 family considered in determining whether to release the

1 defendant, and setting conditions of release after arrest
2 and conviction. A victim of domestic violence, a sexual
3 offense, or stalking may request the entry of a protective
4 order under Article 112A of the Code of Criminal Procedure
5 of 1963.

6 (d) Procedures after the imposition of sentence.

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

1 imprisonment. Notification shall be based on the most
2 recent information as to the victim's or other concerned
3 citizen's residence or other location available to the
4 notifying authority.

5 (2) When the defendant has been committed to the
6 Department of Human Services pursuant to Section 5-2-4 or
7 any other provision of the Unified Code of Corrections,
8 the victim may request to be notified by the releasing
9 authority of the approval by the court of an on-grounds
10 pass, a supervised off-grounds pass, an unsupervised
11 off-grounds pass, or conditional release; the release on
12 an off-grounds pass; the return from an off-grounds pass;
13 transfer to another facility; conditional release; escape;
14 death; or final discharge from State custody. The
15 Department of Human Services shall establish and maintain
16 a statewide telephone number to be used by victims to make
17 notification requests under these provisions and shall
18 publicize this telephone number on its website and to the
19 State's Attorney of each county.

20 (3) In the event of an escape from State custody, the
21 Department of Corrections or the Department of Juvenile
22 Justice immediately shall notify the Prisoner Review Board
23 of the escape and the Prisoner Review Board shall notify
24 the victim. The notification shall be based upon the most
25 recent information as to the victim's residence or other
26 location available to the Board. When no such information

1 is available, the Board shall make all reasonable efforts
2 to obtain the information and make the notification. When
3 the escapee is apprehended, the Department of Corrections
4 or the Department of Juvenile Justice immediately shall
5 notify the Prisoner Review Board and the Board shall
6 notify the victim.

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

1 provided to the Board shall be confidential and
2 privileged, including any statements received prior to
3 January 1, 2020 (the effective date of Public Act
4 101-288), except if the statement was an oral statement
5 made by the victim at a hearing open to the public.

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

23 (4-2) The crime victim has the right to submit a
24 victim statement to the Prisoner Review Board for
25 consideration at an executive clemency hearing as provided
26 in Section 3-3-13 of the Unified Code of Corrections. A

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

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

16 (6) At the written or oral request of the victim of the
17 crime for which the prisoner was sentenced or the State's
18 Attorney of the county where the person seeking parole or
19 aftercare release was prosecuted, the Prisoner Review
20 Board or Department of Juvenile Justice shall notify the
21 victim and the State's Attorney of the county where the
22 person seeking parole or aftercare release was prosecuted
23 of the death of the prisoner if the prisoner died while on
24 parole or aftercare release or mandatory supervised
25 release.

26 (7) When a defendant who has been committed to the

1 Department of Corrections, the Department of Juvenile
2 Justice, or the Department of Human Services is released
3 or discharged and subsequently committed to the Department
4 of Human Services as a sexually violent person and the
5 victim had requested to be notified by the releasing
6 authority of the defendant's discharge, conditional
7 release, death, or escape from State custody, the
8 releasing authority shall provide to the Department of
9 Human Services such information that would allow the
10 Department of Human Services to contact the victim.

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

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

6 (f) The Prisoner Review Board shall establish a toll-free
7 number that may be accessed by the crime victim to present a
8 victim statement to the Board in accordance with paragraphs
9 (4), (4-1), and (4-2) of subsection (d).

10 (Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20;
11 101-652, eff. 1-1-23; 102-22, eff. 6-25-21; 102-558, eff.
12 8-20-21; 102-813, eff. 5-13-22.)

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

16 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

17 Sec. 3-3-1. Establishment and appointment of Prisoner
18 Review Board.

19 (a) There shall be a Prisoner Review Board independent of
20 the Department which shall be:

21 (1) the paroling authority for persons sentenced under
22 the law in effect prior to the effective date of this
23 amendatory Act of 1977;

24 (1.2) the paroling authority for persons eligible for

1 parole review under Section 5-4.5-115;

2 (1.5) (blank);

3 (2) the board of review for cases involving the
4 revocation of sentence credits or a suspension or
5 reduction in the rate of accumulating the credit;

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

8 (4) the authority for establishing release dates for
9 certain prisoners sentenced under the law in existence
10 prior to the effective date of this amendatory Act of
11 1977, in accordance with Section 3-3-2.1 of this Code;

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

17 (6) the authority for determining whether a violation
18 of aftercare release conditions warrant revocation of
19 aftercare release; and

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

22 (b) The Board shall consist of 15 persons appointed by the
23 Governor by and with the advice and consent of the Senate. One
24 member of the Board shall be designated by the Governor to be
25 Chairman and shall serve as Chairman at the pleasure of the
26 Governor. The members of the Board shall have had at least 5

1 years of actual experience in the fields of penology,
2 corrections work, law enforcement, sociology, law, education,
3 social work, medicine, psychology, other behavioral sciences,
4 or a combination thereof. At least 6 members so appointed must
5 have at least 3 years experience in the field of juvenile
6 matters. No more than 8 Board members may be members of the
7 same political party.

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

17 (b-5) Within one year of the effective date of this
18 amendatory Act of the 103rd General Assembly or within one
19 year of the start of the member's term, a member of the
20 Prisoner Review Board shall complete, on an annual basis, a
21 training program, to be provided by the entity administering
22 the Illinois Domestic Violence Hotline. This training shall be
23 tailored specifically to the members of the Prisoner Review
24 Board and shall cover topics including, but not limited to,
25 safety planning, criminalized survivors, substantiation of
26 gender-based violence, the Illinois Domestic Violence Act of

1 1986, the legal process surrounding orders of protection, and
2 the dynamics of gender-based violence.

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

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

22 Any member may be removed by the Governor for
23 incompetence, neglect of duty, malfeasance or inability to
24 serve.

25 (d) The Chairman of the Board shall be its chief executive
26 and administrative officer. The Board may have an Executive

1 Director; if so, the Executive Director shall be appointed by
2 the Governor with the advice and consent of the Senate. The
3 salary and duties of the Executive Director shall be fixed by
4 the Board.

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

6 (730 ILCS 5/3-3-1.1 new)

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

1 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

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

4 (a) The length of parole for a person sentenced under the
5 law in effect prior to the effective date of this amendatory
6 Act of 1977 and the length of mandatory supervised release for
7 those sentenced under the law in effect on and after such
8 effective date shall be as set out in Section 5-8-1 unless
9 sooner terminated under paragraph (b) of this Section.

10 (b) The Prisoner Review Board may enter an order releasing
11 and discharging one from parole or mandatory supervised
12 release, and his or her commitment to the Department, when it
13 determines that he or she is likely to remain at liberty
14 without committing another offense. Prior to entering such an
15 order, the Prisoner Review Board shall provide notice and a
16 30-day opportunity to comment to any registered victim.

17 (b-1) Provided that the subject is in compliance with the
18 terms and conditions of his or her parole or mandatory
19 supervised release, the Prisoner Review Board shall reduce the
20 period of a parolee or releasee's parole or mandatory
21 supervised release by 90 days upon the parolee or releasee
22 receiving a high school diploma, associate's degree,
23 bachelor's degree, career certificate, or vocational technical
24 certification or upon passage of high school equivalency
25 testing during the period of his or her parole or mandatory
26 supervised release. A parolee or releasee shall provide

1 documentation from the educational institution or the source
2 of the qualifying educational or vocational credential to
3 their supervising officer for verification. Each reduction in
4 the period of a subject's term of parole or mandatory
5 supervised release shall be available only to subjects who
6 have not previously earned the relevant credential for which
7 they are receiving the reduction. As used in this Section,
8 "career certificate" means a certificate awarded by an
9 institution for satisfactory completion of a prescribed
10 curriculum that is intended to prepare an individual for
11 employment in a specific field.

12 (b-2) The Prisoner Review Board may release a low-risk and
13 need subject person from mandatory supervised release as
14 determined by an appropriate evidence-based risk and need
15 assessment.

16 (b-3) After the completion of at least 6 months for
17 offenses set forth in paragraphs (1.5) through (7) of
18 subsection (a) of Section 110-6.1 of the Code of Criminal
19 Procedure of 1963, and 3 months for all other offenses, and
20 upon completion of all mandatory conditions of parole or
21 mandatory supervised release set forth in paragraph (7.5) of
22 subsection (a) of Section 3-3-7 and subsection (b) of Section
23 3-3-7, the Department of Corrections shall complete a report
24 describing whether the subject has completed the mandatory
25 conditions of parole or mandatory supervised release. The
26 report shall include whether the subject has complied with any

1 mandatory conditions of parole or mandatory supervised release
2 relating to orders of protection, civil no contact orders, or
3 stalking no contact orders. The report shall also indicate
4 whether a LEADS report reflects a conviction of a domestic
5 violence offense within the prior 5 years.

6 (c) The order of discharge shall become effective upon
7 entry of the order of the Board. The Board shall notify the
8 clerk of the committing court of the order. Upon receipt of
9 such copy, the clerk shall make an entry on the record judgment
10 that the sentence or commitment has been satisfied pursuant to
11 the order.

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

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

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

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

2 Sec. 3-3-9. Violations; changes of conditions; preliminary
3 hearing; revocation of parole or mandatory supervised release;
4 revocation hearing.

5 (a) If prior to expiration or termination of the term of
6 parole or mandatory supervised release, a person violates a
7 condition set by the Prisoner Review Board or a condition of
8 parole or mandatory supervised release under Section 3-3-7 of
9 this Code to govern that term, the Board may:

10 (1) continue the existing term, with or without
11 modifying or enlarging the conditions; or

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

20 (2) parole or release the person to a half-way house;
21 or

22 (3) revoke the parole or mandatory supervised release
23 and reconfine the person for a term computed in the
24 following manner:

25 (i) (A) For those sentenced under the law in

1 effect prior to this amendatory Act of 1977, the
2 recommitment shall be for any portion of the imposed
3 maximum term of imprisonment or confinement which had
4 not been served at the time of parole and the parole
5 term, less the time elapsed between the parole of the
6 person and the commission of the violation for which
7 parole was revoked;

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

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

24 (D) For those released as a result of youthful
25 offender parole as set forth in Section 5-4.5-115 of
26 this Code, the reconfinement period shall be for the

1 total mandatory supervised release term, less the time
2 elapsed between the release of the person and the
3 commission of the violation for which mandatory
4 supervised release is revoked. The Board may also
5 order that a prisoner serve up to one year of the
6 mandatory supervised release term previously earned.
7 The Board may also order that the inmate be
8 subsequently rereleased to serve a specified mandatory
9 supervised release term not to exceed the full term
10 permitted under the provisions of Section 5-4.5-115
11 and subsection (d) of Section 5-8-1 of this Code and
12 may modify or enlarge the conditions of the release as
13 the Board deems proper;

14 (ii) the person shall be given credit against the
15 term of reimprisonment or reconfinement for time spent
16 in custody since he or she was paroled or released
17 which has not been credited against another sentence
18 or period of confinement;

19 (iii) (blank);

20 (iv) this Section is subject to the release under
21 supervision and the reparole and rerelease provisions
22 of Section 3-3-10.

23 (b) The Board may revoke parole or mandatory supervised
24 release for violation of a condition for the duration of the
25 term and for any further period which is reasonably necessary
26 for the adjudication of matters arising before its expiration.

1 The issuance of a warrant of arrest for an alleged violation of
2 the conditions of parole or mandatory supervised release shall
3 toll the running of the term until the final determination of
4 the charge. When parole or mandatory supervised release is not
5 revoked that period shall be credited to the term, unless a
6 community-based sanction is imposed as an alternative to
7 revocation and reincarceration, including a diversion
8 established by the Illinois Department of Corrections Parole
9 Services Unit prior to the holding of a preliminary parole
10 revocation hearing. Parolees who are diverted to a
11 community-based sanction shall serve the entire term of parole
12 or mandatory supervised release, if otherwise appropriate.

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

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

25 (d) Parole or mandatory supervised release shall not be
26 revoked without written notice to the offender setting forth

1 the violation of parole or mandatory supervised release
2 charged against him or her. Before the Board makes a decision
3 on whether to revoke an offender's parole or mandatory
4 supervised release, the Prisoner Review Board must run a LEADS
5 report. The Board shall publish on the Board's publicly
6 accessible website the name and identification number of
7 offenders alleged to have violated terms of parole or
8 mandatory supervised release, the Board's decision whether to
9 revoke parole or mandatory supervised release, and the names
10 of the voting Board members. This information shall only be
11 accessible while the offender is in State custody.

12 (e) A hearing on revocation shall be conducted before at
13 least one member of the Prisoner Review Board. The Board may
14 meet and order its actions in panels of 3 or more members. The
15 action of a majority of the panel shall be the action of the
16 Board. A record of the hearing shall be made. At the hearing
17 the offender shall be permitted to:

18 (1) appear and answer the charge; and

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

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

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

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

2 (730 ILCS 5/3-3-16 new)

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

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

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

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

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

14 (3) the possibility for victim involvement in parole
15 or mandatory supervised release revocation hearings,
16 including a notice to potential victims and the
17 opportunity for written comment;

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

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

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

25 (7) the creation and administration of a special fund

1 to support safety planning;

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

5 (9) qualifications for Board members, including, but
6 not limited to, professional experience, experience with
7 incarceration, experience as a victim advocate, or
8 experience as a social worker;

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

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

13 (12) judicial education regarding orders of protection
14 when a petitioner is incarcerated;

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

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

19 (c) Task Force composition. The Task Force shall consist
20 of the following members:

21 (1) the Director of Corrections, or his or her
22 designee;

23 (2) the Department of Corrections chief in charge of
24 earned discretionary sentence credit decisions, or his or
25 her designee;

26 (3) a Department of Corrections Parole representative;

1 (4) the Chair of the Prisoner Review Board, or his or
2 her designee;

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

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

7 (7) a member from the Administrative Office of the
8 Illinois Courts;

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

11 (9) a representative of a statewide sexual assault
12 coalition;

13 (10) a representative of a statewide domestic violence
14 coalition;

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

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

19 (13) a representative of an organization that provides
20 legal services for individuals seeking orders of
21 protection located within the courthouse hearing domestic
22 violence cases;

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

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

1 (16) a member of the House of Representatives,
2 appointed by the Speaker of the House;

3 (17) a member of the House of Representatives,
4 appointed by the Minority Leader of the House;

5 (18) a member of the Senate, appointed by the
6 President of the Senate;

7 (19) a member of the Senate, appointed by the Minority
8 Leader of the Senate;

9 (20) a representative from the Illinois Criminal
10 Justice Information Authority;

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

13 (22) a representative from the Illinois State's
14 Attorneys' Association;

15 (23) a representative from the Office of the Cook
16 County Public Defender;

17 (24) a representative from the Illinois Public
18 Defender Association;

19 (25) a member from a legal aid organization which
20 currently or formerly represented individuals in parole
21 revocation hearings;

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

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

26 The members of the Task Force, other than the ex officio

1 members, shall be appointed by the Executive Director of the
2 Illinois Sentencing Policy Advisory Council.

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

6 (e) Report. The Task Force shall provide an interim report
7 describing its work-to-date to the General Assembly and
8 Governor by no later than July 1, 2025. The Task Force shall
9 provide a full report, outlining issues and recommendations,
10 to the General Assembly and Governor by no later than July 1,
11 2026. Upon issuance of the final report, the Task Force shall
12 thereafter be dissolved.

13 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

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

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

23 (a-1) The Department shall, before a wrongfully imprisoned
24 person, as defined in Section 3-1-2 of this Code, is
25 discharged from the Department, provide him or her with any

1 documents necessary after discharge.

2 (a-2) The Department of Corrections may establish and
3 maintain, in any institution it administers, revolving funds
4 to be known as "Travel and Allowances Revolving Funds". These
5 revolving funds shall be used for advancing travel and expense
6 allowances to committed, paroled, and discharged prisoners.
7 The moneys paid into such revolving funds shall be from
8 appropriations to the Department for Committed, Paroled, and
9 Discharged Prisoners.

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

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

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

23 The Department of Corrections shall confirm that the
24 person received the voter registration application and has
25 been informed that his or her voting rights have been
26 restored.

1 (a-4) Prior to release of a person on parole, mandatory
2 supervised release, final discharge, or pardon, the Department
3 shall screen every person for Medicaid eligibility. Officials
4 of the correctional institution or facility where the
5 committed person is assigned shall assist an eligible person
6 to complete a Medicaid application to ensure that the person
7 begins receiving benefits as soon as possible after his or her
8 release. The application must include the eligible person's
9 address associated with his or her residence upon release from
10 the facility. If the residence is temporary, the eligible
11 person must notify the Department of Human Services of his or
12 her change in address upon transition to permanent housing.

13 (a-5) Upon release of a person from its custody onto
14 parole, mandatory supervised release, or final discharge, the
15 Department shall run a LEADS report and shall notify the
16 person of all in-effect orders of protection issued against
17 the person under Article 112A of the Code of Criminal
18 Procedure of 1963 or under the Illinois Domestic Violence Act
19 of 1986 that are identified in the LEADS report.

20 (b) (Blank).

21 (c) Except as otherwise provided in this Code, the
22 Department shall establish procedures to provide written
23 notification of any release of any person who has been
24 convicted of a felony to the State's Attorney and sheriff of
25 the county from which the offender was committed, and the
26 State's Attorney and sheriff of the county into which the

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

25 (c-1) (Blank).

26 (c-2) The Department shall establish procedures to provide

1 notice to the Illinois State Police of the release or
2 discharge of persons convicted of violations of the
3 Methamphetamine Control and Community Protection Act or a
4 violation of the Methamphetamine Precursor Control Act. The
5 Illinois State Police shall make this information available to
6 local, State, or federal law enforcement agencies upon
7 request.

8 (c-5) If a person on parole or mandatory supervised
9 release becomes a resident of a facility licensed or regulated
10 by the Department of Public Health, the Illinois Department of
11 Public Aid, or the Illinois Department of Human Services, the
12 Department of Corrections shall provide copies of the
13 following information to the appropriate licensing or
14 regulating Department and the licensed or regulated facility
15 where the person becomes a resident:

16 (1) The mittimus and any pre-sentence investigation
17 reports.

18 (2) The social evaluation prepared pursuant to Section
19 3-8-2.

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

22 (4) Reports of disciplinary infractions and
23 dispositions.

24 (5) Any parole plan, including orders issued by the
25 Prisoner Review Board, and any violation reports and
26 dispositions.

1 (6) The name and contact information for the assigned
2 parole agent and parole supervisor.

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

5 (c-10) If a person on parole or mandatory supervised
6 release becomes a resident of a facility licensed or regulated
7 by the Department of Public Health, the Illinois Department of
8 Public Aid, or the Illinois Department of Human Services, the
9 Department of Corrections shall provide written notification
10 of such residence to the following:

11 (1) The Prisoner Review Board.

12 (2) The chief of police and sheriff in the
13 municipality and county in which the licensed facility is
14 located.

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

17 (d) Upon the release of a committed person on parole,
18 mandatory supervised release, final discharge, or pardon, the
19 Department shall provide such person with information
20 concerning programs and services of the Illinois Department of
21 Public Health to ascertain whether such person has been
22 exposed to the human immunodeficiency virus (HIV) or any
23 identified causative agent of Acquired Immunodeficiency
24 Syndrome (AIDS).

25 (e) Upon the release of a committed person on parole,
26 mandatory supervised release, final discharge, pardon, or who

1 has been wrongfully imprisoned, the Department shall verify
2 the released person's full name, date of birth, and social
3 security number. If verification is made by the Department by
4 obtaining a certified copy of the released person's birth
5 certificate and the released person's social security card or
6 other documents authorized by the Secretary, the Department
7 shall provide the birth certificate and social security card
8 or other documents authorized by the Secretary to the released
9 person. If verification by the Department is done by means
10 other than obtaining a certified copy of the released person's
11 birth certificate and the released person's social security
12 card or other documents authorized by the Secretary, the
13 Department shall complete a verification form, prescribed by
14 the Secretary of State, and shall provide that verification
15 form to the released person.

16 (f) Forty-five days prior to the scheduled discharge of a
17 person committed to the custody of the Department of
18 Corrections, the Department shall give the person:

19 (1) who is otherwise uninsured an opportunity to apply
20 for health care coverage including medical assistance
21 under Article V of the Illinois Public Aid Code in
22 accordance with subsection (b) of Section 1-8.5 of the
23 Illinois Public Aid Code, and the Department of
24 Corrections shall provide assistance with completion of
25 the application for health care coverage including medical
26 assistance;

1 (2) information about obtaining a standard Illinois
2 Identification Card or a limited-term Illinois
3 Identification Card under Section 4 of the Illinois
4 Identification Card Act if the person has not been issued
5 an Illinois Identification Card under subsection (a-20) of
6 Section 4 of the Illinois Identification Card Act;

7 (3) information about voter registration and may
8 distribute information prepared by the State Board of
9 Elections. The Department of Corrections may enter into an
10 interagency contract with the State Board of Elections to
11 participate in the automatic voter registration program
12 and be a designated automatic voter registration agency
13 under Section 1A-16.2 of the Election Code;

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

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

18 (6) a directory of elected State officials and of
19 officials elected in the county and municipality, if any,
20 in which the committed person intends to reside upon
21 discharge from the correctional institution or facility;
22 and

23 (7) any other information that the Department of
24 Corrections deems necessary to provide the committed
25 person in order for the committed person to reenter the
26 community and avoid recidivism.

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

9 The Department may adopt rules to implement this Section.
10 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
11 102-606, eff. 1-1-22; 102-813, eff. 5-13-22; 103-345, eff.
12 1-1-24.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law, except that the provisions changing Section 4.5
15 of the Rights of Crime Victims and Witnesses Act and Sections
16 3-3-8 and 3-3-9 of the Unified Code of Corrections take effect
17 on July 1, 2025."