



Sen. Don Harmon

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LRB103 04272 RLC 74051 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 protective order granted under Article 112A of
14 the Code of Criminal Procedure of 1963, the Illinois Domestic
15 Violence Act of 1986, the Stalking No Contact Order Act, or the
16 Civil No Contact Order Act may present victim statements that
17 the Prisoner Review Board shall consider in its 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 (1.5) Within 24 hours, the Prisoner Review Board shall
6 inform a victim of the early release of the prisoner from
7 State custody or of the prisoner's pardon, commutation,
8 furlough, or granting of sentence credit if the victim has
9 previously requested notification of that information. The
10 notification shall be based upon the most recent
11 information as to the victim's residence or other location
12 available to the Board. When no such information is
13 available, the Board shall make all reasonable efforts to
14 obtain the information and make the notification. This
15 notification requirement is in addition to any
16 notification requirements pursuant to any other statewide
17 victim notification systems. The Board must document
18 notification efforts if that victim alleges lack of
19 notification under this paragraph (1.5).

20 (2) When the defendant has been committed to the
21 Department of Human Services pursuant to Section 5-2-4 or
22 any other provision of the Unified Code of Corrections,
23 the victim may request to be notified by the releasing
24 authority of the approval by the court of an on-grounds
25 pass, a supervised off-grounds pass, an unsupervised
26 off-grounds pass, or conditional release; the release on

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

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

22 (4) The victim of the crime for which the prisoner has
23 been sentenced has the right to register with the Prisoner
24 Review Board's victim registry. Victims registered with
25 the Board shall receive reasonable written notice not less
26 than 30 days prior to the parole hearing or target

1 aftercare release date. The victim has the right to submit
2 a victim statement for consideration by the Prisoner
3 Review Board or the Department of Juvenile Justice in
4 writing, on film, videotape, or other electronic means, or
5 in the form of a recording prior to the parole hearing or
6 target aftercare release date, or in person at the parole
7 hearing or aftercare release protest hearing, or by
8 calling the toll-free number established in subsection (f)
9 of this Section. The victim shall be notified within 7
10 days after the prisoner has been granted parole or
11 aftercare release and shall be informed of the right to
12 inspect the registry of parole decisions, established
13 under subsection (g) of Section 3-3-5 of the Unified Code
14 of Corrections. The provisions of this paragraph (4) are
15 subject to the Open Parole Hearings Act. Victim statements
16 provided to the Board shall be confidential and
17 privileged, including any statements received prior to
18 January 1, 2020 (the effective date of Public Act
19 101-288), except if the statement was an oral statement
20 made by the victim at a hearing open to the public.

21 (4-1) The crime victim has the right to submit a
22 victim statement for consideration by the Prisoner Review
23 Board or the Department of Juvenile Justice prior to or at
24 a hearing to determine the conditions of mandatory
25 supervised release of a person sentenced to a determinate
26 sentence or at a hearing on revocation of mandatory

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

12 (4-2) The crime victim has the right to submit a
13 victim statement to the Prisoner Review Board for
14 consideration at an executive clemency hearing as provided
15 in Section 3-3-13 of the Unified Code of Corrections. A
16 victim statement may be submitted in writing, on film,
17 videotape, or other electronic means, or in the form of a
18 recording prior to a hearing, or orally at a hearing, or by
19 calling the toll-free number established in subsection (f)
20 of this Section. Victim statements provided to the Board
21 shall be confidential and privileged, including any
22 statements received prior to January 1, 2020 (the
23 effective date of Public Act 101-288), except if the
24 statement was an oral statement made by the victim at a
25 hearing open to the public.

26 (5) If a statement is presented under Section 6, the

1 Prisoner Review Board or Department of Juvenile Justice
2 shall inform the victim of any order of discharge pursuant
3 to Section 3-2.5-85 or 3-3-8 of the Unified Code of
4 Corrections.

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

15 (7) When a defendant who has been committed to the
16 Department of Corrections, the Department of Juvenile
17 Justice, or the Department of Human Services is released
18 or discharged and subsequently committed to the Department
19 of Human Services as a sexually violent person and the
20 victim had requested to be notified by the releasing
21 authority of the defendant's discharge, conditional
22 release, death, or escape from State custody, the
23 releasing authority shall provide to the Department of
24 Human Services such information that would allow the
25 Department of Human Services to contact the victim.

26 (8) When a defendant has been convicted of a sex

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

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

21 (f) The Prisoner Review Board shall establish a toll-free
22 number that may be accessed by the crime victim to present a
23 victim statement to the Board in accordance with paragraphs
24 (4), (4-1), and (4-2) of subsection (d).

25 (Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20;
26 101-652, eff. 1-1-23; 102-22, eff. 6-25-21; 102-558, eff.

1 8-20-21; 102-813, eff. 5-13-22.)

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

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

6 Sec. 3-3-1. Establishment and appointment of Prisoner
7 Review Board.

8 (a) There shall be a Prisoner Review Board independent of
9 the Department which shall be:

10 (1) the paroling authority for persons sentenced under
11 the law in effect prior to the effective date of this
12 amendatory Act of 1977;

13 (1.2) the paroling authority for persons eligible for
14 parole review under Section 5-4.5-115;

15 (1.5) (blank);

16 (2) the board of review for cases involving the
17 revocation of sentence credits or a suspension or
18 reduction in the rate of accumulating the credit;

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

21 (4) the authority for establishing release dates for
22 certain prisoners sentenced under the law in existence
23 prior to the effective date of this amendatory Act of
24 1977, in accordance with Section 3-3-2.1 of this Code;

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

6 (6) the authority for determining whether a violation
7 of aftercare release conditions warrant revocation of
8 aftercare release; and

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

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

23 Each member of the Board shall serve on a full-time basis
24 and shall not hold any other salaried public office, whether
25 elective or appointive, nor any other office or position of
26 profit, nor engage in any other business, employment, or

1 vocation. The Chairman of the Board shall receive \$35,000 a
2 year, or an amount set by the Compensation Review Board,
3 whichever is greater, and each other member \$30,000, or an
4 amount set by the Compensation Review Board, whichever is
5 greater.

6 (b-5) Prior to participating in his or her first vote as a
7 member of the Board, a member of the Board shall complete a
8 training developed and administered by the entity
9 administering the Illinois Domestic Violence Hotline, in
10 consultation with the Department of Corrections. This training
11 shall be tailored specifically to the members of the Board and
12 shall cover topics including, but not limited to:

13 (1) the nature, extent, and causes of domestic
14 violence and gender-based violence;

15 (2) the lethality of domestic violence and
16 gender-based violence;

17 (3) implicit and explicit biases toward parties
18 involved in domestic violence and gender-based violence;

19 (4) criminalization of survivors of domestic violence
20 and gender-based violence;

21 (5) behavioral patterns and relationship dynamics
22 within the cycle of violence;

23 (6) safety planning and procedures designed to promote
24 the safety of victims of domestic violence and
25 gender-based violence and their household members;

26 (7) resources available to victims of domestic

1 violence and gender-based violence and their household
2 members;

3 (8) the Illinois Domestic Violence Act of 1986, the
4 Stalking No Contact Order Act, the Civil No Contact Order
5 Act, and the legal process regarding protective orders;

6 (9) the prison system, including a tour of a
7 correctional institution or facility and a meeting with
8 the facility administration;

9 (10) the nature of rehabilitative corrections; and

10 (11) rehabilitative programming provided by the
11 Department of Corrections and available to incarcerated
12 individuals.

13 The training shall be completed annually. Documentation
14 showing completion of the annual training shall be submitted
15 to and recorded by the Department of Corrections and shall be
16 made available to the public upon request.

17 (c) Notwithstanding any other provision of this Section,
18 the term of each member of the Board who was appointed by the
19 Governor and is in office on June 30, 2003 shall terminate at
20 the close of business on that date or when all of the successor
21 members to be appointed pursuant to this amendatory Act of the
22 93rd General Assembly have been appointed by the Governor,
23 whichever occurs later. As soon as possible, the Governor
24 shall appoint persons to fill the vacancies created by this
25 amendatory Act.

26 Of the initial members appointed under this amendatory Act

1 of the 93rd General Assembly, the Governor shall appoint 5
2 members whose terms shall expire on the third Monday in
3 January 2005, 5 members whose terms shall expire on the third
4 Monday in January 2007, and 5 members whose terms shall expire
5 on the third Monday in January 2009. Their respective
6 successors shall be appointed for terms of 6 years from the
7 third Monday in January of the year of appointment. Each
8 member shall serve until his or her successor is appointed and
9 qualified.

10 Any member may be removed by the Governor for
11 incompetence, neglect of duty, malfeasance or inability to
12 serve.

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

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

20 (730 ILCS 5/3-3-1.1 new)

21 Sec. 3-3-1.1. Mission of the Prisoner Review Board. The
22 mission of the Prisoner Review Board is to promote public
23 safety and strive for justice and fairness in the exercise of
24 its authority. As set forth in this Article, the Board has the
25 authority to impose release conditions for incarcerated

1 individuals who are exiting penal facilities and conduct
2 hearings to determine whether parolees or releasees have
3 violated conditions of parole or mandatory supervised release.
4 The Board also has the authority to make recommendations to
5 the Governor relative to clemency petitions for those
6 convicted of violating Illinois laws. In exercising this
7 authority, the Board seeks to render just, fair, objective,
8 impartial, and informed decisions and recommendations. In
9 reaching those decisions and recommendations, the Prisoner
10 Review Board strives to consider public safety, the rights of
11 victims of crimes, and the goal of successful rehabilitation
12 and reintegration for all individuals who have been convicted
13 of crimes.

14 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

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

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

23 (b) The Prisoner Review Board may enter an order releasing
24 and discharging one from parole or mandatory supervised
25 release, and his or her commitment to the Department, when it

1 determines that he or she is likely to remain at liberty
2 without committing another offense. Prior to entering such an
3 order, the Prisoner Review Board shall provide notice and a
4 30-day opportunity to comment to any registered victim.

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

26 (b-2) The Prisoner Review Board may release a low-risk and

1 need subject person from mandatory supervised release as
2 determined by an appropriate evidence-based risk and need
3 assessment.

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

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

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

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

25 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

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

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

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

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

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

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

24 (i) (A) For those sentenced under the law in
25 effect prior to this amendatory Act of 1977, the
26 recommitment shall be for any portion of the imposed

1 maximum term of imprisonment or confinement which had
2 not been served at the time of parole and the parole
3 term, less the time elapsed between the parole of the
4 person and the commission of the violation for which
5 parole was revoked;

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

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

22 (D) For those released as a result of youthful
23 offender parole as set forth in Section 5-4.5-115 of
24 this Code, the reconfinement period shall be for the
25 total mandatory supervised release term, less the time
26 elapsed between the release of the person and the

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

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

17 (iii) (blank);

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

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

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

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

14 (c) A person charged with violating a condition of parole
15 or mandatory supervised release shall have a preliminary
16 hearing before a hearing officer designated by the Board to
17 determine if there is cause to hold the person for a revocation
18 hearing. However, no preliminary hearing need be held when
19 revocation is based upon new criminal charges and a court
20 finds probable cause on the new criminal charges or when the
21 revocation is based upon a new criminal conviction and a
22 certified copy of that conviction is available. The Board
23 shall provide a victim with notice of a preliminary hearing at
24 least 72 hours prior to such hearing if the victim has
25 previously requested notification of that information.

26 (d) Parole or mandatory supervised release shall not be

1 revoked without written notice to the offender setting forth
2 the violation of parole or mandatory supervised release
3 charged against him or her. Before the Board makes a decision
4 on whether to revoke an offender's parole or mandatory
5 supervised release, the Prisoner Review Board must run a LEADS
6 report. The Board shall publish on the Board's publicly
7 accessible website the name and identification number of
8 offenders alleged to have violated terms of parole or
9 mandatory supervised release, the Board's decision whether to
10 revoke parole or mandatory supervised release, and the names
11 of the voting Board members. This information shall only be
12 accessible while the offender is in State custody.

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

19 (1) appear and answer the charge; and

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

21 The Board shall provide a victim with notice of a hearing
22 on revocation at least 72 hours prior to the hearing if the
23 victim had previously requested notification of that
24 information.

25 (f) The Board shall either revoke parole or mandatory
26 supervised release or order the person's term continued with

1 or without modification or enlargement of the conditions. The
2 Board shall immediately notify the victim of its decision if
3 the victim has previously requested that information.

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

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

9 (730 ILCS 5/3-3-16 new)

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

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

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

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

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

21 (3) the possibility for victim involvement in parole
22 or mandatory supervised release revocation hearings,
23 including a notice to potential victims and the
24 opportunity for written comment;

25 (4) methods for committed persons who are survivors of

1 gender-based violence to have their experiences fully
2 considered during Prisoner Review Board hearings;

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

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

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

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

12 (9) qualifications for Board members, including, but
13 not limited to, professional experience, experience with
14 incarceration, experience as a victim advocate, or
15 experience as a social worker;

16 (10) judicial education regarding orders of protection
17 when a respondent is incarcerated;

18 (11) judicial education regarding orders of protection
19 when a petitioner is incarcerated;

20 (12) examining the current electronic monitoring
21 process for those on mandatory supervised release;

22 (13) expediting action by the Board on requests for
23 early discharge from mandatory supervised release; and

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

26 (c) Task Force composition. The Task Force shall consist

1 of the following members:

2 (1) the Director of Corrections, or his or her
3 designee;

4 (2) the Department of Corrections chief in charge of
5 earned discretionary sentence credit decisions, or his or
6 her designee;

7 (3) a Department of Corrections Parole representative;

8 (4) the Chair of the Prisoner Review Board, or his or
9 her designee;

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

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

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

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

18 (9) a representative of a statewide sexual assault
19 coalition;

20 (10) a representative of a statewide domestic violence
21 coalition;

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

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

26 (13) a representative of an organization that provides

1 legal services for individuals seeking orders of
2 protection located within the courthouse hearing domestic
3 violence cases;

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

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

8 (16) a member of the House of Representatives,
9 appointed by the Speaker of the House;

10 (17) a member of the House of Representatives,
11 appointed by the Minority Leader of the House;

12 (18) a member of the Senate, appointed by the
13 President of the Senate;

14 (19) a member of the Senate, appointed by the Minority
15 Leader of the Senate;

16 (20) a representative from the Illinois Criminal
17 Justice Information Authority;

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

20 (22) a representative from the Illinois State's
21 Attorneys' Association;

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

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

26 (25) a member from a legal aid organization which

1 currently or formerly represented individuals in parole
2 revocation hearings;

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

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

7 The members of the Task Force, other than the ex officio
8 members and members of the General Assembly, and the Chair of
9 the Task Force shall be appointed by the Executive Director of
10 the Illinois Sentencing Policy Advisory Council.

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

14 (e) Report. The Task Force shall provide an interim report
15 describing its work-to-date to the General Assembly and
16 Governor by no later than July 1, 2025. The Task Force shall
17 provide a full report, outlining issues and recommendations,
18 to the General Assembly and Governor by no later than July 1,
19 2026. Upon issuance of the final report, the Task Force shall
20 thereafter be dissolved.

21 (730 ILCS 5/3-14-1.1 new)

22 Sec. 3-14-1.1. Notification of release. Prior to the
23 release of a person from its custody onto parole, mandatory
24 supervised release, or final discharge, the Department shall
25 run a LEADS report on the person to be released and shall

1 provide notice of the person's release to any person who has
2 been granted a protective order under Article 112A of the Code
3 of Criminal Procedure of 1963, the Illinois Domestic Violence
4 Act of 1986, the Stalking No Contact Order Act, or the Civil No
5 Contact Order Act against the person to be released that is in
6 effect at the time of the person's release. The Department
7 shall provide the Office of the Attorney General with the name
8 of the person to be released. Upon receipt of the name of the
9 person to be released, the Office of the Attorney General
10 shall provide notice of the person's release to all persons
11 who are registered with the VINE notification system regarding
12 the person to be released from Department custody.

13 Section 15. The Open Parole Hearings Act is amended by
14 changing Section 15 and by adding Section 15.1 as follows:

15 (730 ILCS 105/15) (from Ch. 38, par. 1665)

16 Sec. 15. Open hearings.

17 (a) The Board may restrict the number of individuals
18 allowed to attend parole, or parole or aftercare release
19 revocation hearings in accordance with physical limitations,
20 security requirements of the hearing facilities or those
21 giving repetitive or cumulative testimony. The Board may also
22 restrict attendance at an aftercare release or aftercare
23 release revocation hearing in order to protect the
24 confidentiality of the youth.

1 (b) The Board may deny admission or continued attendance
2 at parole hearings, or parole or aftercare release revocation
3 hearings to individuals who:

4 (1) threaten or present danger to the security of the
5 institution in which the hearing is being held;

6 (2) threaten or present a danger to other attendees or
7 participants; or

8 (3) disrupt the hearing.

9 (c) Upon formal action of a majority of the Board members
10 present, the Board may close parole hearings and parole or
11 aftercare release revocation hearings in order to:

12 (1) deliberate upon the oral testimony and any other
13 relevant information received from applicants, parolees,
14 releasees, victims, or others; or

15 (2) provide applicants, releasees, and parolees the
16 opportunity to challenge information other than that which
17 if the person's identity were to be exposed would possibly
18 subject them to bodily harm or death, which they believe
19 detrimental to their parole determination hearing or
20 revocation proceedings.

21 (d) The Board shall make all open hearings available to
22 the public for live broadcast on the Board's website. The
23 broadcast recording shall remain available for public viewing
24 on the website for a minimum of 18 months.

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

1 (730 ILCS 105/15.1 new)

2 Sec. 15.1. Minutes.

3 (a) The Board shall keep written minutes of all its
4 meetings, whether open or closed, and a verbatim record of all
5 its closed meetings in the form of an audio or video recording.

6 Minutes shall include, but need not be limited to:

7 (1) the date, time, and place of the meeting;

8 (2) the members of the Board recorded as either
9 present or absent and whether the members were physically
10 present or present by means of video or audio conference;

11 (3) a summary of discussion on all matters proposed,
12 deliberated, or decided; and

13 (4) a record of any votes taken.

14 (b) The Board shall approve the minutes of its meetings,
15 whether open or closed, within 5 days after that meeting or at
16 the Board's second subsequent regular meeting, whichever is
17 sooner. Upon approval, the minutes of all open meetings shall
18 be made available for public inspection within 24 hours on the
19 Board's website.

20 (b-5) Every 6 months the Board shall meet to review the
21 approved minutes of closed meetings. The Board shall determine
22 in an open session whether (1) the need for confidentiality
23 still exists as to all or part of those minutes or (2) the
24 minutes or portions thereof no longer require confidential
25 treatment and are available for public inspection. If the
26 Board determines that all or portions of the minutes of a

1 closed meeting no longer require confidential treatment, the
2 minutes shall be made available for public inspection within
3 24 hours of such determination on the Board's website.

4 Section 20. The Illinois Domestic Violence Act of 1986 is
5 amended by changing Section 201 as follows:

6 (750 ILCS 60/201) (from Ch. 40, par. 2312-1)

7 Sec. 201. Persons protected by this Act.

8 (a) The following persons are protected by this Act:

9 (i) any person abused by a family or household member;

10 (ii) any high-risk adult with disabilities who is
11 abused, neglected, or exploited by a family or household
12 member;

13 (iii) any minor child or dependent adult in the care
14 of such person;

15 (iv) any person residing or employed at a private home
16 or public shelter which is housing an abused family or
17 household member; and

18 (v) any of the following persons if the person is
19 abused by a family or household member of a child:

20 (A) a foster parent of that child if the child has
21 been placed in the foster parent's home by the
22 Department of Children and Family Services or by
23 another state's public child welfare agency;

24 (B) a legally appointed guardian or legally

1 appointed custodian of that child;

2 (C) an adoptive parent of that child; or

3 (D) a prospective adoptive parent of that child if
4 the child has been placed in the prospective adoptive
5 parent's home pursuant to the Adoption Act or pursuant
6 to another state's law.

7 For purposes of this paragraph (a)(v), individuals who
8 would have been considered "family or household members"
9 of the child under subsection (6) of Section 103 of this
10 Act before a termination of the parental rights with
11 respect to the child continue to meet the definition of
12 "family or household members" of the child.

13 (b) A petition for an order of protection may be filed
14 only:

15 (i) by a person who has been abused by a family or
16 household member or by any person on behalf of a minor
17 child or an adult who has been abused by a family or
18 household member and who, because of age, health,
19 disability, or inaccessibility, cannot file the petition;

20 (ii) by any person on behalf of a high-risk adult with
21 disabilities who has been abused, neglected, or exploited
22 by a family or household member; ~~or~~

23 (iii) any of the following persons if the person is
24 abused by a family or household member of a child:

25 (A) a foster parent of that child if the child has
26 been placed in the foster parent's home by the

1 Department of Children and Family Services or by
2 another state's public child welfare agency;

3 (B) a legally appointed guardian or legally
4 appointed custodian of that child;

5 (C) an adoptive parent of that child;

6 (D) a prospective adoptive parent of that child if
7 the child has been placed in the prospective adoptive
8 parent's home pursuant to the Adoption Act or pursuant
9 to another state's law.

10 For purposes of this paragraph (b)(iii), individuals
11 who would have been considered "family or household
12 members" of the child under subsection (6) of Section 103
13 of this Act before a termination of the parental rights
14 with respect to the child continue to meet the definition
15 of "family or household members" of the child; -

16 (iv) by a crime victim who was abused by an offender
17 prior to the incarceration of the offender in a penal
18 institution and which offender is incarcerated in a penal
19 institution at the time of the filing of the petition; or

20 (v) by any person who has previously suffered abuse by
21 a person convicted of domestic battery, aggravated
22 domestic battery, aggravated battery, or other offense
23 that would constitute domestic violence or for a violent
24 crime, as defined in Section 3 of the Rights of Crime
25 Victims and Witnesses Act, committed against another
26 person.

1 (b-1) A petition for an order of protection issued under
2 paragraph (b) (i), (b) (ii), (b) (iii), (b) (iv), or (b) (v) may
3 not be denied solely upon the basis that the respondent is
4 incarcerated in a penal institution at the time of the filing
5 of the petition.

6 (c) Any petition properly filed under this Act may seek
7 protection for any additional persons protected by this Act.

8 (d) Any existing order of protection against a person is
9 automatically tolled while the offender is incarcerated in a
10 penal institution and automatically resumes upon the
11 offender's release from incarceration.

12 (Source: P.A. 100-639, eff. 1-1-19.)

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."