

1 AN ACT in relation to criminal law.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 3-3-13 as follows:

6 (730 ILCS 5/3-3-13) (from Ch. 38, par. 1003-3-13)

7 Sec. 3-3-13. Procedure for Executive Clemency.

8 (a) Petitions seeking pardon, commutation, or reprieve
9 shall be addressed to the Governor and filed with the
10 Prisoner Review Board. The petition shall be in writing and
11 signed by the person under conviction or by a person on his
12 behalf. It shall contain a brief history of the case, the
13 reasons for seeking executive clemency, and other relevant
14 information the Board may require.

15 (a-5) After a petition has been denied by the Governor,
16 the Board may not accept a repeat petition for executive
17 clemency for the same person until one full year has elapsed
18 from the date of the denial. The Chairman of the Board may
19 waive the one-year requirement if the petitioner offers in
20 writing new information that was unavailable to the
21 petitioner at the time of the filing of the prior petition
22 and which the Chairman determines to be significant. The
23 Chairman also may waive the one-year waiting period if the
24 petitioner can show that a change in circumstances of a
25 compelling humanitarian nature has arisen since the denial of
26 the prior petition.

27 (b) Notice of the proposed application shall be given by
28 the Board to the committing court and the state's attorney of
29 the county where the conviction was had.

30 (c) The Board shall, if requested and upon due notice,
31 give a hearing to each application, allowing representation

1 by counsel, if desired, after which it shall confidentially
2 advise the Governor by a written report of its
3 recommendations which shall be determined by majority vote.
4 The Board shall meet to consider such petitions no less than
5 4 times each year.

6 Application for executive clemency under this Section may
7 not be commenced on behalf of a person who has been sentenced
8 to death without the written consent of the defendant, unless
9 the defendant, because of a mental or physical condition, is
10 incapable of asserting his or her own claim.

11 All petitions for executive clemency on behalf of a
12 person who is sentenced to death must be filed with the
13 Prisoner Review Board within 30 days from the date that the
14 Supreme Court has issued a final order setting the execution
15 date. The Governor or the Chairman of the Prisoner Review
16 Board may waive the 30-day requirement if the petitioner has
17 just cause for not filing the petition within the appropriate
18 time limitations.

19 (d) The Governor shall decide each application and
20 communicate his decision to the Board which shall notify the
21 petitioner.

22 In the event a petitioner who has been convicted of a
23 Class X felony is granted a release, after the Governor has
24 communicated such decision to the Board, the Board shall give
25 written notice to the Sheriff of the county from which the
26 offender was sentenced if such sheriff has requested that
27 such notice be given on a continuing basis. In cases where
28 arrest of the offender or the commission of the offense took
29 place in any municipality with a population of more than
30 10,000 persons, the Board shall also give written notice to
31 the proper law enforcement agency for said municipality which
32 has requested notice on a continuing basis.

33 (e) Nothing in this Section shall be construed to limit
34 the power of the Governor under the constitution to grant a

1 reprieve, commutation of sentence, or pardon.

2 (Source: P.A. 89-112, eff. 7-7-95; 89-684, eff. 6-1-97.)