

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  
5 by changing Section 3-3-2 as follows:

6 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

7 Sec. 3-3-2. Powers and Duties.

8 (a) The Parole and Pardon Board is abolished and the  
9 term "Parole and Pardon Board" as used in any law of  
10 Illinois, shall read "Prisoner Review Board." After the  
11 effective date of this amendatory Act of 1977, the Prisoner  
12 Review Board shall provide by rule for the orderly transition  
13 of all files, records, and documents of the Parole and Pardon  
14 Board and for such other steps as may be necessary to effect  
15 an orderly transition and shall:

16 (1) hear by at least one member and through a panel  
17 of at least 3 members decide, cases of prisoners who were  
18 sentenced under the law in effect prior to the effective  
19 date of this amendatory Act of 1977, and who are eligible  
20 for parole;

21 (2) hear by at least one member and through a panel  
22 of at least 3 members decide, the conditions of parole  
23 and the time of discharge from parole, impose sanctions  
24 for violations of parole, and revoke parole for those  
25 sentenced under the law in effect prior to this  
26 amendatory Act of 1977; provided that the decision to  
27 parole and the conditions of parole for all prisoners who  
28 were sentenced for first degree murder or who received a  
29 minimum sentence of 20 years or more under the law in  
30 effect prior to February 1, 1978 shall be determined by a  
31 majority vote of the Prisoner Review Board;

1           (3) hear by at least one member and through a panel  
2 of at least 3 members decide, the conditions of mandatory  
3 supervised release and the time of discharge from  
4 mandatory supervised release, impose sanctions for  
5 violations of mandatory supervised release, and revoke  
6 mandatory supervised release for those sentenced under  
7 the law in effect after the effective date of this  
8 amendatory Act of 1977;

9           (4) hear by at least 1 member and through a panel  
10 of at least 3 members, decide cases brought by the  
11 Department of Corrections against a prisoner in the  
12 custody of the Department for alleged violation of  
13 Department rules with respect to good conduct credits  
14 pursuant to Section 3-6-3 of this Code in which the  
15 Department seeks to revoke good conduct credits, if the  
16 amount of time at issue exceeds 30 days or when, during  
17 any 12 month period, the cumulative amount of credit  
18 revoked exceeds 30 days except where the infraction is  
19 committed or discovered within 60 days of scheduled  
20 release. In such cases, the Department of Corrections may  
21 revoke up to 30 days of good conduct credit. The Board  
22 may subsequently approve the revocation of additional  
23 good conduct credit, if the Department seeks to revoke  
24 good conduct credit in excess of thirty days. However,  
25 the Board shall not be empowered to review the  
26 Department's decision with respect to the loss of 30 days  
27 of good conduct credit for any prisoner or to increase  
28 any penalty beyond the length requested by the  
29 Department;

30           (5) hear by at least one member and through a panel  
31 of at least 3 members decide, the release dates for  
32 certain prisoners sentenced under the law in existence  
33 prior to the effective date of this amendatory Act of  
34 1977, in accordance with Section 3-3-2.1 of this Code;

1           (6) hear by at least one member and through a panel  
 2 of at least 3 members decide, all requests for pardon,  
 3 reprieve or commutation, and make confidential  
 4 recommendations to the Governor;

5           (7) comply with the requirements of the Open Parole  
 6 Hearings Act; and

7           (8) hear by at least one member and, through a  
 8 panel of at least 3 members, decide cases brought by the  
 9 Department of Corrections against a prisoner in the  
 10 custody of the Department for court dismissal of a  
 11 frivolous lawsuit pursuant to Section 3-6-3(d) of this  
 12 Code in which the Department seeks to revoke up to 180  
 13 days of good conduct credit, and if the prisoner has not  
 14 accumulated 180 days of good conduct credit at the time  
 15 of the dismissal, then all good conduct credit  
 16 accumulated by the prisoner shall be revoked.

17           (a-5) The Prisoner Review Board, with the cooperation of  
 18 and in coordination with the Department of Corrections and  
 19 the Department of Central Management Services, may provide  
 20 ~~shall---implement---a---pilot---project---in--3--correctional~~  
 21 ~~institutions-providing~~ for the conduct of hearings under  
 22 paragraphs (1) and (4) of subsection (a) of this Section  
 23 through interactive video conferences in as many correctional  
 24 institutions as the Board deems appropriate. ~~The--project~~  
 25 ~~shall-be-implemented-within-6-months-after-the-effective-date~~  
 26 ~~of--this--amendatory--Act-of-1996.--Within-6-months-after-the~~  
 27 ~~implementation-of-the--pilot--project,--the--Prisoner--Review~~  
 28 ~~Board,--with--the-cooperation-of-and-in-coordination-with-the~~  
 29 ~~Department-of--Corrections--and--the--Department--of--Central~~  
 30 ~~Management--Services,--shall--report--to-the-Governor-and-the~~  
 31 ~~General-Assembly-regarding-the-use,--costs,--effectiveness,--and~~  
 32 ~~future--viability--of--interactive--video--conferences---for~~  
 33 ~~Prisoner-Review-Board-hearings.~~

34           (b) Upon recommendation of the Department the Board may

1 restore good conduct credit previously revoked.

2 (c) The Board shall cooperate with the Department in  
3 promoting an effective system of parole and mandatory  
4 supervised release.

5 (d) The Board shall promulgate rules for the conduct of  
6 its work, and the Chairman shall file a copy of such rules  
7 and any amendments thereto with the Director and with the  
8 Secretary of State.

9 (e) The Board shall keep records of all of its official  
10 actions and shall make them accessible in accordance with law  
11 and the rules of the Board.

12 (f) The Board or one who has allegedly violated the  
13 conditions of his parole or mandatory supervised release may  
14 require by subpoena the attendance and testimony of witnesses  
15 and the production of documentary evidence relating to any  
16 matter under investigation or hearing. The Chairman of the  
17 Board may sign subpoenas which shall be served by any agent  
18 or public official authorized by the Chairman of the Board,  
19 or by any person lawfully authorized to serve a subpoena  
20 under the laws of the State of Illinois. The attendance of  
21 witnesses, and the production of documentary evidence, may be  
22 required from any place in the State to a hearing location in  
23 the State before the Chairman of the Board or his designated  
24 agent or agents or any duly constituted Committee or  
25 Subcommittee of the Board. Witnesses so summoned shall be  
26 paid the same fees and mileage that are paid witnesses in the  
27 circuit courts of the State, and witnesses whose depositions  
28 are taken and the persons taking those depositions are each  
29 entitled to the same fees as are paid for like services in  
30 actions in the circuit courts of the State. Fees and mileage  
31 shall be vouchered for payment when the witness is discharged  
32 from further attendance.

33 In case of disobedience to a subpoena, the Board may  
34 petition any circuit court of the State for an order

1 requiring the attendance and testimony of witnesses or the  
2 production of documentary evidence or both. A copy of such  
3 petition shall be served by personal service or by registered  
4 or certified mail upon the person who has failed to obey the  
5 subpoena, and such person shall be advised in writing that a  
6 hearing upon the petition will be requested in a court room  
7 to be designated in such notice before the judge hearing  
8 motions or extraordinary remedies at a specified time, on a  
9 specified date, not less than 10 nor more than 15 days after  
10 the deposit of the copy of the written notice and petition in  
11 the U.S. mails addressed to the person at his last known  
12 address or after the personal service of the copy of the  
13 notice and petition upon such person. The court upon the  
14 filing of such a petition, may order the person refusing to  
15 obey the subpoena to appear at an investigation or hearing,  
16 or to there produce documentary evidence, if so ordered, or  
17 to give evidence relative to the subject matter of that  
18 investigation or hearing. Any failure to obey such order of  
19 the circuit court may be punished by that court as a contempt  
20 of court.

21 Each member of the Board and any hearing officer  
22 designated by the Board shall have the power to administer  
23 oaths and to take the testimony of persons under oath.

24 (g) Except under subsection (a) of this Section, a  
25 majority of the members then appointed to the Prisoner Review  
26 Board shall constitute a quorum for the transaction of all  
27 business of the Board.

28 (h) The Prisoner Review Board shall annually transmit to  
29 the Director a detailed report of its work for the preceding  
30 calendar year. The annual report shall also be transmitted to  
31 the Governor for submission to the Legislature.

32 (Source: P.A. 90-14, eff. 7-1-97; 91-798, eff. 7-9-00;  
33 91-946, eff. 2-9-01.)

1           Section 99. Effective date. This Act takes effect upon  
2 becoming law.