

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 written report shall be a public record. The Board shall
5 meet to consider such petitions no less than 4 times each
6 year.

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

12 (d) The Governor shall decide each application and
13 communicate his decision to the Board which shall notify the
14 petitioner.

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

26 (e) Nothing in this Section shall be construed to limit
27 the power of the Governor under the constitution to grant a
28 reprieve, commutation of sentence, or pardon.

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

30 Section 99. Effective date. This Act takes effect upon
31 becoming law.