



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0855

Introduced 2/7/2007, by Rep. Robert S. Molaro

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-9

from Ch. 38, par. 1003-3-9

Amends the Unified Code of Corrections. Provides that when parole or mandatory supervised release is not revoked for violations of conditions of parole or mandatory supervised release the period of tolling of the term of parole or mandatory supervised release shall be credited to the term, unless a community-based sanction is imposed as an alternative to revocation and reincarceration, including a diversion established by the Illinois Department of Corrections Parole Services Unit prior to the holding of a preliminary parole revocation hearing. Provides that parolees who are diverted to a community-based sanction shall serve the entire term of parole or mandatory supervised release, if otherwise appropriate. Effective immediately.

LRB095 03681 RLC 23708 b

1 AN ACT concerning 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 3-3-9 as follows:

6 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

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

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

15 (1) continue the existing term, with or without
16 modifying or enlarging the conditions; or

17 (2) parole or release the person to a half-way house;
18 or

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

22 (i) (A) For those sentenced under the law in effect
23 prior to this amendatory Act of 1977, the recommitment

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

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

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

23 (ii) the person shall be given credit against the
24 term of reimprisonment or reconfinement for time spent
25 in custody since he was paroled or released which has
26 not been credited against another sentence or period of

1 confinement;

2 (iii) persons committed under the Juvenile Court
3 Act or the Juvenile Court Act of 1987 shall be
4 recommitted until the age of 21;

5 (iv) this Section is subject to the release under
6 supervision and the reparole and rerelease provisions
7 of Section 3-3-10.

8 (b) The Board may revoke parole or mandatory supervised
9 release for violation of a condition for the duration of the
10 term and for any further period which is reasonably necessary
11 for the adjudication of matters arising before its expiration.
12 The issuance of a warrant of arrest for an alleged violation of
13 the conditions of parole or mandatory supervised release shall
14 toll the running of the term until the final determination of
15 the charge. When ~~, but where~~ parole or mandatory supervised
16 release is not revoked that period shall be credited to the
17 term, unless a community-based sanction is imposed as an
18 alternative to revocation and reincarceration, including a
19 diversion established by the Illinois Department of
20 Corrections Parole Services Unit prior to the holding of a
21 preliminary parole revocation hearing. Parolees who are
22 diverted to a community-based sanction shall serve the entire
23 term of parole or mandatory supervised release, if otherwise
24 appropriate.

25 (b-5) The Board shall revoke parole or mandatory supervised
26 release for violation of the conditions prescribed in paragraph

1 (7.6) of subsection (a) of Section 3-3-7.

2 (c) A person charged with violating a condition of parole
3 or mandatory supervised release shall have a preliminary
4 hearing before a hearing officer designated by the Board to
5 determine if there is cause to hold the person for a revocation
6 hearing. However, no preliminary hearing need be held when
7 revocation is based upon new criminal charges and a court finds
8 probable cause on the new criminal charges or when the
9 revocation is based upon a new criminal conviction and a
10 certified copy of that conviction is available.

11 (d) Parole or mandatory supervised release shall not be
12 revoked without written notice to the offender setting forth
13 the violation of parole or mandatory supervised release charged
14 against him.

15 (e) A hearing on revocation shall be conducted before at
16 least one member of the Prisoner Review Board. The Board may
17 meet and order its actions in panels of 3 or more members. The
18 action of a majority of the panel shall be the action of the
19 Board. In consideration of persons committed to the Department
20 of Juvenile Justice, the member hearing the matter and at least
21 a majority of the panel shall be experienced in juvenile
22 matters. A record of the hearing shall be made. At the hearing
23 the offender shall be permitted to:

24 (1) appear and answer the charge; and

25 (2) bring witnesses on his behalf.

26 (f) The Board shall either revoke parole or mandatory

1 supervised release or order the person's term continued with or
2 without modification or enlargement of the conditions.

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

7 (Source: P.A. 94-161, eff. 7-11-05; 94-165, eff. 7-11-05;
8 94-696, eff. 6-1-06.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.