

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 Rights of Crime Victims and Witnesses Act is  
5 amended by changing Sections 3 and 4.5 as follows:

6 (725 ILCS 120/3) (from Ch. 38, par. 1403)

7 (Text of Section before amendment by P.A. 95-591)

8 Sec. 3. The terms used in this Act, unless the context  
9 clearly requires otherwise, shall have the following meanings:

10 (a) "Crime victim" and "victim" mean ~~means~~ (1) a person  
11 physically injured in this State as a result of a violent crime  
12 perpetrated or attempted against that person or (2) a person  
13 who suffers injury to or loss of property as a result of a  
14 violent crime perpetrated or attempted against that person or  
15 (3) a single representative who may be the spouse, parent,  
16 child or sibling of a person killed as a result of a violent  
17 crime perpetrated against the person killed or the spouse,  
18 parent, child or sibling of any person granted rights under  
19 this Act who is physically or mentally incapable of exercising  
20 such rights, except where the spouse, parent, child or sibling  
21 is also the defendant or prisoner or (4) any person against  
22 whom a violent crime has been committed or (5) any person who  
23 has suffered personal injury as a result of a violation of

1 Section 11-501 of the Illinois Vehicle Code, or of a similar  
2 provision of a local ordinance, or of Section 9-3 of the  
3 Criminal Code of 1961, as amended or (6) in proceedings under  
4 the Juvenile Court Act of 1987, both parents of a deceased  
5 minor who is a crime victim.~~†~~

6 (b) "Witness" means any person who personally observed the  
7 commission of a violent crime and who will testify on behalf of  
8 the State of Illinois in the criminal prosecution of the  
9 violent crime.~~†~~

10 (c) "Violent Crime" means any felony in which force or  
11 threat of force was used against the victim, or any offense  
12 involving sexual exploitation, sexual conduct or sexual  
13 penetration, domestic battery, violation of an order of  
14 protection, stalking, or any misdemeanor which results in death  
15 or great bodily harm to the victim or any violation of Section  
16 9-3 of the Criminal Code of 1961, or Section 11-501 of the  
17 Illinois Vehicle Code, or a similar provision of a local  
18 ordinance, if the violation resulted in personal injury or  
19 death, and includes any action committed by a juvenile that  
20 would be a violent crime if committed by an adult. For the  
21 purposes of this paragraph, "personal injury" shall include any  
22 Type A injury as indicated on the traffic accident report  
23 completed by a law enforcement officer that requires immediate  
24 professional attention in either a doctor's office or medical  
25 facility. A type A injury shall include severely bleeding  
26 wounds, distorted extremities, and injuries that require the

1 injured party to be carried from the scene. ~~+~~

2 (d) "Sentencing Hearing" means any hearing where a sentence  
3 is imposed by the court on a convicted defendant and includes  
4 hearings conducted pursuant to Sections 5-6-4, 5-6-4.1, 5-7-2  
5 and 5-7-7 of the Unified Code of Corrections except those cases  
6 in which both parties have agreed to the imposition of a  
7 specific sentence.

8 (e) "Court proceedings" includes the preliminary hearing,  
9 any hearing the effect of which may be the release of the  
10 defendant from custody or to alter the conditions of bond, the  
11 trial, sentencing hearing, notice of appeal, any modification  
12 of sentence, probation revocation hearings or parole hearings.

13 (f) "Concerned citizen" includes relatives of the victim,  
14 friends of the victim, witnesses to the crime, or any other  
15 person associated with the victim or prisoner.

16 Notwithstanding any other rulemaking authority that may  
17 exist, neither the Governor nor any agency or agency head under  
18 the jurisdiction of the Governor has any authority to make or  
19 promulgate rules to implement or enforce the provisions of this  
20 amendatory Act of the 95th General Assembly. If, however, the  
21 Governor believes that rules are necessary to implement or  
22 enforce the provisions of this amendatory Act of the 95th  
23 General Assembly, the Governor may suggest rules to the General  
24 Assembly by filing them with the Clerk of the House and the  
25 Secretary of the Senate and by requesting that the General  
26 Assembly authorize such rulemaking by law, enact those

1 suggested rules into law, or take any other appropriate action  
2 in the General Assembly's discretion. Nothing contained in this  
3 amendatory Act of the 95th General Assembly shall be  
4 interpreted to grant rulemaking authority under any other  
5 Illinois statute where such authority is not otherwise  
6 explicitly given. For the purposes of this Section, "rules" is  
7 given the meaning contained in Section 1-70 of the Illinois  
8 Administrative Procedure Act, and "agency" and "agency head"  
9 are given the meanings contained in Sections 1-20 and 1-25 of  
10 the Illinois Administrative Procedure Act to the extent that  
11 such definitions apply to agencies or agency heads under the  
12 jurisdiction of the Governor.

13 (Source: P.A. 94-271, eff. 1-1-06; revised 11-16-07.)

14 (Text of Section after amendment by P.A. 95-591)

15 Sec. 3. The terms used in this Act, unless the context  
16 clearly requires otherwise, shall have the following meanings:

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18 physically injured in this State as a result of a violent crime  
19 perpetrated or attempted against that person or (2) a person  
20 who suffers injury to or loss of property as a result of a  
21 violent crime perpetrated or attempted against that person or  
22 (3) a single representative who may be the spouse, parent,  
23 child or sibling of a person killed as a result of a violent  
24 crime perpetrated against the person killed or the spouse,  
25 parent, child or sibling of any person granted rights under

1 this Act who is physically or mentally incapable of exercising  
2 such rights, except where the spouse, parent, child or sibling  
3 is also the defendant or prisoner or (4) any person against  
4 whom a violent crime has been committed or (5) any person who  
5 has suffered personal injury as a result of a violation of  
6 Section 11-501 of the Illinois Vehicle Code, or of a similar  
7 provision of a local ordinance, or of Section 9-3 of the  
8 Criminal Code of 1961, as amended or (6) in proceedings under  
9 the Juvenile Court Act of 1987, both parents, legal guardians,  
10 foster parents, or a single adult representative of a minor or  
11 disabled person who is a crime victim.+

12 (b) "Witness" means any person who personally observed the  
13 commission of a violent crime and who will testify on behalf of  
14 the State of Illinois in the criminal prosecution of the  
15 violent crime.+

16 (c) "Violent Crime" means any felony in which force or  
17 threat of force was used against the victim, or any offense  
18 involving sexual exploitation, sexual conduct or sexual  
19 penetration, domestic battery, violation of an order of  
20 protection, stalking, or any misdemeanor which results in death  
21 or great bodily harm to the victim or any violation of Section  
22 9-3 of the Criminal Code of 1961, or Section 11-501 of the  
23 Illinois Vehicle Code, or a similar provision of a local  
24 ordinance, if the violation resulted in personal injury or  
25 death, and includes any action committed by a juvenile that  
26 would be a violent crime if committed by an adult. For the

1 purposes of this paragraph, "personal injury" shall include any  
2 Type A injury as indicated on the traffic accident report  
3 completed by a law enforcement officer that requires immediate  
4 professional attention in either a doctor's office or medical  
5 facility. A type A injury shall include severely bleeding  
6 wounds, distorted extremities, and injuries that require the  
7 injured party to be carried from the scene.†

8 (d) "Sentencing Hearing" means any hearing where a sentence  
9 is imposed by the court on a convicted defendant and includes  
10 hearings conducted pursuant to Sections 5-6-4, 5-6-4.1, 5-7-2  
11 and 5-7-7 of the Unified Code of Corrections except those cases  
12 in which both parties have agreed to the imposition of a  
13 specific sentence.

14 (e) "Court proceedings" includes the preliminary hearing,  
15 any hearing the effect of which may be the release of the  
16 defendant from custody or to alter the conditions of bond, the  
17 trial, sentencing hearing, notice of appeal, any modification  
18 of sentence, probation revocation hearings or parole hearings.

19 (f) "Concerned citizen" includes relatives of the victim,  
20 friends of the victim, witnesses to the crime, or any other  
21 person associated with the victim or prisoner.

22 Notwithstanding any other rulemaking authority that may  
23 exist, neither the Governor nor any agency or agency head under  
24 the jurisdiction of the Governor has any authority to make or  
25 promulgate rules to implement or enforce the provisions of this  
26 amendatory Act of the 95th General Assembly. If, however, the

1 Governor believes that rules are necessary to implement or  
2 enforce the provisions of this amendatory Act of the 95th  
3 General Assembly, the Governor may suggest rules to the General  
4 Assembly by filing them with the Clerk of the House and the  
5 Secretary of the Senate and by requesting that the General  
6 Assembly authorize such rulemaking by law, enact those  
7 suggested rules into law, or take any other appropriate action  
8 in the General Assembly's discretion. Nothing contained in this  
9 amendatory Act of the 95th General Assembly shall be  
10 interpreted to grant rulemaking authority under any other  
11 Illinois statute where such authority is not otherwise  
12 explicitly given. For the purposes of this Section, "rules" is  
13 given the meaning contained in Section 1-70 of the Illinois  
14 Administrative Procedure Act, and "agency" and "agency head"  
15 are given the meanings contained in Sections 1-20 and 1-25 of  
16 the Illinois Administrative Procedure Act to the extent that  
17 such definitions apply to agencies or agency heads under the  
18 jurisdiction of the Governor.

19 (Source: P.A. 94-271, eff. 1-1-06; 95-591, eff. 6-1-08; revised  
20 11-16-07.)

21 (725 ILCS 120/4.5)

22 Sec. 4.5. Procedures to implement the rights of crime  
23 victims. To afford crime victims their rights, law enforcement,  
24 prosecutors, judges and corrections will provide information,  
25 as appropriate of the following procedures:

1           (a) At the request of the crime victim, law enforcement  
2 authorities investigating the case shall provide notice of the  
3 status of the investigation, except where the State's Attorney  
4 determines that disclosure of such information would  
5 unreasonably interfere with the investigation, until such time  
6 as the alleged assailant is apprehended or the investigation is  
7 closed.

8           (b) The office of the State's Attorney:

9           (1) shall provide notice of the filing of information,  
10 the return of an indictment by which a prosecution for any  
11 violent crime is commenced, or the filing of a petition to  
12 adjudicate a minor as a delinquent for a violent crime;

13           (2) shall provide notice of the date, time, and place  
14 of trial;

15           (3) or victim advocate personnel shall provide  
16 information of social services and financial assistance  
17 available for victims of crime, including information of  
18 how to apply for these services and assistance;

19           (4) shall assist in having any stolen or other personal  
20 property held by law enforcement authorities for  
21 evidentiary or other purposes returned as expeditiously as  
22 possible, pursuant to the procedures set out in Section  
23 115-9 of the Code of Criminal Procedure of 1963;

24           (5) or victim advocate personnel shall provide  
25 appropriate employer intercession services to ensure that  
26 employers of victims will cooperate with the criminal



1 justice system in order to minimize an employee's loss of  
2 pay and other benefits resulting from court appearances;

3 (6) shall provide information whenever possible, of a  
4 secure waiting area during court proceedings that does not  
5 require victims to be in close proximity to defendant or  
6 juveniles accused of a violent crime, and their families  
7 and friends;

8 (7) shall provide notice to the crime victim of the  
9 right to have a translator present at all court  
10 proceedings;

11 (8) in the case of the death of a person, which death  
12 occurred in the same transaction or occurrence in which  
13 acts occurred for which a defendant is charged with an  
14 offense, shall notify the spouse, parent, child or sibling  
15 of the decedent of the date of the trial of the person or  
16 persons allegedly responsible for the death;

17 (9) shall inform the victim of the right to have  
18 present at all court proceedings, subject to the rules of  
19 evidence, an advocate or other support person of the  
20 victim's choice, and the right to retain an attorney, at  
21 the victim's own expense, who, upon written notice filed  
22 with the clerk of the court and State's Attorney, is to  
23 receive copies of all notices, motions and court orders  
24 filed thereafter in the case, in the same manner as if the  
25 victim were a named party in the case; and

26 (10) at the sentencing hearing shall make a good faith

1 attempt to explain the minimum amount of time during which  
2 the defendant may actually be physically imprisoned. The  
3 Office of the State's Attorney shall further notify the  
4 crime victim of the right to request from the Prisoner  
5 Review Board information concerning the release of the  
6 defendant under subparagraph (d) (1) of this Section; and

7 (11) shall request restitution at sentencing and shall  
8 consider restitution in any plea negotiation, as provided  
9 by law.

10 (c) At the written request of the crime victim, the office  
11 of the State's Attorney shall:

12 (1) provide notice a reasonable time in advance of the  
13 following court proceedings: preliminary hearing, any  
14 hearing the effect of which may be the release of defendant  
15 from custody, or to alter the conditions of bond and the  
16 sentencing hearing. The crime victim shall also be notified  
17 of the cancellation of the court proceeding in sufficient  
18 time, wherever possible, to prevent an unnecessary  
19 appearance in court;

20 (2) provide notice within a reasonable time after  
21 receipt of notice from the custodian, of the release of the  
22 defendant on bail or personal recognizance or the release  
23 from detention of a minor who has been detained for a  
24 violent crime;

25 (3) explain in nontechnical language the details of any  
26 plea or verdict of a defendant, or any adjudication of a

1 juvenile as a delinquent for a violent crime;

2 (4) where practical, consult with the crime victim  
3 before the Office of the State's Attorney makes an offer of  
4 a plea bargain to the defendant or enters into negotiations  
5 with the defendant concerning a possible plea agreement,  
6 and shall consider the written victim impact statement, if  
7 prepared prior to entering into a plea agreement;

8 (5) provide notice of the ultimate disposition of the  
9 cases arising from an indictment or an information, or a  
10 petition to have a juvenile adjudicated as a delinquent for  
11 a violent crime;

12 (6) provide notice of any appeal taken by the defendant  
13 and information on how to contact the appropriate agency  
14 handling the appeal;

15 (7) provide notice of any request for post-conviction  
16 review filed by the defendant under Article 122 of the Code  
17 of Criminal Procedure of 1963, and of the date, time and  
18 place of any hearing concerning the petition. Whenever  
19 possible, notice of the hearing shall be given in advance;

20 (8) forward a copy of any statement presented under  
21 Section 6 to the Prisoner Review Board to be considered by  
22 the Board in making its determination under subsection (b)  
23 of Section 3-3-8 of the Unified Code of Corrections.

24 (d) (1) The Prisoner Review Board shall inform a victim or  
25 any other concerned citizen, upon written request, of the  
26 prisoner's release on parole, mandatory supervised release,

1 electronic detention, work release, international transfer or  
2 exchange, or by the custodian of the discharge of any  
3 individual who was adjudicated a delinquent for a violent crime  
4 from State custody and by the sheriff of the appropriate county  
5 of any such person's final discharge from county custody. The  
6 Prisoner Review Board, upon written request, shall provide to a  
7 victim or any other concerned citizen a recent photograph of  
8 any person convicted of a felony, upon his or her release from  
9 custody. The Prisoner Review Board, upon written request, shall  
10 inform a victim or any other concerned citizen when feasible at  
11 least 7 days prior to the prisoner's release on furlough of the  
12 times and dates of such furlough. Upon written request by the  
13 victim or any other concerned citizen, the State's Attorney  
14 shall notify the person once of the times and dates of release  
15 of a prisoner sentenced to periodic imprisonment. Notification  
16 shall be based on the most recent information as to victim's or  
17 other concerned citizen's residence or other location  
18 available to the notifying authority. ~~For purposes of this~~  
19 ~~paragraph (1) of subsection (d), "concerned citizen" includes~~  
20 ~~relatives of the victim, friends of the victim, witnesses to~~  
21 ~~the crime, or any other person associated with the victim or~~  
22 ~~prisoner.~~

23 (2) When the defendant has been committed to the  
24 Department of Human Services pursuant to Section 5-2-4 or  
25 any other provision of the Unified Code of Corrections, the  
26 victim may request to be notified by the releasing

1 authority of the defendant's discharge from State custody.

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

15 (4) The victim of the crime for which the prisoner has  
16 been sentenced shall receive reasonable written notice not  
17 less than 30 ~~45~~ days prior to the parole hearing and may  
18 submit, in writing, on film, videotape or other electronic  
19 means or in the form of a recording or in person at the  
20 parole hearing or if a victim of a violent crime, by  
21 calling the toll-free number established in subsection (f)  
22 of this Section, information for consideration by the  
23 Prisoner Review Board. The victim shall be notified within  
24 7 days after the prisoner has been granted parole and shall  
25 be informed of the right to inspect the registry of parole  
26 decisions, established under subsection (g) of Section

1 3-3-5 of the Unified Code of Corrections. The provisions of  
2 this paragraph (4) are subject to the Open Parole Hearings  
3 Act. When the victim, concerned citizens, or the State's  
4 Attorney has opposed parole for an inmate sentenced under  
5 the law in effect prior to February 1, 1978, the additional  
6 provision in paragraph (5.1) applies.

7 (5) If a statement is presented under Section 6, the  
8 Prisoner Review Board shall inform the victim of any order  
9 of discharge entered by the Board pursuant to Section 3-3-8  
10 of the Unified Code of Corrections.

11 (5.1) If a victim or concerned citizen has registered  
12 an objection to parole of an inmate sentenced under the law  
13 in effect prior to February 1, 1978, the victim or  
14 concerned citizen shall receive a copy of the most recent  
15 written submissions that the inmate filed in requesting  
16 parole. The Prisoner Review Board may satisfy this  
17 requirement by tendering these documents to the State's  
18 Attorney's Office that has submitted objections.

19 (6) At the written request of the victim of the crime  
20 for which the prisoner was sentenced or the State's  
21 Attorney of the county where the person seeking parole was  
22 prosecuted, the Prisoner Review Board shall notify the  
23 victim and the State's Attorney of the county where the  
24 person seeking parole was prosecuted of the death of the  
25 prisoner if the prisoner died while on parole or mandatory  
26 supervised release.

1           (7) When a defendant who has been committed to the  
2 Department of Corrections, the Department of Juvenile  
3 Justice, or the Department of Human Services is released or  
4 discharged and subsequently committed to the Department of  
5 Human Services as a sexually violent person and the victim  
6 had requested to be notified by the releasing authority of  
7 the defendant's discharge from State custody, the  
8 releasing authority shall provide to the Department of  
9 Human Services such information that would allow the  
10 Department of Human Services to contact the victim.

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

16           (f) To permit a victim of a violent crime to provide  
17 information to the Prisoner Review Board for consideration by  
18 the Board at a parole hearing of a person who committed the  
19 crime against the victim in accordance with clause (d)(4) of  
20 this Section or at a proceeding to determine the conditions of  
21 mandatory supervised release of a person sentenced to a  
22 determinate sentence or at a hearing on revocation of mandatory  
23 supervised release of a person sentenced to a determinate  
24 sentence, the Board shall establish a toll-free number that may  
25 be accessed by the victim of a violent crime to present that  
26 information to the Board.

1       (g) Notwithstanding any other rulemaking authority that  
2 may exist, neither the Governor nor any agency or agency head  
3 under the jurisdiction of the Governor has any authority to  
4 make or promulgate rules to implement or enforce the provisions  
5 of this amendatory Act of the 95th General Assembly. If,  
6 however, the Governor believes that rules are necessary to  
7 implement or enforce the provisions of this amendatory Act of  
8 the 95th General Assembly, the Governor may suggest rules to  
9 the General Assembly by filing them with the Clerk of the House  
10 and the Secretary of the Senate and by requesting that the  
11 General Assembly authorize such rulemaking by law, enact those  
12 suggested rules into law, or take any other appropriate action  
13 in the General Assembly's discretion. Nothing contained in this  
14 amendatory Act of the 95th General Assembly shall be  
15 interpreted to grant rulemaking authority under any other  
16 Illinois statute where such authority is not otherwise  
17 explicitly given. For the purposes of this Section, "rules" is  
18 given the meaning contained in Section 1-70 of the Illinois  
19 Administrative Procedure Act, and "agency" and "agency head"  
20 are given the meanings contained in Sections 1-20 and 1-25 of  
21 the Illinois Administrative Procedure Act to the extent that  
22 such definitions apply to agencies or agency heads under the  
23 jurisdiction of the Governor.

24 (Source: P.A. 94-696, eff. 6-1-06; 95-317, eff. 8-21-07.)

25 Section 10. The Unified Code of Corrections is amended by



1 changing Sections 3-3-2, 3-3-4, 3-3-5, and 3-5-1 as follows:

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

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

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

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

17 (2) hear by at least one member and through a panel of  
18 at least 3 members decide, the conditions of parole and the  
19 time of discharge from parole, impose sanctions for  
20 violations of parole, and revoke parole for those sentenced  
21 under the law in effect prior to this amendatory Act of  
22 1977; provided that the decision to parole and the  
23 conditions of parole for all prisoners who were sentenced  
24 for first degree murder or who received a minimum sentence  
25 of 20 years or more under the law in effect prior to

1 February 1, 1978 shall be determined by a majority vote of  
2 the Prisoner Review Board after the members present at the  
3 en banc have heard presentations in support of and, if the  
4 parole is opposed, in objection to the parole request;

5 (3) hear by at least one member and through a panel of  
6 at least 3 members decide, the conditions of mandatory  
7 supervised release and the time of discharge from mandatory  
8 supervised release, impose sanctions for violations of  
9 mandatory supervised release, and revoke mandatory  
10 supervised release for those sentenced under the law in  
11 effect after the effective date of this amendatory Act of  
12 1977;

13 (3.5) hear by at least one member and through a panel  
14 of at least 3 members decide, the conditions of mandatory  
15 supervised release and the time of discharge from mandatory  
16 supervised release, to impose sanctions for violations of  
17 mandatory supervised release and revoke mandatory  
18 supervised release for those serving extended supervised  
19 release terms pursuant to paragraph (4) of subsection (d)  
20 of Section 5-8-1;

21 (4) hear by at least 1 member and through a panel of at  
22 least 3 members, decide cases brought by the Department of  
23 Corrections against a prisoner in the custody of the  
24 Department for alleged violation of Department rules with  
25 respect to good conduct credits pursuant to Section 3-6-3  
26 of this Code in which the Department seeks to revoke good

1           conduct credits, if the amount of time at issue exceeds 30  
2           days or when, during any 12 month period, the cumulative  
3           amount of credit revoked exceeds 30 days except where the  
4           infraction is committed or discovered within 60 days of  
5           scheduled release. In such cases, the Department of  
6           Corrections may revoke up to 30 days of good conduct  
7           credit. The Board may subsequently approve the revocation  
8           of additional good conduct credit, if the Department seeks  
9           to revoke good conduct credit in excess of thirty days.  
10          However, the Board shall not be empowered to review the  
11          Department's decision with respect to the loss of 30 days  
12          of good conduct credit for any prisoner or to increase any  
13          penalty beyond the length requested by the Department;

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

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

23                 (7) comply with the requirements of the Open Parole  
24                 Hearings Act;

25                 (8) hear by at least one member and, through a panel of  
26                 at least 3 members, decide cases brought by the Department

1 of Corrections against a prisoner in the custody of the  
2 Department for court dismissal of a frivolous lawsuit  
3 pursuant to Section 3-6-3(d) of this Code in which the  
4 Department seeks to revoke up to 180 days of good conduct  
5 credit, and if the prisoner has not accumulated 180 days of  
6 good conduct credit at the time of the dismissal, then all  
7 good conduct credit accumulated by the prisoner shall be  
8 revoked; and

9 (9) hear by at least 3 members, and, through a panel of  
10 at least 3 members, decide whether to grant certificates of  
11 relief from disabilities or certificates of good conduct as  
12 provided in Article 5.5 of Chapter V.

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

1 Review Board hearings.

2 (b) Upon recommendation of the Department the Board may  
3 restore good conduct credit previously revoked.

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

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

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

14 (f) The Board or one who has allegedly violated the  
15 conditions of his parole or mandatory supervised release may  
16 require by subpoena the attendance and testimony of witnesses  
17 and the production of documentary evidence relating to any  
18 matter under investigation or hearing. The Chairman of the  
19 Board may sign subpoenas which shall be served by any agent or  
20 public official authorized by the Chairman of the Board, or by  
21 any person lawfully authorized to serve a subpoena under the  
22 laws of the State of Illinois. The attendance of witnesses, and  
23 the production of documentary evidence, may be required from  
24 any place in the State to a hearing location in the State  
25 before the Chairman of the Board or his designated agent or  
26 agents or any duly constituted Committee or Subcommittee of the

1 Board. Witnesses so summoned shall be paid the same fees and  
2 mileage that are paid witnesses in the circuit courts of the  
3 State, and witnesses whose depositions are taken and the  
4 persons taking those depositions are each entitled to the same  
5 fees as are paid for like services in actions in the circuit  
6 courts of the State. Fees and mileage shall be vouchered for  
7 payment when the witness is discharged from further attendance.

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

1 obey such order of the circuit court may be punished by that  
2 court as a contempt of court.

3 Each member of the Board and any hearing officer designated  
4 by the Board shall have the power to administer oaths and to  
5 take the testimony of persons under oath.

6 (g) Except under subsection (a) of this Section, a majority  
7 of the members then appointed to the Prisoner Review Board  
8 shall constitute a quorum for the transaction of all business  
9 of the Board.

10 (h) The Prisoner Review Board shall annually transmit to  
11 the Director a detailed report of its work for the preceding  
12 calendar year. The annual report shall also be transmitted to  
13 the Governor for submission to the Legislature.

14 (i) Notwithstanding any other rulemaking authority that  
15 may exist, neither the Governor nor any agency or agency head  
16 under the jurisdiction of the Governor has any authority to  
17 make or promulgate rules to implement or enforce the provisions  
18 of this amendatory Act of the 95th General Assembly. If,  
19 however, the Governor believes that rules are necessary to  
20 implement or enforce the provisions of this amendatory Act of  
21 the 95th General Assembly, the Governor may suggest rules to  
22 the General Assembly by filing them with the Clerk of the House  
23 and the Secretary of the Senate and by requesting that the  
24 General Assembly authorize such rulemaking by law, enact those  
25 suggested rules into law, or take any other appropriate action  
26 in the General Assembly's discretion. Nothing contained in this

1 amendatory Act of the 95th General Assembly shall be  
2 interpreted to grant rulemaking authority under any other  
3 Illinois statute where such authority is not otherwise  
4 explicitly given. For the purposes of this Section, "rules" is  
5 given the meaning contained in Section 1-70 of the Illinois  
6 Administrative Procedure Act, and "agency" and "agency head"  
7 are given the meanings contained in Sections 1-20 and 1-25 of  
8 the Illinois Administrative Procedure Act to the extent that  
9 such definitions apply to agencies or agency heads under the  
10 jurisdiction of the Governor.

11 (Source: P.A. 93-207, eff. 1-1-04; 94-165, eff. 7-11-05.)

12 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)

13 Sec. 3-3-4. Preparation for Parole Hearing.

14 (a) The Prisoner Review Board shall consider the parole of  
15 each eligible person committed to the Adult Division at least  
16 30 days prior to the date he shall first become eligible for  
17 parole, and shall consider the parole of each person committed  
18 to the Department of Juvenile Justice as a delinquent at least  
19 30 days prior to the expiration of the first year of  
20 confinement.

21 (b) A person eligible for parole shall, in advance of his  
22 parole hearing, prepare a parole plan in accordance with the  
23 rules of the Prisoner Review Board. The person shall be  
24 assisted in preparing his parole plan by personnel of the  
25 Department of Corrections, or the Department of Juvenile



1 Justice in the case of a person committed to that Department,  
2 and may, for this purpose, be released on furlough under  
3 Article 11 or on authorized absence under Section 3-9-4. The  
4 appropriate Department shall also provide assistance in  
5 obtaining information and records helpful to the individual for  
6 his parole hearing.

7 (c) The members of the Board shall have access at all  
8 reasonable times to any committed person and to his master  
9 record file within the Department, and the Department shall  
10 furnish such reports to the Board as the Board may require  
11 concerning the conduct and character of any such person.

12 (d) In making its determination of parole, the Board shall  
13 consider:

14 (1) material transmitted to the Department of Juvenile  
15 Justice by the clerk of the committing court under Section  
16 5-4-1 or Section 5-10 of the Juvenile Court Act or Section  
17 5-750 of the Juvenile Court Act of 1987;

18 (2) the report under Section 3-8-2 or 3-10-2;

19 (3) a report by the Department and any report by the  
20 chief administrative officer of the institution or  
21 facility;

22 (4) a parole progress report;

23 (5) a medical and psychological report, if requested by  
24 the Board;

25 (6) material in writing, or on film, video tape or  
26 other electronic means in the form of a recording submitted

1 by the person whose parole is being considered; and

2 (7) material in writing, or on film, video tape or  
3 other electronic means in the form of a recording or  
4 testimony submitted by the State's Attorney and the victim  
5 or a concerned citizen pursuant to the Rights of Crime  
6 Victims and Witnesses Act.

7 (e) The prosecuting State's Attorney's office shall  
8 receive from the Board reasonable written notice not less than  
9 60 ~~15~~ days prior to the ~~parole~~ hearing described in paragraph  
10 (b-2) of Section 3-3-5 of this Code the names of all inmates  
11 scheduled for said hearing and may submit relevant information  
12 by oral argument or testimony of victims and concerned  
13 citizens, or both, in writing, or on film, video tape or other  
14 electronic means or in the form of a recording to the Board for  
15 its consideration. The State's Attorney may waive the written  
16 notice or request reasonable time to procure additional  
17 information.

18 (f) The victim of the violent crime for which the prisoner  
19 has been sentenced shall receive notice of a parole hearing as  
20 provided in paragraph (4) of subsection (d) of Section 4.5 of  
21 the Rights of Crime Victims and Witnesses Act.

22 (g) Any recording considered under the provisions of  
23 subsection (d)(6), (d)(7) or (e) of this Section shall be in  
24 the form designated by the Board. Such recording shall be both  
25 visual and aural. Every voice on the recording and person  
26 present shall be identified and the recording shall contain

1 either a visual or aural statement of the person submitting  
2 such recording, the date of the recording and the name of the  
3 person whose parole eligibility is being considered. Such  
4 recordings shall be,~~if~~ retained by the Board and shall be  
5 deemed to be submitted at any subsequent parole hearing if the  
6 victim or State's Attorney submits in writing a declaration  
7 clearly identifying such recording as representing the present  
8 position of the victim or State's Attorney regarding the issues  
9 to be considered at the parole hearing.

10 (h) Notwithstanding any other rulemaking authority that  
11 may exist, neither the Governor nor any agency or agency head  
12 under the jurisdiction of the Governor has any authority to  
13 make or promulgate rules to implement or enforce the provisions  
14 of this amendatory Act of the 95th General Assembly. If,  
15 however, the Governor believes that rules are necessary to  
16 implement or enforce the provisions of this amendatory Act of  
17 the 95th General Assembly, the Governor may suggest rules to  
18 the General Assembly by filing them with the Clerk of the House  
19 and the Secretary of the Senate and by requesting that the  
20 General Assembly authorize such rulemaking by law, enact those  
21 suggested rules into law, or take any other appropriate action  
22 in the General Assembly's discretion. Nothing contained in this  
23 amendatory Act of the 95th General Assembly shall be  
24 interpreted to grant rulemaking authority under any other  
25 Illinois statute where such authority is not otherwise  
26 explicitly given. For the purposes of this Section, "rules" is

1 given the meaning contained in Section 1-70 of the Illinois  
2 Administrative Procedure Act, and "agency" and "agency head"  
3 are given the meanings contained in Sections 1-20 and 1-25 of  
4 the Illinois Administrative Procedure Act to the extent that  
5 such definitions apply to agencies or agency heads under the  
6 jurisdiction of the Governor.

7 (Source: P.A. 94-696, eff. 6-1-06.)

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

9 Sec. 3-3-5. Hearing and Determination.

10 (a) The Prisoner Review Board shall meet as often as need  
11 requires to consider the cases of persons eligible for parole.  
12 Except as otherwise provided in paragraph (2) of subsection (a)  
13 of Section 3-3-2 of this Act, the Prisoner Review Board may  
14 meet and order its actions in panels of 3 or more members. The  
15 action of a majority of the panel shall be the action of the  
16 Board. In consideration of persons committed to the Department  
17 of Juvenile Justice, the panel shall have at least a majority  
18 of members experienced in juvenile matters.

19 (b) If the person under consideration for parole is in the  
20 custody of the Department, at least one member of the Board  
21 shall interview him, and a report of that interview shall be  
22 available for the Board's consideration. However, in the  
23 discretion of the Board, the interview need not be conducted if  
24 a psychiatric examination determines that the person could not  
25 meaningfully contribute to the Board's consideration. The

1 Board may in its discretion parole a person who is then outside  
2 the jurisdiction on his record without an interview. The Board  
3 need not hold a hearing or interview a person who is paroled  
4 under paragraphs (d) or (e) of this Section or released on  
5 Mandatory release under Section 3-3-10.

6 (b-1) When an interview is conducted, the person seeking  
7 parole shall be interviewed at the penal institution where the  
8 person is confined and may receive additional testimony from  
9 the person seeking parole's attorney, family, and other persons  
10 in support of the Board granting parole. Upon the request of  
11 the State's Attorney and to the extent allowed by law, a copy  
12 of the written submissions by the person seeking parole and  
13 copies of the reports described in paragraph (c) of Section  
14 3-3-4 of this Act, documents in the possession of the Board  
15 reflecting the person seeking parole's current medical  
16 conditions and treatment, and the person seeking parole's  
17 mental health reports, shall be served upon the State's  
18 Attorney of the county that prosecuted the person by the  
19 Prisoner Review Board within 3 days of the Board's receipt of  
20 these documents. Upon the request of the State's Attorney, the  
21 Board shall make available for inspection and copying the file  
22 described in paragraph (c) of Section 3-3-4 of this Act.

23 Thereafter, the Board may upon the written request of the  
24 State's Attorney of the county where the person seeking parole  
25 was prosecuted conduct the State's Attorney's portion of the  
26 parole hearing within said county, or the judicial circuit

1 within which the county rests. At the hearing, a State's  
2 Attorney's Office representative and all victims or concerned  
3 citizens may address the Board. These statements may be made in  
4 person, in writing, or by a recording or video recording. At  
5 least one member of the Board shall preside over this hearing.

6 (b-3) After the State's Attorney's portion of the parole  
7 hearing, the Board shall give all registered crime victims and  
8 the State's Attorney of the county where the person seeking  
9 parole was prosecuted 15 days notice of an en banc hearing  
10 before the Board. Such hearing may be continued by the Board  
11 only if the persons objecting to and supporting parole are  
12 given 5 days notice of any hearing continuance unless there is  
13 an emergency declared by the Chairman of the Board. One Board  
14 member shall make a comprehensive presentation of the person  
15 seeking parole's case to the Board. The person seeking parole's  
16 attorney and one representative of the person seeking parole  
17 may address the Board. A representative of the Office of the  
18 State's Attorney and the victim or one representative of the  
19 victim may address the Board and request conditions of parole  
20 should the Board vote to parole the person seeking parole.  
21 Thereafter, the Board shall deliberate and vote on granting  
22 parole.

23 (c) The Board shall not parole a person eligible for parole  
24 if it determines that:

- 25 (1) there is a substantial risk that he will not  
26 conform to reasonable conditions of parole; or

1           (2) his release at that time would deprecate the  
2           seriousness of his offense or promote disrespect for the  
3           law; or

4           (3) his release would have a substantially adverse  
5           effect on institutional discipline.

6           (d) A person committed under the Juvenile Court Act or the  
7           Juvenile Court Act of 1987 who has not been sooner released  
8           shall be paroled on or before his 20th birthday to begin  
9           serving a period of parole under Section 3-3-8.

10          (e) A person who has served the maximum term of  
11          imprisonment imposed at the time of sentencing less time credit  
12          for good behavior shall be released on parole to serve a period  
13          of parole under Section 5-8-1.

14          (f) The Board shall render its decision within a reasonable  
15          time after hearing and shall state the basis therefor both in  
16          the records of the Board and in written notice to the person on  
17          whose application it has acted. In its decision, the Board  
18          shall set the person's time for parole, or if it denies parole  
19          it shall provide for a rehearing not less frequently than once  
20          every year, except that the Board may, after denying parole,  
21          schedule a rehearing no later than 5 ~~3~~ years from the date of  
22          the parole denial, if the Board finds that it is not reasonable  
23          to expect that parole would be granted at a hearing prior to  
24          the scheduled rehearing date. If the Board shall parole a  
25          person, and, if he is not released within 90 days from the  
26          effective date of the order granting parole, the matter shall

1 be returned to the Board for review.

2 (g) The Board shall maintain a registry of decisions in  
3 which parole has been granted, which shall include the name and  
4 case number of the prisoner, the highest charge for which the  
5 prisoner was sentenced, the length of sentence imposed, the  
6 date of the sentence, the date of the parole, and the basis for  
7 the decision of the Board to grant parole and the vote of the  
8 Board on any such decisions. The registry shall be made  
9 available for public inspection and copying during business  
10 hours and shall be a public record pursuant to the provisions  
11 of the Freedom of Information Act.

12 (h) The Board shall promulgate rules regarding the exercise  
13 of its discretion under this Section.

14 (i) Notwithstanding any other rulemaking authority that  
15 may exist, neither the Governor nor any agency or agency head  
16 under the jurisdiction of the Governor has any authority to  
17 make or promulgate rules to implement or enforce the provisions  
18 of this amendatory Act of the 95th General Assembly. If,  
19 however, the Governor believes that rules are necessary to  
20 implement or enforce the provisions of this amendatory Act of  
21 the 95th General Assembly, the Governor may suggest rules to  
22 the General Assembly by filing them with the Clerk of the House  
23 and the Secretary of the Senate and by requesting that the  
24 General Assembly authorize such rulemaking by law, enact those  
25 suggested rules into law, or take any other appropriate action  
26 in the General Assembly's discretion. Nothing contained in this



1 amendatory Act of the 95th General Assembly shall be  
2 interpreted to grant rulemaking authority under any other  
3 Illinois statute where such authority is not otherwise  
4 explicitly given. For the purposes of this Section, "rules" is  
5 given the meaning contained in Section 1-70 of the Illinois  
6 Administrative Procedure Act, and "agency" and "agency head"  
7 are given the meanings contained in Sections 1-20 and 1-25 of  
8 the Illinois Administrative Procedure Act to the extent that  
9 such definitions apply to agencies or agency heads under the  
10 jurisdiction of the Governor.

11 (Source: P.A. 94-696, eff. 6-1-06.)

12 (730 ILCS 5/3-5-1) (from Ch. 38, par. 1003-5-1)

13 Sec. 3-5-1. Master Record File.

14 (a) The Department of Corrections and the Department of  
15 Juvenile Justice shall maintain a master record file on each  
16 person committed to it, which shall contain the following  
17 information:

18 (1) all information from the committing court;

19 (2) reception summary;

20 (3) evaluation and assignment reports and  
21 recommendations;

22 (4) reports as to program assignment and progress;

23 (5) reports of disciplinary infractions and  
24 disposition;

25 (6) any parole plan;

1 (7) any parole reports;

2 (8) the date and circumstances of final discharge; and  
3 any other pertinent data concerning the person's  
4 background, conduct, associations and family relationships  
5 as may be required by the respective Department. A current  
6 summary index shall be maintained on each file which shall  
7 include the person's known active and past gang  
8 affiliations and ranks.

9 (b) All files shall be confidential and access shall be  
10 limited to authorized personnel of the respective Department.  
11 Personnel of other correctional, welfare or law enforcement  
12 agencies may have access to files under rules and regulations  
13 of the respective Department. The prosecuting State's  
14 Attorney's Office shall have access to the committed person's  
15 master record file whenever the Prisoner Review Board has  
16 scheduled a parole hearing for the committed person under  
17 Section 3-3-5 of this Code. The respective Department shall  
18 keep a record of all outside personnel who have access to  
19 files, the files reviewed, any file material copied, and the  
20 purpose of access. If the respective Department or the Prisoner  
21 Review Board makes a determination under this Code which  
22 affects the length of the period of confinement or commitment,  
23 the committed person and his counsel shall be advised of  
24 factual information relied upon by the respective Department or  
25 Board to make the determination, provided that the Department  
26 or Board shall not be required to advise a person committed to

1 the Department of Juvenile Justice any such information which  
2 in the opinion of the Department of Juvenile Justice or Board  
3 would be detrimental to his treatment or rehabilitation.

4 (c) The master file shall be maintained at a place  
5 convenient to its use by personnel of the respective Department  
6 in charge of the person. When custody of a person is  
7 transferred from the Department to another department or  
8 agency, a summary of the file shall be forwarded to the  
9 receiving agency with such other information required by law or  
10 requested by the agency under rules and regulations of the  
11 respective Department.

12 (d) The master file of a person no longer in the custody of  
13 the respective Department shall be placed on inactive status  
14 and its use shall be restricted subject to rules and  
15 regulations of the Department.

16 (e) All public agencies may make available to the  
17 respective Department on request any factual data not otherwise  
18 privileged as a matter of law in their possession in respect to  
19 individuals committed to the respective Department.

20 (f) Notwithstanding any other rulemaking authority that  
21 may exist, neither the Governor nor any agency or agency head  
22 under the jurisdiction of the Governor has any authority to  
23 make or promulgate rules to implement or enforce the provisions  
24 of this amendatory Act of the 95th General Assembly. If,  
25 however, the Governor believes that rules are necessary to  
26 implement or enforce the provisions of this amendatory Act of

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2 the General Assembly by filing them with the Clerk of the House  
3 and the Secretary of the Senate and by requesting that the  
4 General Assembly authorize such rulemaking by law, enact those  
5 suggested rules into law, or take any other appropriate action  
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7 amendatory Act of the 95th General Assembly shall be  
8 interpreted to grant rulemaking authority under any other  
9 Illinois statute where such authority is not otherwise  
10 explicitly given. For the purposes of this Section, "rules" is  
11 given the meaning contained in Section 1-70 of the Illinois  
12 Administrative Procedure Act, and "agency" and "agency head"  
13 are given the meanings contained in Sections 1-20 and 1-25 of  
14 the Illinois Administrative Procedure Act to the extent that  
15 such definitions apply to agencies or agency heads under the  
16 jurisdiction of the Governor.

17 (Source: P.A. 94-696, eff. 6-1-06.)

18 Section 95. No acceleration or delay. Where this Act makes  
19 changes in a statute that is represented in this Act by text  
20 that is not yet or no longer in effect (for example, a Section  
21 represented by multiple versions), the use of that text does  
22 not accelerate or delay the taking effect of (i) the changes  
23 made by this Act or (ii) provisions derived from any other  
24 Public Act.

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.