



Rep. Chapin Rose

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09500HB5908ham003

LRB095 15693 RLC 49487 a

1 AMENDMENT TO HOUSE BILL 5908

2 AMENDMENT NO. _____. Amend House Bill 5908, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Rights of Crime Victims and Witnesses Act
6 is amended by changing Sections 3 and 4.5 as follows:

7 (725 ILCS 120/3) (from Ch. 38, par. 1403)

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

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

- 11 (a) "Crime victim" and "victim" mean ~~means~~ (1) a person
- 12 physically injured in this State as a result of a violent crime
- 13 perpetrated or attempted against that person or (2) a person
- 14 who suffers injury to or loss of property as a result of a
- 15 violent crime perpetrated or attempted against that person or
- 16 (3) a single representative who may be the spouse, parent,

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

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

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

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

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

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

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

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

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

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

3 (a) "Crime victim" and "victim" mean ~~means~~ (1) a person
4 physically injured in this State as a result of a violent crime
5 perpetrated or attempted against that person or (2) a person
6 who suffers injury to or loss of property as a result of a
7 violent crime perpetrated or attempted against that person or
8 (3) a single representative who may be the spouse, parent,
9 child or sibling of a person killed as a result of a violent
10 crime perpetrated against the person killed or the spouse,
11 parent, child or sibling of any person granted rights under
12 this Act who is physically or mentally incapable of exercising
13 such rights, except where the spouse, parent, child or sibling
14 is also the defendant or prisoner or (4) any person against
15 whom a violent crime has been committed or (5) any person who
16 has suffered personal injury as a result of a violation of
17 Section 11-501 of the Illinois Vehicle Code, or of a similar
18 provision of a local ordinance, or of Section 9-3 of the
19 Criminal Code of 1961, as amended or (6) in proceedings under
20 the Juvenile Court Act of 1987, both parents, legal guardians,
21 foster parents, or a single adult representative of a minor or
22 disabled person who is a crime victim.†

23 (b) "Witness" means any person who personally observed the
24 commission of a violent crime and who will testify on behalf of
25 the State of Illinois in the criminal prosecution of the
26 violent crime.†

1 (c) "Violent Crime" means any felony in which force or
2 threat of force was used against the victim, or any offense
3 involving sexual exploitation, sexual conduct or sexual
4 penetration, domestic battery, violation of an order of
5 protection, stalking, or any misdemeanor which results in death
6 or great bodily harm to the victim or any violation of Section
7 9-3 of the Criminal Code of 1961, or Section 11-501 of the
8 Illinois Vehicle Code, or a similar provision of a local
9 ordinance, if the violation resulted in personal injury or
10 death, and includes any action committed by a juvenile that
11 would be a violent crime if committed by an adult. For the
12 purposes of this paragraph, "personal injury" shall include any
13 Type A injury as indicated on the traffic accident report
14 completed by a law enforcement officer that requires immediate
15 professional attention in either a doctor's office or medical
16 facility. A type A injury shall include severely bleeding
17 wounds, distorted extremities, and injuries that require the
18 injured party to be carried from the scene. ~~+~~

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

25 (e) "Court proceedings" includes the preliminary hearing,
26 any hearing the effect of which may be the release of the

1 defendant from custody or to alter the conditions of bond, the
2 trial, sentencing hearing, notice of appeal, any modification
3 of sentence, probation revocation hearings or parole hearings.

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

7 (Source: P.A. 94-271, eff. 1-1-06; 95-591, eff. 6-1-08; revised
8 11-16-07.)

9 (725 ILCS 120/4.5)

10 Sec. 4.5. Procedures to implement the rights of crime
11 victims. To afford crime victims their rights, law enforcement,
12 prosecutors, judges and corrections will provide information,
13 as appropriate of the following procedures:

14 (a) At the request of the crime victim, law enforcement
15 authorities investigating the case shall provide notice of the
16 status of the investigation, except where the State's Attorney
17 determines that disclosure of such information would
18 unreasonably interfere with the investigation, until such time
19 as the alleged assailant is apprehended or the investigation is
20 closed.

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

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

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

3 (3) or victim advocate personnel shall provide
4 information of social services and financial assistance
5 available for victims of crime, including information of
6 how to apply for these services and assistance;

7 (4) shall assist in having any stolen or other personal
8 property held by law enforcement authorities for
9 evidentiary or other purposes returned as expeditiously as
10 possible, pursuant to the procedures set out in Section
11 115-9 of the Code of Criminal Procedure of 1963;

12 (5) or victim advocate personnel shall provide
13 appropriate employer intercession services to ensure that
14 employers of victims will cooperate with the criminal
15 justice system in order to minimize an employee's loss of
16 pay and other benefits resulting from court appearances;

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

22 (7) shall provide notice to the crime victim of the
23 right to have a translator present at all court
24 proceedings;

25 (8) in the case of the death of a person, which death
26 occurred in the same transaction or occurrence in which

1 acts occurred for which a defendant is charged with an
2 offense, shall notify the spouse, parent, child or sibling
3 of the decedent of the date of the trial of the person or
4 persons allegedly responsible for the death;

5 (9) shall inform the victim of the right to have
6 present at all court proceedings, subject to the rules of
7 evidence, an advocate or other support person of the
8 victim's choice, and the right to retain an attorney, at
9 the victim's own expense, who, upon written notice filed
10 with the clerk of the court and State's Attorney, is to
11 receive copies of all notices, motions and court orders
12 filed thereafter in the case, in the same manner as if the
13 victim were a named party in the case; and

14 (10) at the sentencing hearing shall make a good faith
15 attempt to explain the minimum amount of time during which
16 the defendant may actually be physically imprisoned. The
17 Office of the State's Attorney shall further notify the
18 crime victim of the right to request from the Prisoner
19 Review Board information concerning the release of the
20 defendant under subparagraph (d) (1) of this Section; and

21 (11) shall request restitution at sentencing and shall
22 consider restitution in any plea negotiation, as provided
23 by law.

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

26 (1) provide notice a reasonable time in advance of the

1 following court proceedings: preliminary hearing, any
2 hearing the effect of which may be the release of defendant
3 from custody, or to alter the conditions of bond and the
4 sentencing hearing. The crime victim shall also be notified
5 of the cancellation of the court proceeding in sufficient
6 time, wherever possible, to prevent an unnecessary
7 appearance in court;

8 (2) provide notice within a reasonable time after
9 receipt of notice from the custodian, of the release of the
10 defendant on bail or personal recognizance or the release
11 from detention of a minor who has been detained for a
12 violent crime;

13 (3) explain in nontechnical language the details of any
14 plea or verdict of a defendant, or any adjudication of a
15 juvenile as a delinquent for a violent crime;

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

22 (5) provide notice of the ultimate disposition of the
23 cases arising from an indictment or an information, or a
24 petition to have a juvenile adjudicated as a delinquent for
25 a violent crime;

26 (6) provide notice of any appeal taken by the defendant

1 and information on how to contact the appropriate agency
2 handling the appeal;

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

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

12 (d) (1) The Prisoner Review Board shall inform a victim or
13 any other concerned citizen, upon written request, of the
14 prisoner's release on parole, mandatory supervised release,
15 electronic detention, work release, international transfer or
16 exchange, or by the custodian of the discharge of any
17 individual who was adjudicated a delinquent for a violent crime
18 from State custody and by the sheriff of the appropriate county
19 of any such person's final discharge from county custody. The
20 Prisoner Review Board, upon written request, shall provide to a
21 victim or any other concerned citizen a recent photograph of
22 any person convicted of a felony, upon his or her release from
23 custody. The Prisoner Review Board, upon written request, shall
24 inform a victim or any other concerned citizen when feasible at
25 least 7 days prior to the prisoner's release on furlough of the
26 times and dates of such furlough. Upon written request by the

1 victim or any other concerned citizen, the State's Attorney
2 shall notify the person once of the times and dates of release
3 of a prisoner sentenced to periodic imprisonment. Notification
4 shall be based on the most recent information as to victim's or
5 other concerned citizen's residence or other location
6 available to the notifying authority. ~~For purposes of this~~
7 ~~paragraph (1) of subsection (d), "concerned citizen" includes~~
8 ~~relatives of the victim, friends of the victim, witnesses to~~
9 ~~the crime, or any other person associated with the victim or~~
10 ~~prisoner.~~

11 (2) When the defendant has been committed to the
12 Department of Human Services pursuant to Section 5-2-4 or
13 any other provision of the Unified Code of Corrections, the
14 victim may request to be notified by the releasing
15 authority of the defendant's discharge from State custody.

16 (3) In the event of an escape from State custody, the
17 Department of Corrections or the Department of Juvenile
18 Justice immediately shall notify the Prisoner Review Board
19 of the escape and the Prisoner Review Board shall notify
20 the victim. The notification shall be based upon the most
21 recent information as to the victim's residence or other
22 location available to the Board. When no such information
23 is available, the Board shall make all reasonable efforts
24 to obtain the information and make the notification. When
25 the escapee is apprehended, the Department of Corrections
26 or the Department of Juvenile Justice immediately shall

1 notify the Prisoner Review Board and the Board shall notify
2 the victim.

3 (4) The victim of the crime for which the prisoner has
4 been sentenced shall receive reasonable written notice not
5 less than 30 ~~15~~ days prior to the parole hearing and may
6 submit, in writing, on film, videotape or other electronic
7 means or in the form of a recording or in person at the
8 parole hearing or if a victim of a violent crime, by
9 calling the toll-free number established in subsection (f)
10 of this Section, information for consideration by the
11 Prisoner Review Board. The victim shall be notified within
12 7 days after the prisoner has been granted parole and shall
13 be informed of the right to inspect the registry of parole
14 decisions, established under subsection (g) of Section
15 3-3-5 of the Unified Code of Corrections. The provisions of
16 this paragraph (4) are subject to the Open Parole Hearings
17 Act. When the victim, concerned citizens, or the State's
18 Attorney has opposed parole for an inmate sentenced under
19 the law in effect prior to February 1, 1978, the additional
20 provision in paragraph (5.1) applies.

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

25 (5.1) If a victim or concerned citizen has registered
26 an objection to parole of an inmate sentenced under the law

1 in effect prior to February 1, 1978, the victim or
2 concerned citizen shall receive a copy of the most recent
3 written submissions that the inmate filed in requesting
4 parole. The Prisoner Review Board may satisfy this
5 requirement by tendering these documents to the State's
6 Attorney's Office that has submitted objections.

7 (6) At the written request of the victim of the crime
8 for which the prisoner was sentenced or the State's
9 Attorney of the county where the person seeking parole was
10 prosecuted, the Prisoner Review Board shall notify the
11 victim and the State's Attorney of the county where the
12 person seeking parole was prosecuted of the death of the
13 prisoner if the prisoner died while on parole or mandatory
14 supervised release.

15 (7) When a defendant who has been committed to the
16 Department of Corrections, the Department of Juvenile
17 Justice, or the Department of Human Services is released or
18 discharged and subsequently committed to the Department of
19 Human Services as a sexually violent person and the victim
20 had requested to be notified by the releasing authority of
21 the defendant's discharge from State custody, the
22 releasing authority shall provide to the Department of
23 Human Services such information that would allow the
24 Department of Human Services to contact the victim.

25 (e) The officials named in this Section may satisfy some or
26 all of their obligations to provide notices and other

1 information through participation in a statewide victim and
2 witness notification system established by the Attorney
3 General under Section 8.5 of this Act.

4 (f) To permit a victim of a violent crime to provide
5 information to the Prisoner Review Board for consideration by
6 the Board at a parole hearing of a person who committed the
7 crime against the victim in accordance with clause (d)(4) of
8 this Section or at a proceeding to determine the conditions of
9 mandatory supervised release of a person sentenced to a
10 determinate sentence or at a hearing on revocation of mandatory
11 supervised release of a person sentenced to a determinate
12 sentence, the Board shall establish a toll-free number that may
13 be accessed by the victim of a violent crime to present that
14 information to the Board.

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

16 Section 10. The Unified Code of Corrections is amended by
17 changing Sections 3-3-2, 3-3-4, 3-3-5, and 3-5-1 as follows:

18 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

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

20 (a) The Parole and Pardon Board is abolished and the term
21 "Parole and Pardon Board" as used in any law of Illinois, shall
22 read "Prisoner Review Board." After the effective date of this
23 amendatory Act of 1977, the Prisoner Review Board shall provide
24 by rule for the orderly transition of all files, records, and

1 documents of the Parole and Pardon Board and for such other
2 steps as may be necessary to effect an orderly transition and
3 shall:

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

9 (2) hear by at least one member and through a panel of
10 at least 3 members decide, the conditions of parole and the
11 time of discharge from parole, impose sanctions for
12 violations of parole, and revoke parole for those sentenced
13 under the law in effect prior to this amendatory Act of
14 1977; provided that the decision to parole and the
15 conditions of parole for all prisoners who were sentenced
16 for first degree murder or who received a minimum sentence
17 of 20 years or more under the law in effect prior to
18 February 1, 1978 shall be determined by a majority vote of
19 the Prisoner Review Board after the members present at the
20 en banc have heard presentations in support of and, if the
21 parole is opposed, in objection to the parole request;

22 (3) hear by at least one member and through a panel of
23 at least 3 members decide, the conditions of mandatory
24 supervised release and the time of discharge from mandatory
25 supervised release, impose sanctions for violations of
26 mandatory supervised release, and revoke mandatory

1 supervised release for those sentenced under the law in
2 effect after the effective date of this amendatory Act of
3 1977;

4 (3.5) hear by at least one member and through a panel
5 of at least 3 members decide, the conditions of mandatory
6 supervised release and the time of discharge from mandatory
7 supervised release, to impose sanctions for violations of
8 mandatory supervised release and revoke mandatory
9 supervised release for those serving extended supervised
10 release terms pursuant to paragraph (4) of subsection (d)
11 of Section 5-8-1;

12 (4) hear by at least 1 member and through a panel of at
13 least 3 members, decide cases brought by the Department of
14 Corrections against a prisoner in the custody of the
15 Department for alleged violation of Department rules with
16 respect to good conduct credits pursuant to Section 3-6-3
17 of this Code in which the Department seeks to revoke good
18 conduct credits, if the amount of time at issue exceeds 30
19 days or when, during any 12 month period, the cumulative
20 amount of credit revoked exceeds 30 days except where the
21 infraction is committed or discovered within 60 days of
22 scheduled release. In such cases, the Department of
23 Corrections may revoke up to 30 days of good conduct
24 credit. The Board may subsequently approve the revocation
25 of additional good conduct credit, if the Department seeks
26 to revoke good conduct credit in excess of thirty days.

1 However, the Board shall not be empowered to review the
2 Department's decision with respect to the loss of 30 days
3 of good conduct credit for any prisoner or to increase any
4 penalty beyond the length requested by the Department;

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

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

14 (7) comply with the requirements of the Open Parole
15 Hearings Act;

16 (8) hear by at least one member and, through a panel of
17 at least 3 members, decide cases brought by the Department
18 of Corrections against a prisoner in the custody of the
19 Department for court dismissal of a frivolous lawsuit
20 pursuant to Section 3-6-3(d) of this Code in which the
21 Department seeks to revoke up to 180 days of good conduct
22 credit, and if the prisoner has not accumulated 180 days of
23 good conduct credit at the time of the dismissal, then all
24 good conduct credit accumulated by the prisoner shall be
25 revoked; and

26 (9) hear by at least 3 members, and, through a panel of

1 at least 3 members, decide whether to grant certificates of
2 relief from disabilities or certificates of good conduct as
3 provided in Article 5.5 of Chapter V.

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

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

21 (c) The Board shall cooperate with the Department in
22 promoting an effective system of parole and mandatory
23 supervised release.

24 (d) The Board shall promulgate rules for the conduct of its
25 work, and the Chairman shall file a copy of such rules and any
26 amendments thereto with the Director and with the Secretary of

1 State.

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

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

25 In case of disobedience to a subpoena, the Board may
26 petition any circuit court of the State for an order requiring

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

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

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

1 (h) The Prisoner Review Board shall annually transmit to
2 the Director a detailed report of its work for the preceding
3 calendar year. The annual report shall also be transmitted to
4 the Governor for submission to the Legislature.

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

6 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)

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

8 (a) The Prisoner Review Board shall consider the parole of
9 each eligible person committed to the Adult Division at least
10 30 days prior to the date he shall first become eligible for
11 parole, and shall consider the parole of each person committed
12 to the Department of Juvenile Justice as a delinquent at least
13 30 days prior to the expiration of the first year of
14 confinement.

15 (b) A person eligible for parole shall, in advance of his
16 parole hearing, prepare a parole plan in accordance with the
17 rules of the Prisoner Review Board. The person shall be
18 assisted in preparing his parole plan by personnel of the
19 Department of Corrections, or the Department of Juvenile
20 Justice in the case of a person committed to that Department,
21 and may, for this purpose, be released on furlough under
22 Article 11 or on authorized absence under Section 3-9-4. The
23 appropriate Department shall also provide assistance in
24 obtaining information and records helpful to the individual for
25 his parole hearing.

1 (c) The members of the Board shall have access at all
2 reasonable times to any committed person and to his master
3 record file within the Department, and the Department shall
4 furnish such reports to the Board as the Board may require
5 concerning the conduct and character of any such person.

6 (d) In making its determination of parole, the Board shall
7 consider:

8 (1) material transmitted to the Department of Juvenile
9 Justice by the clerk of the committing court under Section
10 5-4-1 or Section 5-10 of the Juvenile Court Act or Section
11 5-750 of the Juvenile Court Act of 1987;

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

13 (3) a report by the Department and any report by the
14 chief administrative officer of the institution or
15 facility;

16 (4) a parole progress report;

17 (5) a medical and psychological report, if requested by
18 the Board;

19 (6) material in writing, or on film, video tape or
20 other electronic means in the form of a recording submitted
21 by the person whose parole is being considered; and

22 (7) material in writing, or on film, video tape or
23 other electronic means in the form of a recording or
24 testimony submitted by the State's Attorney and the victim
25 or a concerned citizen pursuant to the Rights of Crime
26 Victims and Witnesses Act.

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

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

16 (g) Any recording considered under the provisions of
17 subsection (d)(6), (d)(7) or (e) of this Section shall be in
18 the form designated by the Board. Such recording shall be both
19 visual and aural. Every voice on the recording and person
20 present shall be identified and the recording shall contain
21 either a visual or aural statement of the person submitting
22 such recording, the date of the recording and the name of the
23 person whose parole eligibility is being considered. Such
24 recordings shall be,~~if~~ retained by the Board and shall be
25 deemed to be submitted at any subsequent parole hearing if the
26 victim or State's Attorney submits in writing a declaration

1 clearly identifying such recording as representing the present
2 position of the victim or State's Attorney regarding the issues
3 to be considered at the parole hearing.

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

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

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

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

16 (b) If the person under consideration for parole is in the
17 custody of the Department, at least one member of the Board
18 shall interview him, and a report of that interview shall be
19 available for the Board's consideration. However, in the
20 discretion of the Board, the interview need not be conducted if
21 a psychiatric examination determines that the person could not
22 meaningfully contribute to the Board's consideration. The
23 Board may in its discretion parole a person who is then outside
24 the jurisdiction on his record without an interview. The Board
25 need not hold a hearing or interview a person who is paroled

1 under paragraphs (d) or (e) of this Section or released on
2 Mandatory release under Section 3-3-10.

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

20 Thereafter, the Board may upon the written request of the
21 State's Attorney of the county where the person seeking parole
22 was prosecuted conduct the State's Attorney's portion of the
23 parole hearing within said county, or the judicial circuit
24 within which the county rests. At the hearing, a State's
25 Attorney's Office representative and all victims or concerned
26 citizens may address the Board. These statements may be made in

1 person, in writing, or by a recording or video recording. At
2 least one member of the Board shall preside over this hearing.

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

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

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

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

1 (3) his release would have a substantially adverse
2 effect on institutional discipline.

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

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

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

25 (g) The Board shall maintain a registry of decisions in
26 which parole has been granted, which shall include the name and

1 case number of the prisoner, the highest charge for which the
2 prisoner was sentenced, the length of sentence imposed, the
3 date of the sentence, the date of the parole, and the basis for
4 the decision of the Board to grant parole and the vote of the
5 Board on any such decisions. The registry shall be made
6 available for public inspection and copying during business
7 hours and shall be a public record pursuant to the provisions
8 of the Freedom of Information Act.

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

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

21 Section 95. No acceleration or delay. Where this Act makes
22 changes in a statute that is represented in this Act by text
23 that is not yet or no longer in effect (for example, a Section
24 represented by multiple versions), the use of that text does
25 not accelerate or delay the taking effect of (i) the changes

1 made by this Act or (ii) provisions derived from any other
2 Public Act.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".