



Sen. William R. Haine

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LRB096 03881 RLC 26808 a

1 AMENDMENT TO HOUSE BILL 800

2 AMENDMENT NO. _____. Amend House Bill 800 by replacing
3 everything after the enacting clause with the following:

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

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

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

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

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

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

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

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

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

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

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

23 (Source: P.A. 94-271, eff. 1-1-06; 95-591, eff. 6-1-08; 95-876,
24 eff. 8-21-08.)

1 Sec. 4.5. Procedures to implement the rights of crime
2 victims. To afford crime victims their rights, law enforcement,
3 prosecutors, judges and corrections will provide information,
4 as appropriate of the following procedures:

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

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

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

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

19 (3) or victim advocate personnel shall provide
20 information of social services and financial assistance
21 available for victims of crime, including information of
22 how to apply for these services and assistance;

23 (4) shall assist in having any stolen or other personal
24 property held by law enforcement authorities for
25 evidentiary or other purposes returned as expeditiously as
26 possible, pursuant to the procedures set out in Section

1 115-9 of the Code of Criminal Procedure of 1963;

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

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

12 (7) shall provide notice to the crime victim of the
13 right to have a translator present at all court proceedings
14 and, in compliance with the federal Americans with
15 Disabilities Act of 1990, the right to communications
16 access through a sign language interpreter or by other
17 means;

18 (8) in the case of the death of a person, which death
19 occurred in the same transaction or occurrence in which
20 acts occurred for which a defendant is charged with an
21 offense, shall notify the spouse, parent, child or sibling
22 of the decedent of the date of the trial of the person or
23 persons allegedly responsible for the death;

24 (9) shall inform the victim of the right to have
25 present at all court proceedings, subject to the rules of
26 evidence, an advocate or other support person of the

1 victim's choice, and the right to retain an attorney, at
2 the victim's own expense, who, upon written notice filed
3 with the clerk of the court and State's Attorney, is to
4 receive copies of all notices, motions and court orders
5 filed thereafter in the case, in the same manner as if the
6 victim were a named party in the case;

7 (10) at the sentencing hearing shall make a good faith
8 attempt to explain the minimum amount of time during which
9 the defendant may actually be physically imprisoned. The
10 Office of the State's Attorney shall further notify the
11 crime victim of the right to request from the Prisoner
12 Review Board information concerning the release of the
13 defendant under subparagraph (d) (1) of this Section;

14 (11) shall request restitution at sentencing and shall
15 consider restitution in any plea negotiation, as provided
16 by law; and

17 (12) shall, upon the court entering a verdict of not
18 guilty by reason of insanity, inform the victim of the
19 notification services available from the Department of
20 Human Services, including the statewide telephone number,
21 under subparagraph (d) (2) of this Section.

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

24 (1) provide notice a reasonable time in advance of the
25 following court proceedings: preliminary hearing, any
26 hearing the effect of which may be the release of defendant

1 from custody, or to alter the conditions of bond and the
2 sentencing hearing. The crime victim shall also be notified
3 of the cancellation of the court proceeding in sufficient
4 time, wherever possible, to prevent an unnecessary
5 appearance in court;

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

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

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

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

24 (6) provide notice of any appeal taken by the defendant
25 and information on how to contact the appropriate agency
26 handling the appeal;

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

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

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

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

9 (2) When the defendant has been committed to the
10 Department of Human Services pursuant to Section 5-2-4 or
11 any other provision of the Unified Code of Corrections, the
12 victim may request to be notified by the releasing
13 authority of the defendant's furloughs, temporary release,
14 or final discharge from State custody. The Department of
15 Human Services shall establish and maintain a statewide
16 telephone number to be used by victims to make notification
17 requests under these provisions, and shall publicize this
18 telephone number on its website and to the State's Attorney
19 of each county.

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

1 is available, the Board shall make all reasonable efforts
2 to obtain the information and make the notification. When
3 the escapee is apprehended, the Department of Corrections
4 or the Department of Juvenile Justice immediately shall
5 notify the Prisoner Review Board and the Board shall notify
6 the victim.

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

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

26 (6) At the written request of the victim of the crime

1 for which the prisoner was sentenced or the State's
2 Attorney of the county where the person seeking parole was
3 prosecuted, the Prisoner Review Board shall notify the
4 victim and the State's Attorney of the county where the
5 person seeking parole was prosecuted of the death of the
6 prisoner if the prisoner died while on parole or mandatory
7 supervised release.

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

18 (8) When a defendant has been convicted of a sex
19 offense as defined in Section 2 of the Sex Offender
20 Registration Act and has been sentenced to the Department
21 of Corrections or the Department of Juvenile Justice, the
22 Prisoner Review Board shall notify the victim of the sex
23 offense of the prisoner's eligibility for release on
24 parole, mandatory supervised release, electronic
25 detention, work release, international transfer or
26 exchange, or by the custodian of the discharge of any

1 individual who was adjudicated a delinquent for a sex
2 offense from State custody and by the sheriff of the
3 appropriate county of any such person's final discharge
4 from county custody. The notification shall be made to the
5 victim at least 30 days, whenever possible, before release
6 of the sex offender.

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

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

23 (Source: P.A. 94-696, eff. 6-1-06; 95-317, eff. 8-21-07;
24 95-896, eff. 1-1-09; 95-897, eff. 1-1-09; 95-904, eff. 1-1-09;
25 revised 9-25-08.)

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

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

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

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

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

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

1 of 20 years or more under the law in effect prior to
2 February 1, 1978 shall be determined by a majority vote of
3 the Prisoner Review Board. One representative supporting
4 parole and one representative opposing parole will be
5 allowed to speak. Their comments shall be limited to making
6 corrections and filling in omissions to the Board's
7 presentation and discussion;

8 (3) hear by at least one member and through a panel of
9 at least 3 members decide, the conditions of mandatory
10 supervised release and the time of discharge from mandatory
11 supervised release, impose sanctions for violations of
12 mandatory supervised release, and revoke mandatory
13 supervised release for those sentenced under the law in
14 effect after the effective date of this amendatory Act of
15 1977;

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

24 (4) hear by at least 1 member and through a panel of at
25 least 3 members, decide cases brought by the Department of
26 Corrections against a prisoner in the custody of the

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

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

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

26 (7) comply with the requirements of the Open Parole

1 Hearings Act;

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

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

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

1 Management Services, shall report to the Governor and the
2 General Assembly regarding the use, costs, effectiveness, and
3 future viability of interactive video conferences for Prisoner
4 Review Board hearings.

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

7 (c) The Board shall cooperate with the Department in
8 promoting an effective system of parole and mandatory
9 supervised release.

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

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

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

1 any place in the State to a hearing location in the State
2 before the Chairman of the Board or his designated agent or
3 agents or any duly constituted Committee or Subcommittee of the
4 Board. Witnesses so summoned shall be paid the same fees and
5 mileage that are paid witnesses in the circuit courts of the
6 State, and witnesses whose depositions are taken and the
7 persons taking those depositions are each entitled to the same
8 fees as are paid for like services in actions in the circuit
9 courts of the State. Fees and mileage shall be vouchered for
10 payment when the witness is discharged from further attendance.

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

1 investigation or hearing, or to there produce documentary
2 evidence, if so ordered, or to give evidence relative to the
3 subject matter of that investigation or hearing. Any failure to
4 obey such order of the circuit court may be punished by that
5 court as a contempt of court.

6 Each member of the Board and any hearing officer designated
7 by the Board shall have the power to administer oaths and to
8 take the testimony of persons under oath.

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

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

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

18 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)

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

20 (a) The Prisoner Review Board shall consider the parole of
21 each eligible person committed to the Adult Division at least
22 30 days prior to the date he shall first become eligible for
23 parole, and shall consider the parole of each person committed
24 to the Department of Juvenile Justice as a delinquent at least
25 30 days prior to the expiration of the first year of

1 confinement.

2 (b) A person eligible for parole shall, no less than 30
3 days in advance of his parole interview hearing, prepare a
4 parole plan in accordance with the rules of the Prisoner Review
5 Board. The person shall be assisted in preparing his parole
6 plan by personnel of the Department of Corrections, or the
7 Department of Juvenile Justice in the case of a person
8 committed to that Department, and may, for this purpose, be
9 released on furlough under Article 11 or on authorized absence
10 under Section 3-9-4. The appropriate Department shall also
11 provide assistance in obtaining information and records
12 helpful to the individual for his parole hearing. If the person
13 eligible for parole has a petition, parole plan, or any written
14 submissions prepared on his or her behalf by an attorney or
15 other representative, the person eligible for parole must serve
16 by certified mail the State's Attorney of the county where he
17 or she was prosecuted with the petition, parole plan, or any
18 written submissions 15 days after his or her parole interview.

19 (c) Any member ~~The members~~ of the Board shall have access
20 at all reasonable times to any committed person and to his
21 master record file within the Department, and the Department
22 shall furnish such a report ~~reports~~ to the Board ~~as the Board~~
23 ~~may require~~ concerning the conduct and character of any such
24 person prior to his or her parole interview.

25 (d) In making its determination of parole, the Board shall
26 consider:

1 (1) material transmitted to the Department of Juvenile
2 Justice by the clerk of the committing court under Section
3 5-4-1 or Section 5-10 of the Juvenile Court Act or Section
4 5-750 of the Juvenile Court Act of 1987;

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

6 (3) a report by the Department and any report by the
7 chief administrative officer of the institution or
8 facility;

9 (4) a parole progress report;

10 (5) a medical and psychological report, ~~if requested by~~
11 ~~the Board;~~

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

15 (7) material in writing, or on film, video tape or
16 other electronic means in the form of a recording or
17 testimony submitted by the State's Attorney and the victim
18 or a concerned citizen pursuant to the Rights of Crime
19 Victims and Witnesses Act.

20 (e) The prosecuting State's Attorney's office shall
21 receive from the Board reasonable written notice not less than
22 30 ~~15~~ days prior to the parole interview ~~hearing~~ and may submit
23 relevant information by oral argument or testimony of victims
24 and concerned citizens, or both, in writing, or on film, video
25 tape or other electronic means or in the form of a recording to
26 the Board for its consideration. Upon written request of the

1 State's Attorney's office, the Prisoner Review Board shall hear
2 protests to parole. This hearing shall take place the month
3 following the inmate's parole interview. If the inmate's parole
4 interview is rescheduled then the Prisoner Review Board shall
5 promptly notify the State's Attorney of the new date. The
6 person eligible for parole shall be heard at the next scheduled
7 en banc hearing date. If the case is to be continued, the
8 State's Attorney's office will be notified of any continuance
9 within 5 business days. The State's Attorney may waive the
10 written notice.

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

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

1 position of the victim or State's Attorney regarding the issues
2 to be considered at the parole hearing.

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

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

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

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

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

1 Mandatory release under Section 3-3-10.

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

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

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

9 (3) his release would have a substantially adverse
10 effect on institutional discipline.

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

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

19 (f) The Board shall render its decision within a reasonable
20 time after hearing and shall state the basis therefor both in
21 the records of the Board and in written notice to the person on
22 whose application it has acted. In its decision, the Board
23 shall set the person's time for parole, or if it denies parole
24 it shall provide for a rehearing not less frequently than once
25 every year, except that the Board may, after denying parole,
26 schedule a rehearing no later than 3 years from the date of the

1 parole denial, if the Board finds that it is not reasonable to
2 expect that parole would be granted at a hearing prior to the
3 scheduled rehearing date. If the Board shall parole a person,
4 and, if he is not released within 90 days from the effective
5 date of the order granting parole, the matter shall be returned
6 to the Board for review.

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

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

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."