



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5399

Introduced 2/5/2010, by Rep. Constance A. Howard

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-13

from Ch. 38, par. 1003-3-13

Amends the Unified Code of Corrections relating to executive clemency. Provides that the Governor shall decide each application and communicate his or her decision to the Prisoner Review Board within one year after the hearing by the Board on the petition seeking a pardon, commutation, or reprieve. Effective immediately.

LRB096 18317 RLC 33692 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 3-3-13 as follows:

6 (730 ILCS 5/3-3-13) (from Ch. 38, par. 1003-3-13)

7 Sec. 3-3-13. Procedure for Executive Clemency.

8 (a) Petitions seeking pardon, commutation, or reprieve
9 shall be addressed to the Governor and filed with the Prisoner
10 Review Board. The petition shall be in writing and signed by
11 the person under conviction or by a person on his behalf. It
12 shall contain a brief history of the case, the reasons for
13 seeking executive clemency, and other relevant information the
14 Board may require.

15 (a-5) After a petition has been denied by the Governor, the
16 Board may not accept a repeat petition for executive clemency
17 for the same person until one full year has elapsed from the
18 date of the denial. The Chairman of the Board may waive the
19 one-year requirement if the petitioner offers in writing new
20 information that was unavailable to the petitioner at the time
21 of the filing of the prior petition and which the Chairman
22 determines to be significant. The Chairman also may waive the
23 one-year waiting period if the petitioner can show that a

1 change in circumstances of a compelling humanitarian nature has
2 arisen since the denial of the prior petition.

3 (b) Notice of the proposed application shall be given by
4 the Board to the committing court and the state's attorney of
5 the county where the conviction was had.

6 (c) The Board shall, if requested and upon due notice, give
7 a hearing to each application, allowing representation by
8 counsel, if desired, after which it shall confidentially advise
9 the Governor by a written report of its recommendations which
10 shall be determined by majority vote. The Board shall meet to
11 consider such petitions no less than 4 times each year.

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

17 (d) The Governor shall decide each application and
18 communicate his decision to the Board within one year after the
19 hearing by the Board on the petition seeking a pardon,
20 commutation, or reprieve. The Board ~~which~~ shall notify the
21 petitioner of the Governor's decision.

22 In the event a petitioner who has been convicted of a Class
23 X felony is granted a release, after the Governor has
24 communicated such decision to the Board, the Board shall give
25 written notice to the Sheriff of the county from which the
26 offender was sentenced if such sheriff has requested that such

1 notice be given on a continuing basis. In cases where arrest of
2 the offender or the commission of the offense took place in any
3 municipality with a population of more than 10,000 persons, the
4 Board shall also give written notice to the proper law
5 enforcement agency for said municipality which has requested
6 notice on a continuing basis.

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

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

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.