



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5914

Introduced 2/10/2010, by Rep. Annazette Collins

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-9

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

Amends the Unified Code of Corrections. Eliminates provision that permits the Prisoner Review Board to revoke parole for persons committed under the Juvenile Court Act or the Juvenile Court Act of 1987 and to recommit them until the age of 21 for violations of parole. Provides that the Board may require persons committed under the Juvenile Court Act of 1987 to be continued on the existing term without modifying or enlarging the conditions of parole, unless the minor is found guilty beyond a reasonable doubt of violating a condition of parole by a juvenile court following a due process hearing with counsel for the minor. Provides that if the court finds the minor guilty of violating parole, the court shall conduct a hearing to determine if it is in the best interest of the minor and the public to recommit the minor to the Department of Juvenile Justice. Provides that if the minor is recommitted, the minor shall be eligible for release within 30 days, and shall in no event be reconfined for longer than 60 days.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 3-3-9 as follows:

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

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

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

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

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

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

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

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

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

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

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

1 confinement;

2 (iii) persons committed under the Juvenile Court
3 Act of 1987 shall be continued on the existing term
4 without modifying or enlarging the conditions of
5 parole, unless the minor is found guilty beyond a
6 reasonable doubt of violating a condition of parole by
7 a juvenile court following a due process hearing with
8 counsel for the minor. If the court finds the minor
9 guilty of violating parole, the court shall conduct a
10 hearing to determine if it is in the best interest of
11 the minor and the public to recommit the minor to the
12 Department of Juvenile Justice. In the event the minor
13 is recommitted, the minor shall be eligible for release
14 within 30 days, and shall in no event be reconfined for
15 longer than 60 days ~~persons committed under the~~
16 ~~Juvenile Court Act or the Juvenile Court Act of 1987~~
17 ~~shall be recommitted until the age of 21;~~

18 (iv) this Section is subject to the release under
19 supervision and the reparole and rerelease provisions
20 of Section 3-3-10.

21 (b) The Board may revoke parole or mandatory supervised
22 release for violation of a condition for the duration of the
23 term and for any further period which is reasonably necessary
24 for the adjudication of matters arising before its expiration.
25 The issuance of a warrant of arrest for an alleged violation of
26 the conditions of parole or mandatory supervised release shall

1 toll the running of the term until the final determination of
2 the charge. When parole or mandatory supervised release is not
3 revoked that period shall be credited to the term, unless a
4 community-based sanction is imposed as an alternative to
5 revocation and reincarceration, including a diversion
6 established by the Illinois Department of Corrections Parole
7 Services Unit prior to the holding of a preliminary parole
8 revocation hearing. Parolees who are diverted to a
9 community-based sanction shall serve the entire term of parole
10 or mandatory supervised release, if otherwise appropriate.

11 (b-5) The Board shall revoke parole or mandatory supervised
12 release for violation of the conditions prescribed in paragraph
13 (7.6) of subsection (a) of Section 3-3-7.

14 (c) A person charged with violating a condition of parole
15 or mandatory supervised release shall have a preliminary
16 hearing before a hearing officer designated by the Board to
17 determine if there is cause to hold the person for a revocation
18 hearing. However, no preliminary hearing need be held when
19 revocation is based upon new criminal charges and a court finds
20 probable cause on the new criminal charges or when the
21 revocation is based upon a new criminal conviction and a
22 certified copy of that conviction is available.

23 (d) Parole or mandatory supervised release shall not be
24 revoked without written notice to the offender setting forth
25 the violation of parole or mandatory supervised release charged
26 against him.

1 (e) A hearing on revocation shall be conducted before at
2 least one member of the Prisoner Review Board. The Board may
3 meet and order its actions in panels of 3 or more members. The
4 action of a majority of the panel shall be the action of the
5 Board. In consideration of persons committed to the Department
6 of Juvenile Justice, the member hearing the matter and at least
7 a majority of the panel shall be experienced in juvenile
8 matters. A record of the hearing shall be made. At the hearing
9 the offender shall be permitted to:

10 (1) appear and answer the charge; and

11 (2) bring witnesses on his behalf.

12 (f) The Board shall either revoke parole or mandatory
13 supervised release or order the person's term continued with or
14 without modification or enlargement of the conditions.

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

19 (Source: P.A. 94-161, eff. 7-11-05; 94-165, eff. 7-11-05;
20 94-696, eff. 6-1-06; 95-82, eff. 8-13-07.)