



Sen. Kwame Raoul

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LRB096 07092 RLC 23829 a

1 AMENDMENT TO SENATE BILL 1012

2 AMENDMENT NO. _____. Amend Senate Bill 1012 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by
5 changing Section 3-3-2 as follows:

6 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

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

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

16 (1) hear by at least one member and through a panel of

1 at least 3 members decide, cases of prisoners who were
2 sentenced under the law in effect prior to the effective
3 date of this amendatory Act of 1977, and who are eligible
4 for parole;

5 (2) hear by at least one member and through a panel of
6 at least 3 members decide, the conditions of parole and the
7 time of discharge from parole, impose sanctions for
8 violations of parole, and revoke parole for those sentenced
9 under the law in effect prior to this amendatory Act of
10 1977; provided that the decision to parole and the
11 conditions of parole for all prisoners who were sentenced
12 for first degree murder or who received a minimum sentence
13 of 20 years or more under the law in effect prior to
14 February 1, 1978 shall be determined by a simple majority
15 vote of the members of the Prisoner Review Board who are
16 present and voting at any en banc meeting of the Prisoner
17 Review Board, once a quorum is established;

18 (3) hear by at least one member and through a panel of
19 at least 3 members decide, the conditions of mandatory
20 supervised release and the time of discharge from mandatory
21 supervised release, impose sanctions for violations of
22 mandatory supervised release, and revoke mandatory
23 supervised release for those sentenced under the law in
24 effect after the effective date of this amendatory Act of
25 1977;

26 (3.5) hear by at least one member and through a panel

1 of at least 3 members decide, the conditions of mandatory
2 supervised release and the time of discharge from mandatory
3 supervised release, to impose sanctions for violations of
4 mandatory supervised release and revoke mandatory
5 supervised release for those serving extended supervised
6 release terms pursuant to paragraph (4) of subsection (d)
7 of Section 5-8-1;

8 (4) hear by at least 1 member and through a panel of at
9 least 3 members, decide cases brought by the Department of
10 Corrections against a prisoner in the custody of the
11 Department for alleged violation of Department rules with
12 respect to good conduct credits pursuant to Section 3-6-3
13 of this Code in which the Department seeks to revoke good
14 conduct credits, if the amount of time at issue exceeds 30
15 days or when, during any 12 month period, the cumulative
16 amount of credit revoked exceeds 30 days except where the
17 infraction is committed or discovered within 60 days of
18 scheduled release. In such cases, the Department of
19 Corrections may revoke up to 30 days of good conduct
20 credit. The Board may subsequently approve the revocation
21 of additional good conduct credit, if the Department seeks
22 to revoke good conduct credit in excess of thirty days.
23 However, the Board shall not be empowered to review the
24 Department's decision with respect to the loss of 30 days
25 of good conduct credit for any prisoner or to increase any
26 penalty beyond the length requested by the Department;

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

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

10 (7) comply with the requirements of the Open Parole
11 Hearings Act;

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

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

26 (a-5) The Prisoner Review Board, with the cooperation of

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

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

17 (c) The Board shall cooperate with the Department in
18 promoting an effective system of parole and mandatory
19 supervised release.

20 (d) The Board shall promulgate rules for the conduct of its
21 work, and the Chairman shall file a copy of such rules and any
22 amendments thereto with the Director and with the Secretary of
23 State.

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

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

21 In case of disobedience to a subpoena, the Board may
22 petition any circuit court of the State for an order requiring
23 the attendance and testimony of witnesses or the production of
24 documentary evidence or both. A copy of such petition shall be
25 served by personal service or by registered or certified mail
26 upon the person who has failed to obey the subpoena, and such

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

16 Each member of the Board and any hearing officer designated
17 by the Board shall have the power to administer oaths and to
18 take the testimony of persons under oath.

19 (g) Except under subsection (a) of this Section, a majority
20 of the members then appointed to the Prisoner Review Board
21 shall constitute a quorum for the transaction of all business
22 of the Board.

23 (h) The Prisoner Review Board shall annually transmit to
24 the Director a detailed report of its work for the preceding
25 calendar year. The annual report shall also be transmitted to
26 the Governor for submission to the Legislature.

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