

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 Rights of Crime Victims and Witnesses Act is
5 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,
17 parent, child or sibling of any person granted rights under
18 this Act who is physically or mentally incapable of exercising
19 such rights, except where the spouse, parent, child or sibling
20 is also the defendant or prisoner or (4) any person against
21 whom a violent crime has been committed or (5) any person who
22 has suffered personal injury as a result of a violation of
23 Section 11-501 of the Illinois Vehicle Code, or of a similar

1 provision of a local ordinance, or of Section 9-3 of the
2 Criminal Code of 1961, as amended or (6) in proceedings under
3 the Juvenile Court Act of 1987, both parents, legal guardians,
4 foster parents, or a single adult representative of a minor or
5 disabled person who is a crime victim.

6 (b) "Witness" means any person who personally observed the
7 commission of a violent crime and who will testify on behalf of
8 the State of Illinois in the criminal prosecution of the
9 violent crime.

10 (c) "Violent Crime" means any felony in which force or
11 threat of force was used against the victim, or any offense
12 involving sexual exploitation, sexual conduct or sexual
13 penetration, or a violation of Section 11-20.1 or 11-20.3 of
14 the Criminal Code of 1961, domestic battery, violation of an
15 order of protection, stalking, or any misdemeanor which results
16 in death or great bodily harm to the victim or any violation of
17 Section 9-3 of the Criminal Code of 1961, or Section 11-501 of
18 the Illinois Vehicle Code, or a similar provision of a local
19 ordinance, if the violation resulted in personal injury or
20 death, and includes any action committed by a juvenile that
21 would be a violent crime if committed by an adult. For the
22 purposes of this paragraph, "personal injury" shall include any
23 Type A injury as indicated on the traffic accident report
24 completed by a law enforcement officer that requires immediate
25 professional attention in either a doctor's office or medical
26 facility. A type A injury shall include severely bleeding

1 wounds, distorted extremities, and injuries that require the
2 injured party to be carried from the scene.

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

9 (e) "Court proceedings" includes the preliminary hearing,
10 any hearing the effect of which may be the release of the
11 defendant from custody or to alter the conditions of bond, the
12 trial, sentencing hearing, notice of appeal, any modification
13 of sentence, probation revocation hearings or parole hearings.

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

17 (Source: P.A. 95-591, eff. 6-1-08; 95-876, eff. 8-21-08;
18 96-292, eff. 1-1-10.)

19 (725 ILCS 120/4.5)

20 Sec. 4.5. Procedures to implement the rights of crime
21 victims. To afford crime victims their rights, law enforcement,
22 prosecutors, judges and corrections will provide information,
23 as appropriate of the following procedures:

24 (a) At the request of the crime victim, law enforcement
25 authorities investigating the case shall provide notice of the

1 status of the investigation, except where the State's Attorney
2 determines that disclosure of such information would
3 unreasonably interfere with the investigation, until such time
4 as the alleged assailant is apprehended or the investigation is
5 closed.

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

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

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

13 (3) or victim advocate personnel shall provide
14 information of social services and financial assistance
15 available for victims of crime, including information of
16 how to apply for these services and assistance;

17 (4) shall assist in having any stolen or other personal
18 property held by law enforcement authorities for
19 evidentiary or other purposes returned as expeditiously as
20 possible, pursuant to the procedures set out in Section
21 115-9 of the Code of Criminal Procedure of 1963;

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

1 (6) shall provide information whenever possible, of a
2 secure waiting area during court proceedings that does not
3 require victims to be in close proximity to defendant or
4 juveniles accused of a violent crime, and their families
5 and friends;

6 (7) shall provide notice to the crime victim of the
7 right to have a translator present at all court proceedings
8 and, in compliance with the federal Americans with
9 Disabilities Act of 1990, the right to communications
10 access through a sign language interpreter or by other
11 means;

12 (8) in the case of the death of a person, which death
13 occurred in the same transaction or occurrence in which
14 acts occurred for which a defendant is charged with an
15 offense, shall notify the spouse, parent, child or sibling
16 of the decedent of the date of the trial of the person or
17 persons allegedly responsible for the death;

18 (9) shall inform the victim of the right to have
19 present at all court proceedings, subject to the rules of
20 evidence, an advocate or other support person of the
21 victim's choice, and the right to retain an attorney, at
22 the victim's own expense, who, upon written notice filed
23 with the clerk of the court and State's Attorney, is to
24 receive copies of all notices, motions and court orders
25 filed thereafter in the case, in the same manner as if the
26 victim were a named party in the case;

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

8 (11) shall request restitution at sentencing and shall
9 consider restitution in any plea negotiation, as provided
10 by law; and

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

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

18 (1) provide notice a reasonable time in advance of the
19 following court proceedings: preliminary hearing, any
20 hearing the effect of which may be the release of defendant
21 from custody, or to alter the conditions of bond and the
22 sentencing hearing. The crime victim shall also be notified
23 of the cancellation of the court proceeding in sufficient
24 time, wherever possible, to prevent an unnecessary
25 appearance in court;

26 (2) provide notice within a reasonable time after

1 receipt of notice from the custodian, of the release of the
2 defendant on bail or personal recognizance or the release
3 from detention of a minor who has been detained for a
4 violent crime;

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

8 (4) where practical, consult with the crime victim
9 before the Office of the State's Attorney makes an offer of
10 a plea bargain to the defendant or enters into negotiations
11 with the defendant concerning a possible plea agreement,
12 and shall consider the written victim impact statement, if
13 prepared prior to entering into a plea agreement;

14 (5) provide notice of the ultimate disposition of the
15 cases arising from an indictment or an information, or a
16 petition to have a juvenile adjudicated as a delinquent for
17 a violent crime;

18 (6) provide notice of any appeal taken by the defendant
19 and information on how to contact the appropriate agency
20 handling the appeal;

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

26 (8) forward a copy of any statement presented under

1 Section 6 to the Prisoner Review Board to be considered by
2 the Board in making its determination under subsection (b)
3 of Section 3-3-8 of the Unified Code of Corrections.

4 (d) (1) The Prisoner Review Board shall inform a victim or
5 any other concerned citizen, upon written request, of the
6 prisoner's release on parole, mandatory supervised release,
7 electronic detention, work release, international transfer or
8 exchange, or by the custodian of the discharge of any
9 individual who was adjudicated a delinquent for a violent crime
10 from State custody and by the sheriff of the appropriate county
11 of any such person's final discharge from county custody. The
12 Prisoner Review Board, upon written request, shall provide to a
13 victim or any other concerned citizen a recent photograph of
14 any person convicted of a felony, upon his or her release from
15 custody. The Prisoner Review Board, upon written request, shall
16 inform a victim or any other concerned citizen when feasible at
17 least 7 days prior to the prisoner's release on furlough of the
18 times and dates of such furlough. Upon written request by the
19 victim or any other concerned citizen, the State's Attorney
20 shall notify the person once of the times and dates of release
21 of a prisoner sentenced to periodic imprisonment. Notification
22 shall be based on the most recent information as to victim's or
23 other concerned citizen's residence or other location
24 available to the notifying authority. ~~For purposes of this~~
25 ~~paragraph (1) of subsection (d), "concerned citizen" includes~~
26 ~~relatives of the victim, friends of the victim, witnesses to~~

1 ~~the crime, or any other person associated with the victim or~~
2 ~~prisoner.~~

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

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

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

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

20 (6) At the written request of the victim of the crime
21 for which the prisoner was sentenced or the State's
22 Attorney of the county where the person seeking parole was
23 prosecuted, the Prisoner Review Board shall notify the
24 victim and the State's Attorney of the county where the
25 person seeking parole was prosecuted of the death of the
26 prisoner if the prisoner died while on parole or mandatory

1 supervised release.

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

12 (8) When a defendant has been convicted of a sex
13 offense as defined in Section 2 of the Sex Offender
14 Registration Act and has been sentenced to the Department
15 of Corrections or the Department of Juvenile Justice, the
16 Prisoner Review Board shall notify the victim of the sex
17 offense of the prisoner's eligibility for release on
18 parole, mandatory supervised release, electronic
19 detention, work release, international transfer or
20 exchange, or by the custodian of the discharge of any
21 individual who was adjudicated a delinquent for a sex
22 offense from State custody and by the sheriff of the
23 appropriate county of any such person's final discharge
24 from county custody. The notification shall be made to the
25 victim at least 30 days, whenever possible, before release
26 of the sex offender.

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

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

17 (Source: P.A. 95-317, eff. 8-21-07; 95-896, eff. 1-1-09;
18 95-897, eff. 1-1-09; 95-904, eff. 1-1-09; 96-328, eff.
19 8-11-09.)

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

22 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

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

24 (a) The Parole and Pardon Board is abolished and the term

1 "Parole and Pardon Board" as used in any law of Illinois, shall
2 read "Prisoner Review Board." After the effective date of this
3 amendatory Act of 1977, the Prisoner Review Board shall provide
4 by rule for the orderly transition of all files, records, and
5 documents of the Parole and Pardon Board and for such other
6 steps as may be necessary to effect an orderly transition and
7 shall:

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

13 (2) hear by at least one member and through a panel of
14 at least 3 members decide, the conditions of parole and the
15 time of discharge from parole, impose sanctions for
16 violations of parole, and revoke parole for those sentenced
17 under the law in effect prior to this amendatory Act of
18 1977; provided that the decision to parole and the
19 conditions of parole for all prisoners who were sentenced
20 for first degree murder or who received a minimum sentence
21 of 20 years or more under the law in effect prior to
22 February 1, 1978 shall be determined by a majority vote of
23 the Prisoner Review Board. One representative supporting
24 parole and one representative opposing parole will be
25 allowed to speak. Their comments shall be limited to making
26 corrections and filling in omissions to the Board's

1 presentation and discussion;

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

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

18 (4) hear by at least 1 member and through a panel of at
19 least 3 members, decide cases brought by the Department of
20 Corrections against a prisoner in the custody of the
21 Department for alleged violation of Department rules with
22 respect to good conduct credits pursuant to Section 3-6-3
23 of this Code in which the Department seeks to revoke good
24 conduct credits, if the amount of time at issue exceeds 30
25 days or when, during any 12 month period, the cumulative
26 amount of credit revoked exceeds 30 days except where the

1 infraction is committed or discovered within 60 days of
2 scheduled release. In such cases, the Department of
3 Corrections may revoke up to 30 days of good conduct
4 credit. The Board may subsequently approve the revocation
5 of additional good conduct credit, if the Department seeks
6 to revoke good conduct credit in excess of thirty days.
7 However, the Board shall not be empowered to review the
8 Department's decision with respect to the loss of 30 days
9 of good conduct credit for any prisoner or to increase any
10 penalty beyond the length requested by the Department;

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

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

20 (7) comply with the requirements of the Open Parole
21 Hearings Act;

22 (8) hear by at least one member and, through a panel of
23 at least 3 members, decide cases brought by the Department
24 of Corrections against a prisoner in the custody of the
25 Department for court dismissal of a frivolous lawsuit
26 pursuant to Section 3-6-3(d) of this Code in which the

1 Department seeks to revoke up to 180 days of good conduct
2 credit, and if the prisoner has not accumulated 180 days of
3 good conduct credit at the time of the dismissal, then all
4 good conduct credit accumulated by the prisoner shall be
5 revoked; and

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

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

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

1 (c) The Board shall cooperate with the Department in
2 promoting an effective system of parole and mandatory
3 supervised release.

4 (d) The Board shall promulgate rules for the conduct of its
5 work, and the Chairman shall file a copy of such rules and any
6 amendments thereto with the Director and with the Secretary of
7 State.

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

11 (f) The Board or one who has allegedly violated the
12 conditions of his parole or mandatory supervised release may
13 require by subpoena the attendance and testimony of witnesses
14 and the production of documentary evidence relating to any
15 matter under investigation or hearing. The Chairman of the
16 Board may sign subpoenas which shall be served by any agent or
17 public official authorized by the Chairman of the Board, or by
18 any person lawfully authorized to serve a subpoena under the
19 laws of the State of Illinois. The attendance of witnesses, and
20 the production of documentary evidence, may be required from
21 any place in the State to a hearing location in the State
22 before the Chairman of the Board or his designated agent or
23 agents or any duly constituted Committee or Subcommittee of the
24 Board. Witnesses so summoned shall be paid the same fees and
25 mileage that are paid witnesses in the circuit courts of the
26 State, and witnesses whose depositions are taken and the

1 persons taking those depositions are each entitled to the same
2 fees as are paid for like services in actions in the circuit
3 courts of the State. Fees and mileage shall be vouchered for
4 payment when the witness is discharged from further attendance.

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

26 Each member of the Board and any hearing officer designated

1 by the Board shall have the power to administer oaths and to
2 take the testimony of persons under oath.

3 (g) Except under subsection (a) of this Section, a majority
4 of the members then appointed to the Prisoner Review Board
5 shall constitute a quorum for the transaction of all business
6 of the Board.

7 (h) The Prisoner Review Board shall annually transmit to
8 the Director a detailed report of its work for the preceding
9 calendar year. The annual report shall also be transmitted to
10 the Governor for submission to the Legislature.

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

12 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)

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

14 (a) The Prisoner Review Board shall consider the parole of
15 each eligible person committed to the Adult Division at least
16 30 days prior to the date he shall first become eligible for
17 parole, and shall consider the parole of each person committed
18 to the Department of Juvenile Justice as a delinquent at least
19 30 days prior to the expiration of the first year of
20 confinement.

21 (b) A person eligible for parole shall, no less than 15
22 days in advance of his parole interview ~~hearing~~, prepare a
23 parole plan in accordance with the rules of the Prisoner Review
24 Board. The person shall be assisted in preparing his parole
25 plan by personnel of the Department of Corrections, or the

1 Department of Juvenile Justice in the case of a person
2 committed to that Department, and may, for this purpose, be
3 released on furlough under Article 11 or on authorized absence
4 under Section 3-9-4. The appropriate Department shall also
5 provide assistance in obtaining information and records
6 helpful to the individual for his parole hearing. If the person
7 eligible for parole has a petition or any written submissions
8 prepared on his or her behalf by an attorney or other
9 representative, the attorney or representative for the person
10 eligible for parole must serve by certified mail the State's
11 Attorney of the county where he or she was prosecuted with the
12 petition or any written submissions 15 days after his or her
13 parole interview. The State's Attorney shall provide the
14 attorney for the person eligible for parole with a copy of his
15 or her letter in opposition to parole via certified mail within
16 5 business days of the en banc hearing.

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

23 (d) In making its determination of parole, the Board shall
24 consider:

25 (1) material transmitted to the Department of Juvenile
26 Justice by the clerk of the committing court under Section

1 5-4-1 or Section 5-10 of the Juvenile Court Act or Section
2 5-750 of the Juvenile Court Act of 1987;

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

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

7 (4) a parole progress report;

8 (5) a medical and psychological report, if requested by
9 the Board;

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

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

18 (e) The prosecuting State's Attorney's office shall
19 receive from the Board reasonable written notice not less than
20 30 ~~15~~ days prior to the parole interview ~~hearing~~ and may submit
21 relevant information by oral argument or testimony of victims
22 and concerned citizens, or both, in writing, or on film, video
23 tape or other electronic means or in the form of a recording to
24 the Board for its consideration. Upon written request of the
25 State's Attorney's office, the Prisoner Review Board shall hear
26 protests to parole, except in counties of 1,500,000 or more

1 inhabitants where there shall be standing objections to all
2 such petitions. If a State's Attorney who represents a county
3 of less than 1,500,000 inhabitants requests a protest hearing,
4 the inmate's counsel or other representative shall also receive
5 notice of such request. This hearing shall take place the month
6 following the inmate's parole interview. If the inmate's parole
7 interview is rescheduled then the Prisoner Review Board shall
8 promptly notify the State's Attorney of the new date. The
9 person eligible for parole shall be heard at the next scheduled
10 en banc hearing date. If the case is to be continued, the
11 State's Attorney's office and the attorney or representative
12 for the person eligible for parole will be notified of any
13 continuance within 5 business days. The State's Attorney may
14 waive the written notice.

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

19 (g) Any recording considered under the provisions of
20 subsection (d)(6), (d)(7) or (e) of this Section shall be in
21 the form designated by the Board. Such recording shall be both
22 visual and aural. Every voice on the recording and person
23 present shall be identified and the recording shall contain
24 either a visual or aural statement of the person submitting
25 such recording, the date of the recording and the name of the
26 person whose parole eligibility is being considered. Such

1 recordings shall be, ~~if~~ retained by the Board and shall be
2 deemed to be submitted at any subsequent parole hearing if the
3 victim or State's Attorney submits in writing a declaration
4 clearly identifying such recording as representing the present
5 position of the victim or State's Attorney regarding the issues
6 to be considered at the parole hearing.

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

8 (730 ILCS 5/3-3-5) (from Ch. 38, par. 1003-3-5)

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

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

19 (b) If the person under consideration for parole is in the
20 custody of the Department, at least one member of the Board
21 shall interview him, and a report of that interview shall be
22 available for the Board's consideration. However, in the
23 discretion of the Board, the interview need not be conducted if
24 a psychiatric examination determines that the person could not
25 meaningfully contribute to the Board's consideration. The

1 Board may in its discretion parole a person who is then outside
2 the jurisdiction on his record without an interview. The Board
3 need not hold a hearing or interview a person who is paroled
4 under paragraphs (d) or (e) of this Section or released on
5 Mandatory release under Section 3-3-10.

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

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

10 (2) his release at that time would deprecate the
11 seriousness of his offense or promote disrespect for the
12 law; or

13 (3) his release would have a substantially adverse
14 effect on institutional discipline.

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

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

23 (f) The Board shall render its decision within a reasonable
24 time after hearing and shall state the basis therefor both in
25 the records of the Board and in written notice to the person on
26 whose application it has acted. In its decision, the Board

1 shall set the person's time for parole, or if it denies parole
2 it shall provide for a rehearing not less frequently than once
3 every year, except that the Board may, after denying parole,
4 schedule a rehearing no later than 3 years from the date of the
5 parole denial, if the Board finds that it is not reasonable to
6 expect that parole would be granted at a hearing prior to the
7 scheduled rehearing date. If the Board shall parole a person,
8 and, if he is not released within 90 days from the effective
9 date of the order granting parole, the matter shall be returned
10 to the Board for review.

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

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

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

24 Section 95. No acceleration or delay. Where this Act makes
25 changes in a statute that is represented in this Act by text

1 that is not yet or no longer in effect (for example, a Section
2 represented by multiple versions), the use of that text does
3 not accelerate or delay the taking effect of (i) the changes
4 made by this Act or (ii) provisions derived from any other
5 Public Act.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.