



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1590

by Rep. Arthur Turner

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-2.2 new
730 ILCS 5/3-3-3

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

Amends the Unified Code of Corrections. Provides that notwithstanding any other provision of law to the contrary, any person incarcerated in an institution or facility of the Department of Corrections shall be eligible for parole or mandatory supervised release after having served 15 years of the sentence when the Prisoner Review Board determines by using the guidelines established in these provisions that there is a strong and reasonable probability that the person will not thereafter violate the law and the person is serving a sentence of natural life imprisonment whose guilty plea was entered or whose trial commenced before December 31, 1990, and who: (1) pleaded guilty to or was found guilty of the first degree murder of a spouse or domestic partner; (2) has no prior violent felony convictions; (3) no longer has a cognizable legal claim or legal recourse; and (4) has a history of being a victim of continual and substantial physical or sexual domestic violence that was not presented as an affirmative defense at trial or sentencing and the history can be corroborated with evidence of facts or circumstances which existed at the time of the alleged physical or sexual domestic violence of the offender, including but not limited to witness statements, hospital records, social services records, and law enforcement records.

LRB098 08710 RLC 38834 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 3-3-3 and by adding Section 3-3-2.2 as
6 follows:

7 (730 ILCS 5/3-3-2.2 new)

8 Sec. 3-3-2.2. Eligibility for parole or mandatory
9 supervised release; offenders with life sentences.

10 (a) Notwithstanding any other provision of law to the
11 contrary, any person incarcerated in an institution or facility
12 of the Department of Corrections shall be eligible for parole
13 or mandatory supervised release after having served 15 years of
14 the sentence when the Prisoner Review Board determines by using
15 the guidelines established in this Section that there is a
16 strong and reasonable probability that the person will not
17 thereafter violate the law and the person is serving a sentence
18 of natural life imprisonment whose guilty plea was entered or
19 whose trial commenced before December 31, 1990, and who:

20 (1) pleaded guilty to or was found guilty of the first
21 degree murder of a spouse or domestic partner;

22 (2) has no prior violent felony convictions;

23 (3) no longer has a cognizable legal claim or legal

1 recourse; and

2 (4) has a history of being a victim of continual and
3 substantial physical or sexual domestic violence that was
4 not presented as an affirmative defense at trial or
5 sentencing and the history can be corroborated with
6 evidence of facts or circumstances which existed at the
7 time of the alleged physical or sexual domestic violence of
8 the offender, including but not limited to witness
9 statements, hospital records, social services records, and
10 law enforcement records.

11 (b) The Prisoner Review Board shall give a thorough review
12 of the case history and prison record of any offender described
13 in subsection (a) of this Section. At the end of the Board's
14 review, the Board shall provide the offender with a copy of a
15 statement of reasons for its parole or mandatory supervised
16 release decision.

17 (c) Any offender released under the provisions of this
18 Section shall be under the supervision of the Prisoner Review
19 Board for an amount of time to be determined by the Board.

20 (d) The Prisoner Review Board shall consider, but not be
21 limited to the following criteria when making its parole or
22 mandatory supervised release decision:

23 (1) length of time served;

24 (2) prison record and self-rehabilitation efforts;

25 (3) whether the history of the case included
26 corroborative material of physical, sexual, mental, or

1 emotional abuse of the offender, including but not limited
2 to witness statements, hospital records, social service
3 records, and law enforcement records;

4 (4) if an offer of a plea bargain was made and if so,
5 why the offender rejected or accepted the offer;

6 (5) any victim information outlined in paragraph (7) of
7 subsection (d) of Section 3-3-4 and Section 6 of the Rights
8 of Crime Victims and Witnesses Act;

9 (6) the offender's continued claim of innocence;

10 (7) the age and maturity of the offender at the time of
11 the board's decision;

12 (8) The age and maturity of the offender at the time of
13 the crime and any contributing influence affecting the
14 offender's judgment;

15 (9) the presence of a workable parole or mandatory
16 supervised release plan; and

17 (10) community and family support.

18 (e) Nothing in this Section shall limit the review of any
19 offender's case who is eligible for parole or mandatory
20 supervised release before 15 years, nor shall it limit in any
21 way the Prisoner Review Board's power to grant parole or
22 mandatory supervised release before 15 years.

23 (f) Nothing in this Section limits the review of any
24 offender's case who has applied for executive clemency, nor dos
25 it limit in any way the Governor's power to grant clemency.

26 (g) It is the responsibility of the offender to petition

1 the Board for a hearing under this Section.

2 (h) A person commits perjury under Section 32-2 of the
3 Criminal Code of 2012 if he or she, with the purpose to
4 deceive, knowingly makes a false witness statement to the
5 Board. Perjury under this Section is a Class 3 felony.

6 (i) In cases where witness statements alleging physical or
7 sexual domestic violence are in conflict as to whether the
8 violence occurred or was continual and substantial in nature,
9 the history of the alleged violence shall be established by
10 other corroborative evidence in addition to witness
11 statements, as provided by subsection (a) of this Section. A
12 contradictory statement of the victim shall not be deemed a
13 conflicting statement for purposes of this Section.

14 (730 ILCS 5/3-3-3) (from Ch. 38, par. 1003-3-3)

15 Sec. 3-3-3. Eligibility for Parole or Release.

16 (a) Except for those offenders who accept the fixed release
17 date established by the Prisoner Review Board under Section
18 3-3-2.1, every person serving a term of imprisonment under the
19 law in effect prior to the effective date of this amendatory
20 Act of 1977 shall be eligible for parole when he has served:

21 (1) the minimum term of an indeterminate sentence less
22 time credit for good behavior, or 20 years less time credit
23 for good behavior, whichever is less; or

24 (2) 20 years of a life sentence less time credit for
25 good behavior; or

1 (3) 20 years or one-third of a determinate sentence,
2 whichever is less, less time credit for good behavior.

3 (b) No person sentenced under this amendatory Act of 1977
4 or who accepts a release date under Section 3-3-2.1 shall be
5 eligible for parole.

6 (c) Except for those sentenced to a term of natural life
7 imprisonment or as otherwise provided in Section 3-3-2.2, every
8 person sentenced to imprisonment under this amendatory Act of
9 1977 or given a release date under Section 3-3-2.1 of this Act
10 shall serve the full term of a determinate sentence less time
11 credit for good behavior and shall then be released under the
12 mandatory supervised release provisions of paragraph (d) of
13 Section 5-8-1 of this Code.

14 (d) No person serving a term of natural life imprisonment
15 may be paroled or released except through executive clemency.

16 (e) Every person committed to the Department of Juvenile
17 Justice under Section 5-10 of the Juvenile Court Act or Section
18 5-750 of the Juvenile Court Act of 1987 or Section 5-8-6 of
19 this Code and confined in the State correctional institutions
20 or facilities if such juvenile has not been tried as an adult
21 shall be eligible for parole without regard to the length of
22 time the person has been confined or whether the person has
23 served any minimum term imposed. However, if a juvenile has
24 been tried as an adult he shall only be eligible for parole or
25 mandatory supervised release as an adult under this Section.

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