

AN ACT concerning criminal law.

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

Section 3. The Illinois Pension Code is amended by changing Section 18-127 as follows:

(40 ILCS 5/18-127) (from Ch. 108 1/2, par. 18-127)

Sec. 18-127. Retirement annuity - suspension on reemployment.

(a) A participant receiving a retirement annuity who is regularly employed for compensation by an employer other than a county, in any capacity, shall have his or her retirement annuity payments suspended during such employment. Upon termination of such employment, retirement annuity payments at the previous rate shall be resumed.

If such a participant resumes service as a judge, he or she shall receive credit for any additional service. Upon subsequent retirement, his or her retirement annuity shall be the amount previously granted, plus the amount earned by the additional judicial service under the provisions in effect during the period of such additional service. However, if the participant was receiving the maximum rate of annuity at the time of re-employment, he or she may elect, in a written direction filed with the board, not to receive any additional

service credit during the period of re-employment. In such case, contributions shall not be required during the period of re-employment. Any such election shall be irrevocable.

(b) Beginning January 1, 1991, any participant receiving a retirement annuity who accepts temporary employment from an employer other than a county for a period not exceeding 75 working days in any calendar year shall not be deemed to be regularly employed for compensation or to have resumed service as a judge for the purposes of this Article. A day shall be considered a working day if the annuitant performs on it any of his duties under the temporary employment agreement.

(c) Except as provided in subsection (a), beginning January 1, 1993, retirement annuities shall not be subject to suspension upon resumption of employment for an employer, and any retirement annuity that is then so suspended shall be reinstated on that date.

(d) The changes made in this Section by this amendatory Act of 1993 shall apply to judges no longer in service on its effective date, as well as to judges serving on or after that date.

(e) A participant receiving a retirement annuity under this Article who serves as a part-time employee in any of the following positions: Legislative Inspector General, Special Legislative Inspector General, employee of the Office of the Legislative Inspector General, Executive Director of the Legislative Ethics Commission, ~~or~~ staff of the Legislative

Ethics Commission, or as a full-time member of the Prisoner Review Board, but has not elected to participate in the Article 14 System with respect to that service, shall not be deemed to be regularly employed for compensation by an employer other than a county, nor to have resumed service as a judge, on the basis of that service, and the retirement annuity payments and other benefits of that person under this Code shall not be suspended, diminished, or otherwise impaired solely as a consequence of that service. This subsection (e) applies without regard to whether the person is in service as a judge under this Article on or after the effective date of this amendatory Act of the 93rd General Assembly. In this subsection, a "part-time employee" is a person who is not required to work at least 35 hours per week.

(f) A participant receiving a retirement annuity under this Article who has made an election under Section 1-123 and who is serving either as legal counsel in the Office of the Governor or as Chief Deputy Attorney General shall not be deemed to be regularly employed for compensation by an employer other than a county, nor to have resumed service as a judge, on the basis of that service, and the retirement annuity payments and other benefits of that person under this Code shall not be suspended, diminished, or otherwise impaired solely as a consequence of that service. This subsection (f) applies without regard to whether the person is in service as a judge under this Article on or after the effective date of this

amendatory Act of the 93rd General Assembly.

(g) Notwithstanding any other provision of this Article, if a person who first becomes a participant under this System on or after January 1, 2011 (the effective date of this amendatory Act of the 96th General Assembly) is receiving a retirement annuity under this Article and becomes a member or participant under this Article or any other Article of this Code and is employed on a full-time basis, then the person's retirement annuity under this System shall be suspended during that employment. Upon termination of that employment, the person's retirement annuity shall resume and, if appropriate, be recalculated under the applicable provisions of this Article.

(Source: P.A. 96-889, eff. 1-1-11; 96-1490, eff. 1-1-11.)

Section 5. The Rights of Crime Victims and Witnesses Act is amended by changing Sections 4.5, 5, and 8.5 as follows:

(725 ILCS 120/4.5)

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

(a) At the request of the crime victim, law enforcement authorities investigating the case shall provide notice of the status of the investigation, except where the State's Attorney

determines that disclosure of such information would unreasonably interfere with the investigation, until such time as the alleged assailant is apprehended or the investigation is closed.

(a-5) When law enforcement authorities reopen a closed case to resume investigating, they shall provide notice of the reopening of the case, except where the State's Attorney determines that disclosure of such information would unreasonably interfere with the investigation.

(a-6) The Prisoner Review Board shall publish on its official public website and provide to registered victims information regarding how to submit a victim impact statement. The Prisoner Review Board shall consider victim impact statements from any registered victims. Any registered victim, including a person who has had a final, plenary, non-emergency, or emergency protective order granted against the petitioner or parole candidate under Article 112A of the Code of Criminal Procedure of 1963, the Illinois Domestic Violence Act of 1986, the Stalking No Contact Order Act, or the Civil No Contact Order Act, may present victim statements that the Prisoner Review Board shall consider in its deliberations.

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

(1) shall provide notice of the filing of an information, the return of an indictment, or the filing of a petition to adjudicate a minor as a delinquent for a violent crime;

(2) shall provide timely notice of the date, time, and place of court proceedings; of any change in the date, time, and place of court proceedings; and of any cancellation of court proceedings. Notice shall be provided in sufficient time, wherever possible, for the victim to make arrangements to attend or to prevent an unnecessary appearance at court proceedings;

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

(3.5) or victim advocate personnel shall provide information about available victim services, including referrals to programs, counselors, and agencies that assist a victim to deal with trauma, loss, and grief;

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

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

(6) shall provide, whenever possible, a secure waiting

area during court proceedings that does not require victims to be in close proximity to defendants or juveniles accused of a violent crime, and their families and friends;

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

(8) (blank);

(8.5) shall inform the victim of the right to be present at all court proceedings, unless the victim is to testify and the court determines that the victim's testimony would be materially affected if the victim hears other testimony at trial;

(9) shall inform the victim of the right to have present at all court proceedings, subject to the rules of evidence and confidentiality, an advocate and other support person of the victim's choice;

(9.3) shall inform the victim of the right to retain an attorney, at the victim's own expense, who, upon written notice filed with the clerk of the court and State's Attorney, is to receive copies of all notices, motions, and court orders filed thereafter in the case, in the same manner as if the victim were a named party in the

case;

(9.5) shall inform the victim of (A) the victim's right under Section 6 of this Act to make a statement at the sentencing hearing; (B) the right of the victim's spouse, guardian, parent, grandparent, and other immediate family and household members under Section 6 of this Act to present a statement at sentencing; and (C) if a presentence report is to be prepared, the right of the victim's spouse, guardian, parent, grandparent, and other immediate family and household members to submit information to the preparer of the presentence report about the effect the offense has had on the victim and the person;

(10) at the sentencing shall make a good faith attempt to explain the minimum amount of time during which the defendant may actually be physically imprisoned. The Office of the State's Attorney shall further notify the crime victim of the right to request from the Prisoner Review Board or Department of Juvenile Justice information concerning the release of the defendant;

(11) shall request restitution at sentencing and as part of a plea agreement if the victim requests restitution;

(12) shall, upon the court entering a verdict of not guilty by reason of insanity, inform the victim of the notification services available from the Department of

Human Services, including the statewide telephone number, under subparagraph (d) (2) of this Section;

(13) shall provide notice within a reasonable time after receipt of notice from the custodian, of the release of the defendant on pretrial release or personal recognizance or the release from detention of a minor who has been detained;

(14) shall explain in nontechnical language the details of any plea or verdict of a defendant, or any adjudication of a juvenile as a delinquent;

(15) shall make all reasonable efforts to consult with the crime victim before the Office of the State's Attorney makes an offer of a plea bargain to the defendant or enters into negotiations with the defendant concerning a possible plea agreement, and shall consider the written statement, if prepared prior to entering into a plea agreement. The right to consult with the prosecutor does not include the right to veto a plea agreement or to insist the case go to trial. If the State's Attorney has not consulted with the victim prior to making an offer or entering into plea negotiations with the defendant, the Office of the State's Attorney shall notify the victim of the offer or the negotiations within 2 business days and confer with the victim;

(16) shall provide notice of the ultimate disposition of the cases arising from an indictment or an information,

or a petition to have a juvenile adjudicated as a delinquent for a violent crime;

(17) shall provide notice of any appeal taken by the defendant and information on how to contact the appropriate agency handling the appeal, and how to request notice of any hearing, oral argument, or decision of an appellate court;

(18) shall provide timely notice of any request for post-conviction review filed by the defendant under Article 122 of the Code of Criminal Procedure of 1963, and of the date, time and place of any hearing concerning the petition. Whenever possible, notice of the hearing shall be given within 48 hours of the court's scheduling of the hearing;

(19) shall forward a copy of any statement presented under Section 6 to the Prisoner Review Board or Department of Juvenile Justice to be considered in making a determination under Section 3-2.5-85 or subsection (b) of Section 3-3-8 of the Unified Code of Corrections;

(20) shall, within a reasonable time, offer to meet with the crime victim regarding the decision of the State's Attorney not to charge an offense, and shall meet with the victim, if the victim agrees. The victim has a right to have an attorney, advocate, and other support person of the victim's choice attend this meeting with the victim; and

(21) shall give the crime victim timely notice of any decision not to pursue charges and consider the safety of the victim when deciding how to give such notice.

(c) The court shall ensure that the rights of the victim are afforded.

(c-5) The following procedures shall be followed to afford victims the rights guaranteed by Article I, Section 8.1 of the Illinois Constitution:

(1) Written notice. A victim may complete a written notice of intent to assert rights on a form prepared by the Office of the Attorney General and provided to the victim by the State's Attorney. The victim may at any time provide a revised written notice to the State's Attorney. The State's Attorney shall file the written notice with the court. At the beginning of any court proceeding in which the right of a victim may be at issue, the court and prosecutor shall review the written notice to determine whether the victim has asserted the right that may be at issue.

(2) Victim's retained attorney. A victim's attorney shall file an entry of appearance limited to assertion of the victim's rights. Upon the filing of the entry of appearance and service on the State's Attorney and the defendant, the attorney is to receive copies of all notices, motions and court orders filed thereafter in the case.

(3) Standing. The victim has standing to assert the rights enumerated in subsection (a) of Article I, Section 8.1 of the Illinois Constitution and the statutory rights under Section 4 of this Act in any court exercising jurisdiction over the criminal case. The prosecuting attorney, a victim, or the victim's retained attorney may assert the victim's rights. The defendant in the criminal case has no standing to assert a right of the victim in any court proceeding, including on appeal.

(4) Assertion of and enforcement of rights.

(A) The prosecuting attorney shall assert a victim's right or request enforcement of a right by filing a motion or by orally asserting the right or requesting enforcement in open court in the criminal case outside the presence of the jury. The prosecuting attorney shall consult with the victim and the victim's attorney regarding the assertion or enforcement of a right. If the prosecuting attorney decides not to assert or enforce a victim's right, the prosecuting attorney shall notify the victim or the victim's attorney in sufficient time to allow the victim or the victim's attorney to assert the right or to seek enforcement of a right.

(B) If the prosecuting attorney elects not to assert a victim's right or to seek enforcement of a right, the victim or the victim's attorney may assert

the victim's right or request enforcement of a right by filing a motion or by orally asserting the right or requesting enforcement in open court in the criminal case outside the presence of the jury.

(C) If the prosecuting attorney asserts a victim's right or seeks enforcement of a right, unless the prosecuting attorney objects or the trial court does not allow it, the victim or the victim's attorney may be heard regarding the prosecuting attorney's motion or may file a simultaneous motion to assert or request enforcement of the victim's right. If the victim or the victim's attorney was not allowed to be heard at the hearing regarding the prosecuting attorney's motion, and the court denies the prosecuting attorney's assertion of the right or denies the request for enforcement of a right, the victim or victim's attorney may file a motion to assert the victim's right or to request enforcement of the right within 10 days of the court's ruling. The motion need not demonstrate the grounds for a motion for reconsideration. The court shall rule on the merits of the motion.

(D) The court shall take up and decide any motion or request asserting or seeking enforcement of a victim's right without delay, unless a specific time period is specified by law or court rule. The reasons

for any decision denying the motion or request shall be clearly stated on the record.

(E) No later than January 1, 2023, the Office of the Attorney General shall:

(i) designate an administrative authority within the Office of the Attorney General to receive and investigate complaints relating to the provision or violation of the rights of a crime victim as described in Article I, Section 8.1 of the Illinois Constitution and in this Act;

(ii) create and administer a course of training for employees and offices of the State of Illinois that fail to comply with provisions of Illinois law pertaining to the treatment of crime victims as described in Article I, Section 8.1 of the Illinois Constitution and in this Act as required by the court under Section 5 of this Act; and

(iii) have the authority to make recommendations to employees and offices of the State of Illinois to respond more effectively to the needs of crime victims, including regarding the violation of the rights of a crime victim.

(F) Crime victims' rights may also be asserted by filing a complaint for mandamus, injunctive, or declaratory relief in the jurisdiction in which the

victim's right is being violated or where the crime is being prosecuted. For complaints or motions filed by or on behalf of the victim, the clerk of court shall waive filing fees that would otherwise be owed by the victim for any court filing with the purpose of enforcing crime victims' rights. If the court denies the relief sought by the victim, the reasons for the denial shall be clearly stated on the record in the transcript of the proceedings, in a written opinion, or in the docket entry, and the victim may appeal the circuit court's decision to the appellate court. The court shall issue prompt rulings regarding victims' rights. Proceedings seeking to enforce victims' rights shall not be stayed or subject to unreasonable delay via continuances.

(5) Violation of rights and remedies.

(A) If the court determines that a victim's right has been violated, the court shall determine the appropriate remedy for the violation of the victim's right by hearing from the victim and the parties, considering all factors relevant to the issue, and then awarding appropriate relief to the victim.

(A-5) Consideration of an issue of a substantive nature or an issue that implicates the constitutional or statutory right of a victim at a court proceeding labeled as a status hearing shall constitute a per se

violation of a victim's right.

(B) The appropriate remedy shall include only actions necessary to provide the victim the right to which the victim was entitled. Remedies may include, but are not limited to: injunctive relief requiring the victim's right to be afforded; declaratory judgment recognizing or clarifying the victim's rights; a writ of mandamus; and may include reopening previously held proceedings; however, in no event shall the court vacate a conviction. Any remedy shall be tailored to provide the victim an appropriate remedy without violating any constitutional right of the defendant. In no event shall the appropriate remedy to the victim be a new trial or damages.

The court shall impose a mandatory training course provided by the Attorney General for the employee under item (ii) of subparagraph (E) of paragraph (4), which must be successfully completed within 6 months of the entry of the court order.

This paragraph (5) takes effect January 2, 2023.

(6) Right to be heard. Whenever a victim has the right to be heard, the court shall allow the victim to exercise the right in any reasonable manner the victim chooses.

(7) Right to attend trial. A party must file a written motion to exclude a victim from trial at least 60 days prior to the date set for trial. The motion must state with

specificity the reason exclusion is necessary to protect a constitutional right of the party, and must contain an offer of proof. The court shall rule on the motion within 30 days. If the motion is granted, the court shall set forth on the record the facts that support its finding that the victim's testimony will be materially affected if the victim hears other testimony at trial.

(8) Right to have advocate and support person present at court proceedings.

(A) A party who intends to call an advocate as a witness at trial must seek permission of the court before the subpoena is issued. The party must file a written motion at least 90 days before trial that sets forth specifically the issues on which the advocate's testimony is sought and an offer of proof regarding (i) the content of the anticipated testimony of the advocate; and (ii) the relevance, admissibility, and materiality of the anticipated testimony. The court shall consider the motion and make findings within 30 days of the filing of the motion. If the court finds by a preponderance of the evidence that: (i) the anticipated testimony is not protected by an absolute privilege; and (ii) the anticipated testimony contains relevant, admissible, and material evidence that is not available through other witnesses or evidence, the court shall issue a subpoena requiring the advocate to

appear to testify at an in camera hearing. The prosecuting attorney and the victim shall have 15 days to seek appellate review before the advocate is required to testify at an ex parte in camera proceeding.

The prosecuting attorney, the victim, and the advocate's attorney shall be allowed to be present at the ex parte in camera proceeding. If, after conducting the ex parte in camera hearing, the court determines that due process requires any testimony regarding confidential or privileged information or communications, the court shall provide to the prosecuting attorney, the victim, and the advocate's attorney a written memorandum on the substance of the advocate's testimony. The prosecuting attorney, the victim, and the advocate's attorney shall have 15 days to seek appellate review before a subpoena may be issued for the advocate to testify at trial. The presence of the prosecuting attorney at the ex parte in camera proceeding does not make the substance of the advocate's testimony that the court has ruled inadmissible subject to discovery.

(B) If a victim has asserted the right to have a support person present at the court proceedings, the victim shall provide the name of the person the victim has chosen to be the victim's support person to the

prosecuting attorney, within 60 days of trial. The prosecuting attorney shall provide the name to the defendant. If the defendant intends to call the support person as a witness at trial, the defendant must seek permission of the court before a subpoena is issued. The defendant must file a written motion at least 45 days prior to trial that sets forth specifically the issues on which the support person will testify and an offer of proof regarding: (i) the content of the anticipated testimony of the support person; and (ii) the relevance, admissibility, and materiality of the anticipated testimony.

If the prosecuting attorney intends to call the support person as a witness during the State's case-in-chief, the prosecuting attorney shall inform the court of this intent in the response to the defendant's written motion. The victim may choose a different person to be the victim's support person. The court may allow the defendant to inquire about matters outside the scope of the direct examination during cross-examination. If the court allows the defendant to do so, the support person shall be allowed to remain in the courtroom after the support person has testified. A defendant who fails to question the support person about matters outside the scope of direct examination during the State's

case-in-chief waives the right to challenge the presence of the support person on appeal. The court shall allow the support person to testify if called as a witness in the defendant's case-in-chief or the State's rebuttal.

If the court does not allow the defendant to inquire about matters outside the scope of the direct examination, the support person shall be allowed to remain in the courtroom after the support person has been called by the defendant or the defendant has rested. The court shall allow the support person to testify in the State's rebuttal.

If the prosecuting attorney does not intend to call the support person in the State's case-in-chief, the court shall verify with the support person whether the support person, if called as a witness, would testify as set forth in the offer of proof. If the court finds that the support person would testify as set forth in the offer of proof, the court shall rule on the relevance, materiality, and admissibility of the anticipated testimony. If the court rules the anticipated testimony is admissible, the court shall issue the subpoena. The support person may remain in the courtroom after the support person testifies and shall be allowed to testify in rebuttal.

If the court excludes the victim's support person

during the State's case-in-chief, the victim shall be allowed to choose another support person to be present in court.

If the victim fails to designate a support person within 60 days of trial and the defendant has subpoenaed the support person to testify at trial, the court may exclude the support person from the trial until the support person testifies. If the court excludes the support person the victim may choose another person as a support person.

(9) Right to notice and hearing before disclosure of confidential or privileged information or records.

(A) A defendant who seeks to subpoena testimony or records of or concerning the victim that are confidential or privileged by law must seek permission of the court before the subpoena is issued. The defendant must file a written motion and an offer of proof regarding the relevance, admissibility and materiality of the testimony or records. If the court finds by a preponderance of the evidence that:

(i) the testimony or records are not protected by an absolute privilege and

(ii) the testimony or records contain relevant, admissible, and material evidence that is not available through other witnesses or evidence, the court shall issue a subpoena

requiring the witness to appear in camera or a sealed copy of the records be delivered to the court to be reviewed in camera. If, after conducting an in camera review of the witness statement or records, the court determines that due process requires disclosure of any potential testimony or any portion of the records, the court shall provide copies of the records that it intends to disclose to the prosecuting attorney and the victim. The prosecuting attorney and the victim shall have 30 days to seek appellate review before the records are disclosed to the defendant, used in any court proceeding, or disclosed to anyone or in any way that would subject the testimony or records to public review. The disclosure of copies of any portion of the testimony or records to the prosecuting attorney under this Section does not make the records subject to discovery or required to be provided to the defendant.

(B) A prosecuting attorney who seeks to subpoena information or records concerning the victim that are confidential or privileged by law must first request the written consent of the crime victim. If the victim does not provide such written consent, including where necessary the appropriate signed document required for

waiving privilege, the prosecuting attorney must serve the subpoena at least 21 days prior to the date a response or appearance is required to allow the subject of the subpoena time to file a motion to quash or request a hearing. The prosecuting attorney must also send a written notice to the victim at least 21 days prior to the response date to allow the victim to file a motion or request a hearing. The notice to the victim shall inform the victim (i) that a subpoena has been issued for confidential information or records concerning the victim, (ii) that the victim has the right to request a hearing prior to the response date of the subpoena, and (iii) how to request the hearing. The notice to the victim shall also include a copy of the subpoena. If requested, a hearing regarding the subpoena shall occur before information or records are provided to the prosecuting attorney.

(10) Right to notice of court proceedings. If the victim is not present at a court proceeding in which a right of the victim is at issue, the court shall ask the prosecuting attorney whether the victim was notified of the time, place, and purpose of the court proceeding and that the victim had a right to be heard at the court proceeding. If the court determines that timely notice was not given or that the victim was not adequately informed of the nature of the court proceeding, the court shall not

rule on any substantive issues, accept a plea, or impose a sentence and shall continue the hearing for the time necessary to notify the victim of the time, place and nature of the court proceeding. The time between court proceedings shall not be attributable to the State under Section 103-5 of the Code of Criminal Procedure of 1963.

(11) Right to timely disposition of the case. A victim has the right to timely disposition of the case so as to minimize the stress, cost, and inconvenience resulting from the victim's involvement in the case. Before ruling on a motion to continue trial or other court proceeding, the court shall inquire into the circumstances for the request for the delay and, if the victim has provided written notice of the assertion of the right to a timely disposition, and whether the victim objects to the delay. If the victim objects, the prosecutor shall inform the court of the victim's objections. If the prosecutor has not conferred with the victim about the continuance, the prosecutor shall inform the court of the attempts to confer. If the court finds the attempts of the prosecutor to confer with the victim were inadequate to protect the victim's right to be heard, the court shall give the prosecutor at least 3 but not more than 5 business days to confer with the victim. In ruling on a motion to continue, the court shall consider the reasons for the requested continuance, the number and length of continuances that

have been granted, the victim's objections and procedures to avoid further delays. If a continuance is granted over the victim's objection, the court shall specify on the record the reasons for the continuance and the procedures that have been or will be taken to avoid further delays.

(12) Right to Restitution.

(A) If the victim has asserted the right to restitution and the amount of restitution is known at the time of sentencing, the court shall enter the judgment of restitution at the time of sentencing.

(B) If the victim has asserted the right to restitution and the amount of restitution is not known at the time of sentencing, the prosecutor shall, within 5 days after sentencing, notify the victim what information and documentation related to restitution is needed and that the information and documentation must be provided to the prosecutor within 45 days after sentencing. Failure to timely provide information and documentation related to restitution shall be deemed a waiver of the right to restitution. The prosecutor shall file and serve within 60 days after sentencing a proposed judgment for restitution and a notice that includes information concerning the identity of any victims or other persons seeking restitution, whether any victim or other person expressly declines restitution, the nature and amount

of any damages together with any supporting documentation, a restitution amount recommendation, and the names of any co-defendants and their case numbers. Within 30 days after receipt of the proposed judgment for restitution, the defendant shall file any objection to the proposed judgment, a statement of grounds for the objection, and a financial statement. If the defendant does not file an objection, the court may enter the judgment for restitution without further proceedings. If the defendant files an objection and either party requests a hearing, the court shall schedule a hearing.

(13) Access to presentence reports.

(A) The victim may request a copy of the presentence report prepared under the Unified Code of Corrections from the State's Attorney. The State's Attorney shall redact the following information before providing a copy of the report:

(i) the defendant's mental history and condition;

(ii) any evaluation prepared under subsection (b) or (b-5) of Section 5-3-2; and

(iii) the name, address, phone number, and other personal information about any other victim.

(B) The State's Attorney or the defendant may request the court redact other information in the

report that may endanger the safety of any person.

(C) The State's Attorney may orally disclose to the victim any of the information that has been redacted if there is a reasonable likelihood that the information will be stated in court at the sentencing.

(D) The State's Attorney must advise the victim that the victim must maintain the confidentiality of the report and other information. Any dissemination of the report or information that was not stated at a court proceeding constitutes indirect criminal contempt of court.

(14) Appellate relief. If the trial court denies the relief requested, the victim, the victim's attorney, or the prosecuting attorney may file an appeal within 30 days of the trial court's ruling. The trial or appellate court may stay the court proceedings if the court finds that a stay would not violate a constitutional right of the defendant. If the appellate court denies the relief sought, the reasons for the denial shall be clearly stated in a written opinion. In any appeal in a criminal case, the State may assert as error the court's denial of any crime victim's right in the proceeding to which the appeal relates.

(15) Limitation on appellate relief. In no case shall an appellate court provide a new trial to remedy the violation of a victim's right.

(16) The right to be reasonably protected from the accused throughout the criminal justice process and the right to have the safety of the victim and the victim's family considered in determining whether to release the defendant, and setting conditions of release after arrest and conviction. A victim of domestic violence, a sexual offense, or stalking may request the entry of a protective order under Article 112A of the Code of Criminal Procedure of 1963.

(d) Procedures after the imposition of sentence.

(1) The Prisoner Review Board shall inform a victim or any other concerned citizen, upon written request, of the prisoner's release on parole, mandatory supervised release, electronic detention, work release, international transfer or exchange, or by the custodian, other than the Department of Juvenile Justice, of the discharge of any individual who was adjudicated a delinquent for a crime from State custody and by the sheriff of the appropriate county of any such person's final discharge from county custody. The Prisoner Review Board, upon written request, shall provide to a victim or any other concerned citizen a recent photograph of any person convicted of a felony, upon his or her release from custody. The Prisoner Review Board, upon written request, shall inform a victim or any other concerned citizen when feasible at least 7 days prior to the prisoner's release on furlough of the times

and dates of such furlough. Upon written request by the victim or any other concerned citizen, the State's Attorney shall notify the person once of the times and dates of release of a prisoner sentenced to periodic imprisonment. Notification shall be based on the most recent information as to the victim's or other concerned citizen's residence or other location available to the notifying authority.

(1.5) The Prisoner Review Board shall notify a victim of a prisoner's pardon, commutation of sentence, release on furlough, or early release from State custody, if the victim has previously requested that notification. The notification shall be based upon the most recent information available to the Board as to the victim's residence or other location. The notification requirement under this paragraph (1.5) is in addition to any notification requirements under any other statewide victim notification systems. The Board shall document its efforts to provide the required notification if a victim alleges lack of notification under this paragraph (1.5).

(2) When the defendant has been committed to the Department of Human Services pursuant to Section 5-2-4 or any other provision of the Unified Code of Corrections, the victim may request to be notified by the releasing authority of the approval by the court of an on-grounds pass, a supervised off-grounds pass, an unsupervised

off-grounds pass, or conditional release; the release on an off-grounds pass; the return from an off-grounds pass; transfer to another facility; conditional release; escape; death; or final discharge from State custody. The Department of Human Services shall establish and maintain a statewide telephone number to be used by victims to make notification requests under these provisions and shall publicize this telephone number on its website and to the State's Attorney of each county.

(3) In the event of an escape from State custody, the Department of Corrections or the Department of Juvenile Justice immediately shall notify the Prisoner Review Board of the escape and the Prisoner Review Board shall notify the victim. The notification shall be based upon the most recent information as to the victim's residence or other location available to the Board. When no such information is available, the Board shall make all reasonable efforts to obtain the information and make the notification. When the escapee is apprehended, the Department of Corrections or the Department of Juvenile Justice immediately shall notify the Prisoner Review Board and the Board shall notify the victim. The notification requirement under this paragraph (3) is in addition to any notification requirements under any other statewide victim notification systems. The Board shall document its efforts to provide the required notification if a victim alleges lack of

notification under this paragraph (3).

(4) The victim of the crime for which the prisoner has been sentenced has the right to register with the Prisoner Review Board's victim registry. Victims registered with the Board shall receive reasonable written notice not less than 30 days prior to the parole hearing or target aftercare release date. The victim has the right to submit a victim statement for consideration by the Prisoner Review Board or the Department of Juvenile Justice in writing, on film, videotape, or other electronic means, or in the form of a recording prior to the parole hearing or target aftercare release date, or in person at the parole hearing or aftercare release protest hearing, or by calling the toll-free number established in subsection (f) of this Section. The victim shall be notified within 7 days after the prisoner has been granted parole or aftercare release and shall be informed of the right to inspect the registry of parole decisions, established under subsection (g) of Section 3-3-5 of the Unified Code of Corrections. The provisions of this paragraph (4) are subject to the Open Parole Hearings Act. Victim statements provided to the Board shall be confidential and privileged, including any statements received prior to January 1, 2020 (the effective date of Public Act 101-288), except if the statement was an oral statement made by the victim at a hearing open to the public.

(4-1) The crime victim, including any person who has had a final, plenary, non-emergency, or emergency protective order granted against the petitioner or parole candidate under Article 112A of the Code of Criminal Procedure of 1963, the Illinois Domestic Violence Act of 1986, the Stalking No Contact Order Act, or the Civil No Contact Order Act, has the right to submit a victim statement, in support or opposition, for consideration by the Prisoner Review Board or the Department of Juvenile Justice prior to or at a hearing to determine the conditions of mandatory supervised release of a person sentenced to a determinate sentence or at a hearing on revocation of mandatory supervised release of a person sentenced to a determinate sentence. A victim statement may be submitted in writing, on film, videotape, or other electronic means, or in the form of a recording, or orally at a hearing, or by calling the toll-free number established in subsection (f) of this Section. Victim statements provided to the Board shall be confidential and privileged, including any statements received prior to January 1, 2020 (the effective date of Public Act 101-288), except if the statement was an oral statement made by the victim at a hearing open to the public.

(4-2) The crime victim, including any person who has had a final, plenary, non-emergency, or emergency protective order granted against the petitioner or parole

candidate under Article 112A of the Code of Criminal Procedure of 1963, the Illinois Domestic Violence Act of 1986, the Stalking No Contact Order Act, or the Civil No Contact Order Act, has the right to submit a victim statement, in support or opposition, to the Prisoner Review Board for consideration at an executive clemency hearing as provided in Section 3-3-13 of the Unified Code of Corrections. A victim statement may be submitted in writing, on film, videotape, or other electronic means, or in the form of a recording prior to a hearing, or orally at a hearing, or by calling the toll-free number established in subsection (f) of this Section. Victim statements provided to the Board shall be confidential and privileged, including any statements received prior to January 1, 2020 (the effective date of Public Act 101-288), except if the statement was an oral statement made by the victim at a hearing open to the public.

(5) If a statement is presented under Section 6, the Prisoner Review Board or Department of Juvenile Justice shall inform the victim of any order of discharge pursuant to Section 3-2.5-85 or 3-3-8 of the Unified Code of Corrections.

(6) At the written or oral request of the victim of the crime for which the prisoner was sentenced or the State's Attorney of the county where the person seeking parole or aftercare release was prosecuted, the Prisoner Review

Board or Department of Juvenile Justice shall notify the victim and the State's Attorney of the county where the person seeking parole or aftercare release was prosecuted of the death of the prisoner if the prisoner died while on parole or aftercare release or mandatory supervised release.

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

(8) When a defendant has been convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act and has been sentenced to the Department of Corrections or the Department of Juvenile Justice, the Prisoner Review Board or the Department of Juvenile Justice shall notify the victim of the sex offense of the prisoner's eligibility for release on parole, aftercare release, mandatory supervised release, electronic detention, work release, international transfer or

exchange, or by the custodian of the discharge of any individual who was adjudicated a delinquent for a sex offense from State custody and by the sheriff of the appropriate county of any such person's final discharge from county custody. The notification shall be made to the victim at least 30 days, whenever possible, before release of the sex offender.

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

(f) The Prisoner Review Board shall establish a toll-free number that may be accessed by the crime victim to present a victim statement to the Board in accordance with paragraphs (4), (4-1), and (4-2) of subsection (d). The Prisoner Review Board shall provide registered and identified victims with the contact information for the State victim assistance hotline as part of its process to obtain a victim witness statement and as part of its notification.

(g) The Prisoner Review Board shall publish on its official website, and provide to registered victims, procedural information on how to submit victim statements.

(Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20; 101-652, eff. 1-1-23; 102-22, eff. 6-25-21; 102-558, eff. 8-20-21; 102-813, eff. 5-13-22.)

(725 ILCS 120/5) (from Ch. 38, par. 1405)

Sec. 5. Rights of witnesses.

(a) Witnesses as defined in subsection (b) of Section 3 of this Act shall have the following rights:

(1) to be notified by the Office of the State's Attorney of all court proceedings at which the witness' presence is required in a reasonable amount of time prior to the proceeding, and to be notified of the cancellation of any scheduled court proceeding in sufficient time to prevent an unnecessary appearance in court, where possible;

(2) to be provided with appropriate employer intercession services by the Office of the State's Attorney or the victim advocate personnel to ensure that employers of witnesses will cooperate with the criminal justice system in order to minimize an employee's loss of pay and other benefits resulting from court appearances;

(3) to be provided, whenever possible, a secure waiting area during court proceedings that does not require witnesses to be in close proximity to defendants and their families and friends;

(4) to be provided with notice by the Office of the State's Attorney, where necessary, of the right to have a translator present whenever the witness' presence is required and, in compliance with the federal Americans

with Disabilities Act of 1990, to be provided with notice of the right to communications access through a sign language interpreter or by other means.

(b) At the written request of the witness, the witness shall:

(1) receive notice from the office of the State's Attorney of any request for post-conviction review filed by the defendant under Article 122 of the Code of Criminal Procedure of 1963, and of the date, time, and place of any hearing concerning the petition for post-conviction review; whenever possible, notice of the hearing on the petition shall be given in advance;

(2) receive notice by the releasing authority of the defendant's discharge from State custody if the defendant was committed to the Department of Human Services under Section 5-2-4 or any other provision of the Unified Code of Corrections;

(3) receive notice from the Prisoner Review Board of the prisoner's escape from State custody, after the Board has been notified of the escape by the Department of Corrections or the Department of Juvenile Justice; when the escapee is apprehended, the Department of Corrections or the Department of Juvenile Justice shall immediately notify the Prisoner Review Board and the Board shall notify the witness;

(4) receive notice from the Prisoner Review Board or

the Department of Juvenile Justice of the prisoner's release on parole, aftercare release, electronic detention, work release or mandatory supervised release and of the prisoner's final discharge from parole, aftercare release, electronic detention, work release, or mandatory supervised release.

(c) The crime victim, including any person who has had a final, plenary, non-emergency, or emergency protective order granted against the petitioner or parole candidate under Article 112A of the Code of Criminal Procedure of 1963, the Illinois Domestic Violence Act of 1986, the Stalking No Contact Order Act, or the Civil No Contact Order Act, has the right to submit a victim statement, in support or opposition, to the Prisoner Review Board for consideration at a medical release hearing as provided in Section 3-3-14 of the Unified Code of Corrections. A victim statement may be submitted in writing, on film, videotape, or other electronic means, or in the form of a recording prior to a hearing, or orally at a hearing, or by calling the toll-free number established in subsection (f) of Section 4.5. Victim statements provided to the Board shall be confidential and privileged, including any statements received prior to the effective date of this amendatory Act of the 102nd General Assembly, except if the statement was an oral statement made by the victim at a hearing open to the public.

(Source: P.A. 102-494, eff. 1-1-22.)

(725 ILCS 120/8.5)

Sec. 8.5. Statewide victim and witness notification system.

(a) The Attorney General may establish a crime victim and witness notification system to assist public officials in carrying out their duties to notify and inform crime victims and witnesses under Section 4.5 of this Act or under subsections (a), (a-2), and (a-3) of Section 120 of the Sex Offender Community Notification Law. The system shall download necessary information from participating officials into its computers, where it shall be maintained, updated, and automatically transmitted to victims and witnesses by telephone, computer, written notice, SMS text message, or other electronic means.

(b) The Illinois Department of Corrections, the Department of Juvenile Justice, the Department of Human Services, and the Prisoner Review Board shall cooperate with the Attorney General in the implementation of this Section and shall provide information as necessary to the effective operation of the system.

(c) State's attorneys, circuit court clerks, and local law enforcement and correctional authorities may enter into agreements with the Attorney General for participation in the system. The Attorney General may provide those who elect to participate with the equipment, software, or training

necessary to bring their offices into the system.

(d) The provision of information to crime victims and witnesses through the Attorney General's notification system satisfies a given State or local official's corresponding obligation to provide the information.

(e) The Attorney General may provide for telephonic, electronic, or other public access to the database established under this Section.

(f) (Blank).

(g) There is established in the Office of the Attorney General a Crime Victim and Witness Notification Advisory Committee consisting of those victims advocates, sheriffs, State's Attorneys, circuit court clerks, Illinois Department of Corrections, the Department of Juvenile Justice, and Prisoner Review Board employees that the Attorney General chooses to appoint. The Attorney General shall designate one member to chair the Committee.

(1) The Committee shall consult with and advise the Attorney General as to the exercise of the Attorney General's authority under this Section, including, but not limited to:

(i) the design, scope, and operation of the notification system;

(ii) the content of any rules adopted to implement this Section;

(iii) the procurement of hardware, software, and

support for the system, including choice of supplier or operator; and

(iv) the acceptance of agreements with and the award of equipment, software, or training to officials that seek to participate in the system.

(2) The Committee shall review the status and operation of the system and report any findings and recommendations for changes to the Attorney General and the General Assembly by November 1 of each year.

(3) The members of the Committee shall receive no compensation for their services as members of the Committee, but may be reimbursed for their actual expenses incurred in serving on the Committee.

(h) The Attorney General shall not release the names, addresses, phone numbers, personal identification numbers, or email addresses of any person registered to receive notifications to any other person except State or local officials using the notification system to satisfy the official's obligation to provide the information. The Attorney General may grant limited access to the Automated Victim Notification system (AVN) to law enforcement, prosecution, and other agencies that provide service to victims of violent crime to assist victims in enrolling and utilizing the AVN system.

(i) The Attorney General shall conduct an internal review of the witness notification system to review timely notice to

victims and witnesses throughout the State and shall make recommendations to the General Assembly for improvements in the procedures and technologies used in the system. The Attorney General shall submit the recommendations to the General Assembly on or before July 1, 2026.

(Source: P.A. 98-717, eff. 1-1-15; 99-413, eff. 8-20-15.)

Section 10. The Unified Code of Corrections is amended by changing Sections 3-3-1, 3-3-2, 3-3-5, 3-3-8, 3-3-9, 3-3-13, 3-3-14, 3-5-1, 3-14-1, 5-4.5-115 and by adding Section 3-3-1.5 as follows:

(730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

Sec. 3-3-1. Establishment and appointment of Prisoner Review Board.

(a) There shall be a Prisoner Review Board independent of the Department which shall be:

(1) the paroling authority for persons sentenced under the law in effect prior to the effective date of this amendatory Act of 1977;

(1.2) the paroling authority for persons eligible for parole review under Section 5-4.5-115;

(1.5) (blank);

(2) the board of review for cases involving the revocation of sentence credits or a suspension or reduction in the rate of accumulating the credit;

(3) the board of review and recommendation for the exercise of executive clemency by the Governor;

(4) the authority for establishing release dates for certain prisoners sentenced under the law in existence prior to the effective date of this amendatory Act of 1977, in accordance with Section 3-3-2.1 of this Code;

(5) the authority for setting conditions for parole and mandatory supervised release under Section 5-8-1(a) of this Code, and determining whether a violation of those conditions warrant revocation of parole or mandatory supervised release or the imposition of other sanctions;

(6) the authority for determining whether a violation of aftercare release conditions warrant revocation of aftercare release; and

(7) the authority to release medically infirm or disabled prisoners under Section 3-3-14.

(b) The Board shall consist of 15 persons appointed by the Governor by and with the advice and consent of the Senate. One member of the Board shall be designated by the Governor to be Chairman and shall serve as Chairman at the pleasure of the Governor. The members of the Board shall have had at least 5 years of actual experience in the fields of penology, corrections work, advocacy for victims of crime and their families, advocacy for survivors of domestic violence, sexual violence, or intimate partner violence, law enforcement, sociology, law, education, social work, medicine, psychology,

other behavioral sciences, or a combination thereof. At least ~~3~~ 6 members so appointed must have at least 3 years experience ~~in the field of juvenile matters.~~ A total of 7 members must have at least 5 years' experience as a law enforcement officer, parole officer, prosecutor, criminal defense attorney, or judge. No more than 8 Board members may be members of the same political party.

Each member of the Board shall serve on a full-time basis and shall not hold any other salaried public office, whether elective or appointive, nor any other office or position of profit, nor engage in any other business, employment, or vocation. The Chairman of the Board shall receive the same salary as the Chairperson of the Illinois Human Rights Commission ~~\$35,000 a year, or an amount set by the Compensation Review Board, whichever is greater,~~ and each other member shall receive the same salary as members of the Illinois Human Rights Commission ~~\$30,000, or an amount set by the Compensation Review Board, whichever is greater.~~ The changes made to the salary of the Chairman of the Board and to the salaries of other members of the Board by this amendatory Act of the 104th General Assembly apply only to persons who are appointed or reappointed to those positions on or after the effective date of this amendatory Act of the 104th General Assembly.

(c) Notwithstanding any other provision of this Section, the term of each member of the Board who was appointed by the

Governor and is in office on June 30, 2003 shall terminate at the close of business on that date or when all of the successor members to be appointed pursuant to this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later. As soon as possible, the Governor shall appoint persons to fill the vacancies created by this amendatory Act.

Of the initial members appointed under this amendatory Act of the 93rd General Assembly, the Governor shall appoint 5 members whose terms shall expire on the third Monday in January 2005, 5 members whose terms shall expire on the third Monday in January 2007, and 5 members whose terms shall expire on the third Monday in January 2009. Their respective successors shall be appointed for terms of 6 years from the third Monday in January of the year of appointment. Each member shall serve until his or her successor is appointed and qualified.

Notwithstanding any other provision of this Section, any member appointed after January 1, 2026 shall be appointed for an 8-year term that begins upon the date of appointment or reappointment. Each member shall serve until the member's successor is appointed and qualified.

Any member may be removed by the Governor for incompetence, neglect of duty, malfeasance or inability to serve.

(d) The Chairman of the Board shall be its chief executive

and administrative officer. The Board may have an Executive Director; if so, the Executive Director shall be appointed by the Governor with the advice and consent of the Senate. The salary and duties of the Executive Director shall be fixed by the Board.

(e) Each member and commissioner of the Prisoner Review Board shall be required to complete a training course developed and administered in consultation with the Department of Corrections. The training shall be provided to new members and commissioners of the Prisoner Review Board within 30 days of the start of their service and before they take part in any hearings. The training shall cover topics, including, but not limited to:

(1) the prison and incarceration system, including a tour of a correctional institution or facility and a meeting with the facility administration;

(2) the nature and benefits of rehabilitative corrections;

(3) rehabilitative programming provided by the Department of Corrections available to incarcerated individuals; and

(4) the impact of rehabilitative corrections and programming on rates of recidivism.

In addition to the training course, each member and commissioner of the Board shall also be required to participate in 20 hours of continuing education or training

per year. Training shall cover, but shall not be limited to, the following topics: domestic violence, restorative justice, racial bias, risk assessment bias, law enforcement bias, prevalence of wrongful convictions, prosecutorial misconduct, police misconduct, mental health, cognitive behavioral therapy, trauma, the age-crime curve, recidivism, and the benefits of rehabilitative, educational, vocational, and health, programming in correctional facilities. Documentation of completion shall be submitted to and recorded by the Department of Corrections and made available to the public upon request.

The 20 hours of continuing education or training per year required in this subsection shall include a training course developed and administered by the entity administering the Illinois Domestic Violence Hotline. The training shall be provided to new members and commissioners of the Prisoner Review Board within 30 days of the start of their service and before they take part in any hearings.

This training shall be tailored specifically to the members of the Board and shall cover topics, including, but not limited to:

(1) the nature, extent, causes, and lethality of domestic violence and gender-based violence;

(2) implicit and explicit biases toward parties involved in domestic violence and gender-based violence;

(3) criminalization of survivors of domestic violence

and gender-based violence;

(4) behavioral patterns and relationship dynamics within the cycle of violence;

(5) safety planning and procedures designed to promote the safety of victims of domestic violence and gender-based violence and their household members;

(6) resources available to victims of domestic violence and gender-based violence and their household members; and

(7) the Illinois Domestic Violence Act of 1986, the Stalking No Contact Order Act, the Civil No Contact Order Act, and the legal process regarding protective orders.

(f) The Board may appoint commissioners to assist it in such manner as it directs and may discharge them at will. Commissioners shall not be subject to the Personnel Code. Any commissioner appointed shall be an attorney licensed to practice law in the State of Illinois. The Board in its discretion may assign any hearing to a commissioner, except that, in hearings requiring a quorum of the Board, only members shall participate, and in hearings requiring at least 3 members, at least 2 members shall participate. No commissioner may act as the lead member or point of contact for any institutional hearing.

(Source: P.A. 101-288, eff. 1-1-20; 102-494, eff. 1-1-22.)

(730 ILCS 5/3-3-1.5 new)

Sec. 3-3-1.5. Director of Victim and Witness Services.

(a) There is established a Director of Victim and Witness Services under the jurisdiction of the Prisoner Review Board. The Victim and Witness Services Director shall be hired by the Prisoner Review Board. The Victim and Witness Services Director shall be responsible for ensuring that victims receive appropriate notice and the opportunity to provide a victim impact statement in accordance with this Act. The Victim and Witness Services Director shall also be responsible for coordinating with other agencies to improve victim notification processes, and identifying ways to better serve victims.

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

Sec. 3-3-2. Powers and duties.

(a) The Parole and Pardon Board is abolished and the term "Parole and Pardon Board" as used in any law of Illinois, shall read "Prisoner Review Board." After February 1, 1978 (the effective date of Public Act 81-1099), the Prisoner Review Board shall provide by rule for the orderly transition of all files, records, and documents of the Parole and Pardon Board and for such other steps as may be necessary to effect an orderly transition and shall:

(1) hear by at least one member and through a panel of at least 3 members decide, cases of prisoners who were sentenced under the law in effect prior to February 1,

1978 (the effective date of Public Act 81-1099), and who are eligible for parole;

(2) hear by at least one member and through a panel of at least 3 members decide, the conditions of parole and the time of discharge from parole, impose sanctions for violations of parole, and revoke parole for those sentenced under the law in effect prior to February 1, 1978 (the effective date of Public Act 81-1099); provided that the decision to parole and the conditions of parole for all prisoners who were sentenced for first degree murder or who received a minimum sentence of 20 years or more under the law in effect prior to February 1, 1978 shall be determined by a majority vote of the Prisoner Review Board. One representative supporting parole and one representative opposing parole will be allowed to speak. Their comments shall be limited to making corrections and filling in omissions to the Board's presentation and discussion;

(3) hear by at least one member and through a panel of at least 3 members decide, the conditions of mandatory supervised release and the time of discharge from mandatory supervised release, impose sanctions for violations of mandatory supervised release, and revoke mandatory supervised release for those sentenced under the law in effect after February 1, 1978 (the effective date of Public Act 81-1099);

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

(3.6) hear by at least one member and through a panel of at least 3 members decide whether to revoke aftercare release for those committed to the Department of Juvenile Justice under the Juvenile Court Act of 1987;

(4) hear by at least one member and through a panel of at least 3 members, decide cases brought by the Department of Corrections against a prisoner in the custody of the Department for alleged violation of Department rules with respect to sentence credits under Section 3-6-3 of this Code in which the Department seeks to revoke sentence credits, if the amount of time at issue exceeds 30 days or when, during any 12-month period, the cumulative amount of credit revoked exceeds 30 days except where the infraction is committed or discovered within 60 days of scheduled release. In such cases, the Department of Corrections may revoke up to 30 days of sentence credit. The Board may subsequently approve the revocation of additional sentence credit, if the Department seeks to revoke sentence credit

in excess of 30 days. However, the Board shall not be empowered to review the Department's decision with respect to the loss of 30 days of sentence credit for any prisoner or to increase any penalty beyond the length requested by the Department;

(5) hear by at least one member and through a panel of at least 3 members decide, the release dates for certain prisoners sentenced under the law in existence prior to February 1, 1978 (the effective date of Public Act 81-1099), in accordance with Section 3-3-2.1 of this Code;

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

(6.5) hear by at least one member who is qualified in the field of juvenile matters and through a panel of at least 3 members, 2 of whom are qualified in the field of juvenile matters, decide parole review cases in accordance with Section 5-4.5-115 of this Code and make release determinations of persons under the age of 21 at the time of the commission of an offense or offenses, other than those persons serving sentences for first degree murder or aggravated criminal sexual assault;

(6.6) hear by at least a quorum of the Prisoner Review Board and decide by a majority of members present at the hearing, in accordance with Section 5-4.5-115 of this

Code, release determinations of persons under the age of 21 at the time of the commission of an offense or offenses of those persons serving sentences for first degree murder or aggravated criminal sexual assault;

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

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

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

(10) upon a petition by a person who has been convicted of a Class 3 or Class 4 felony and who meets the requirements of this paragraph, hear by at least 3 members and, with the unanimous vote of a panel of 3 members, issue a certificate of eligibility for sealing recommending that the court order the sealing of all official records of the

arresting authority, the circuit court clerk, and the Illinois State Police concerning the arrest and conviction for the Class 3 or 4 felony. A person may not apply to the Board for a certificate of eligibility for sealing:

(A) until 5 years have elapsed since the expiration of his or her sentence;

(B) until 5 years have elapsed since any arrests or detentions by a law enforcement officer for an alleged violation of law, other than a petty offense, traffic offense, conservation offense, or local ordinance offense;

(C) if convicted of a violation of the Cannabis Control Act, Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, the Methamphetamine Precursor Control Act, or the Methamphetamine Precursor Tracking Act unless the petitioner has completed a drug abuse program for the offense on which sealing is sought and provides proof that he or she has completed the program successfully;

(D) if convicted of:

(i) a sex offense described in Article 11 or Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012;

(ii) aggravated assault;

(iii) aggravated battery;

- (iv) domestic battery;
- (v) aggravated domestic battery;
- (vi) violation of an order of protection;
- (vii) an offense under the Criminal Code of 1961 or the Criminal Code of 2012 involving a firearm;
- (viii) driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof;
- (ix) aggravated driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof; or
- (x) any crime defined as a crime of violence under Section 2 of the Crime Victims Compensation Act.

If a person has applied to the Board for a certificate of eligibility for sealing and the Board denies the certificate, the person must wait at least 4 years before filing again or filing for pardon from the Governor unless the Chairman of the Prisoner Review Board grants a waiver.

The decision to issue or refrain from issuing a certificate of eligibility for sealing shall be at the Board's sole discretion, and shall not give rise to any cause of action against either the Board or its members.

The Board may only authorize the sealing of Class 3

and 4 felony convictions of the petitioner from one information or indictment under this paragraph (10). A petitioner may only receive one certificate of eligibility for sealing under this provision for life; and

(11) upon a petition by a person who after having been convicted of a Class 3 or Class 4 felony thereafter served in the United States Armed Forces or National Guard of this or any other state and had received an honorable discharge from the United States Armed Forces or National Guard or who at the time of filing the petition is enlisted in the United States Armed Forces or National Guard of this or any other state and served one tour of duty and who meets the requirements of this paragraph, hear by at least 3 members and, with the unanimous vote of a panel of 3 members, issue a certificate of eligibility for expungement recommending that the court order the expungement of all official records of the arresting authority, the circuit court clerk, and the Illinois State Police concerning the arrest and conviction for the Class 3 or 4 felony. A person may not apply to the Board for a certificate of eligibility for expungement:

(A) if convicted of:

(i) a sex offense described in Article 11 or Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or Criminal Code of 2012;

(ii) an offense under the Criminal Code of 1961 or Criminal Code of 2012 involving a firearm;

or

(iii) a crime of violence as defined in Section 2 of the Crime Victims Compensation Act;

or

(B) if the person has not served in the United States Armed Forces or National Guard of this or any other state or has not received an honorable discharge from the United States Armed Forces or National Guard of this or any other state or who at the time of the filing of the petition is serving in the United States Armed Forces or National Guard of this or any other state and has not completed one tour of duty.

If a person has applied to the Board for a certificate of eligibility for expungement and the Board denies the certificate, the person must wait at least 4 years before filing again or filing for a pardon with authorization for expungement from the Governor unless the Governor or Chairman of the Prisoner Review Board grants a waiver.

(a-5) The Prisoner Review Board, with the cooperation of and in coordination with the Department of Corrections and the Department of Central Management Services, shall provide ~~implement a pilot project in 3 correctional institutions~~ ~~providing~~ for the conduct of hearings under paragraphs (1) and (4) of subsection (a) of this Section through interactive

video conferences. ~~The The project shall be implemented within 6 months after January 1, 1997 (the effective date of Public Act 89-490). Within 6 months after the implementation of the pilot project,~~ the Prisoner Review Board, with the cooperation of and in coordination with the Department of Corrections and the Department of Central Management Services, shall report annually to the Governor and the General Assembly regarding the use, costs, effectiveness, and future viability of interactive video conferences for Prisoner Review Board hearings.

(b) Upon recommendation of the Department the Board may restore sentence credit previously revoked.

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

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

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

(f) The Board or one who has allegedly violated the conditions of his or her parole, aftercare release, or mandatory supervised release may require by subpoena the attendance and testimony of witnesses and the production of

documentary evidence relating to any matter under investigation or hearing. The Chairman of the Board may sign subpoenas which shall be served by any agent or public official authorized by the Chairman of the Board, or by any person lawfully authorized to serve a subpoena under the laws of the State of Illinois. The attendance of witnesses, and the production of documentary evidence, may be required from any place in the State to a hearing location in the State before the Chairman of the Board or his or her designated agent or agents or any duly constituted Committee or Subcommittee of the Board. Witnesses so summoned shall be paid the same fees and mileage that are paid witnesses in the circuit courts of the State, and witnesses whose depositions are taken and the persons taking those depositions are each entitled to the same fees as are paid for like services in actions in the circuit courts of the State. Fees and mileage shall be vouchered for payment when the witness is discharged from further attendance.

In case of disobedience to a subpoena, the Board may petition any circuit court of the State for an order requiring the attendance and testimony of witnesses or the production of documentary evidence or both. A copy of such petition shall be served by personal service or by registered or certified mail upon the person who has failed to obey the subpoena, and such person shall be advised in writing that a hearing upon the petition will be requested in a court room to be designated in

such notice before the judge hearing motions or extraordinary remedies at a specified time, on a specified date, not less than 10 nor more than 15 days after the deposit of the copy of the written notice and petition in the U.S. mail addressed to the person at his or her last known address or after the personal service of the copy of the notice and petition upon such person. The court upon the filing of such a petition, may order the person refusing to obey the subpoena to appear at an investigation or hearing, or to there produce documentary evidence, if so ordered, or to give evidence relative to the subject matter of that investigation or hearing. Any failure to obey such order of the circuit court may be punished by that court as a contempt of court.

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

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

(h) The Prisoner Review Board shall annually transmit to the Director a detailed report of its work for the preceding calendar year, including votes cast by each member. The annual report shall also be transmitted to the Governor for submission to the Legislature.

(Source: P.A. 101-288, eff. 1-1-20; 102-538, eff. 8-20-21;

102-558, eff. 8-20-21.)

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

Sec. 3-3-5. Hearing and determination.

(a) The Prisoner Review Board shall meet as often as need requires to consider the cases of persons eligible for parole. Except as otherwise provided in paragraph (2) of subsection (a) of Section 3-3-2 of this Act, the Prisoner Review Board may meet and order its actions in panels of 3 or more members. The action of a majority of the panel shall be the action of the Board.

(b) If the person under consideration for parole is in the custody of the Department, at least one member of the Board shall interview him or her, and a report of that interview shall be available for the Board's consideration. However, in the discretion of the Board, the interview need not be conducted if a psychiatric examination determines that the person could not meaningfully contribute to the Board's consideration. The Board may in its discretion parole a person who is then outside the jurisdiction on his or her record without an interview. The Board need not hold a hearing or interview a person who is paroled under paragraphs (d) or (e) of this Section or released on Mandatory release under Section 3-3-10.

(c) (Blank). ~~The Board shall not parole a person eligible for parole if it determines that:~~

~~(1) there is a substantial risk that he or she will not conform to reasonable conditions of parole or aftercare release; or~~

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

~~(3) his or her release would have a substantially adverse effect on institutional discipline.~~

(c-1) In deciding whether to grant or deny parole, the Board shall consider the following factors:

(1) participation in rehabilitative programming available to the petitioner, including, but not limited to, educational courses, vocational courses, life skills courses, individual or group counseling courses, civics education courses, peer education courses, independent studies courses, substance abuse counseling courses, and behavior modification courses;

(2) participation in professional licensing courses or on-the-job training courses;

(3) letters from correctional staff, educational faculty, community members, friends, and other incarcerated persons;

(4) the petitioner's potential for rehabilitation or the evidence of rehabilitation in the petitioner;

(5) the applicant's age at the time of the offense;

(6) the circumstances of the offense and the

petitioner's role and degree of participation in the offense;

(7) the presence of a cognitive or developmental disability in the petitioner at the time of the offense;

(8) the petitioner's family, home environment, and educational and social background at the time of the offense;

(9) evidence that the petitioner has suffered from gender-based violence as defined by Section 5 of the Gender Violence Act, postpartum psychosis or postpartum depression as defined by Section 2-1401 of the Code of Civil Procedure, post-traumatic stress disorder, adverse childhood experiences, or other traumas that could have been a contributing factor to a person's criminal behavior and participation in the offense;

(10) the presence or expression by the petitioner of remorse, compassion, or insight of harm and collateral effects experienced by the victims;

(11) the commission of a serious disciplinary infraction within the previous 5 years;

(12) a pattern of fewer serious institutional disciplinary infractions within the previous 2 years;

(13) evidence that the petitioner has any serious medical conditions;

(14) evidence that the Department is unable to meet the petitioner's medical needs; and

(15) the petitioner's reentry plan, including, but not limited to, residence plans, employment plans, continued education plans, rehabilitation plans, and counseling plans.

No one factor listed in this subsection (c-1) shall be dispositive.

(d) (Blank).

(d-1) The Board shall, upon due notice, give a hearing to all petitioners for medical release and all candidates for parole, allowing representation by counsel, if desired, or the assistance of advocates and supporters, if desired.

(d-2) All petitioners for medical release and all candidates for parole appearing before the Prisoner Review Board shall be afforded the opportunity to appear in person or via interactive video teleconference.

(d-3) Clemency petitioners who are currently incarcerated and their legal counsel, if retained, shall be afforded the opportunity to a pre-hearing conference in person or via interactive video teleconference with at least one Board member.

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

(f) The Board shall render its decision within a reasonable time after hearing and shall state the basis

therefor both in the records of the Board and in written notice to the person on whose application it has acted. In its decision, the Board shall set the person's time for parole, or if it denies parole it shall provide for a rehearing not less frequently than once every year, except that the Board may, after denying parole, schedule a rehearing no later than 5 years from the date of the parole denial, if the Board finds that it is not reasonable to expect that parole would be granted at a hearing prior to the scheduled rehearing date. If the Board shall parole a person, and, if he or she is not released within 90 days from the effective date of the order granting parole, the matter shall be returned to the Board for review. If the Board denies parole, the written notice must include an explanation of each factor the Board relied on in making its decision to deny parole and what factors and goals the applicant should focus on and try to meet to be granted parole at a subsequent hearing.

(f-1) If the Board paroles a person who is eligible for commitment as a sexually violent person, the effective date of the Board's order shall be stayed for 90 days for the purpose of evaluation and proceedings under the Sexually Violent Persons Commitment Act.

(g) The Board shall maintain a registry of decisions in which parole has been granted, which shall include the name and case number of the prisoner, the highest charge for which the prisoner was sentenced, the length of sentence imposed,

the date of the sentence, the date of the parole, and the basis for the decision of the Board to grant parole and the vote of the Board on any such decisions. The registry shall be made available for public inspection and copying during business hours and shall be a public record pursuant to the provisions of the Freedom of Information Act.

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

(Source: P.A. 98-558, eff. 1-1-14; 99-268, eff. 1-1-16; 99-628, eff. 1-1-17.)

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

Sec. 3-3-8. Length of parole and mandatory supervised release; discharge.

(a) The length of parole for a person sentenced under the law in effect prior to the effective date of this amendatory Act of 1977 and the length of mandatory supervised release for those sentenced under the law in effect on and after such effective date shall be as set out in Section 5-8-1 unless sooner terminated under paragraph (b) of this Section.

(b) The Prisoner Review Board may enter an order releasing and discharging one from parole or mandatory supervised release, and his or her commitment to the Department, when it determines that he or she is likely to remain at liberty without committing another offense. Before entering such an order, the Prisoner Review Board shall provide notice and a

30-day opportunity to comment to any registered victim.

(b-1) Provided that the subject is in compliance with the terms and conditions of his or her parole or mandatory supervised release, the Prisoner Review Board shall reduce the period of a parolee or releasee's parole or mandatory supervised release by 90 days upon the parolee or releasee receiving a high school diploma, associate's degree, bachelor's degree, career certificate, or vocational technical certification or upon passage of high school equivalency testing during the period of his or her parole or mandatory supervised release. A parolee or releasee shall provide documentation from the educational institution or the source of the qualifying educational or vocational credential to their supervising officer for verification. Each reduction in the period of a subject's term of parole or mandatory supervised release shall be available only to subjects who have not previously earned the relevant credential for which they are receiving the reduction. As used in this Section, "career certificate" means a certificate awarded by an institution for satisfactory completion of a prescribed curriculum that is intended to prepare an individual for employment in a specific field.

(b-2) The Prisoner Review Board may release a low-risk and need subject person from mandatory supervised release as determined by an appropriate evidence-based risk and need assessment.

(b-3) After the completion of at least 6 months for offenses set forth in paragraphs (1.5) through (7) of subsection (a) of Section 110-6.1 of the Code of Criminal Procedure of 1963 and 3 months for all other offenses, and upon completion of all mandatory conditions of parole or mandatory supervised release set forth in paragraph (7.5) of subsection (a) of Section 3-3-7 and subsection (b) of Section 3-3-7, the Department of Corrections shall complete a report describing whether the subject has completed the mandatory conditions of parole or mandatory supervised release. The report shall include whether the subject has complied with any mandatory conditions of parole or mandatory supervised release relating to orders of protection, civil no contact orders, or stalking no contact orders. The report shall also indicate whether a LEADS report reflects a conviction for a domestic violence offense within the prior 5 years.

(c) The order of discharge shall become effective upon entry of the order of the Board. The Board shall notify the clerk of the committing court of the order. Upon receipt of such copy, the clerk shall make an entry on the record judgment that the sentence or commitment has been satisfied pursuant to the order.

(d) Rights of the person discharged under this Section shall be restored under Section 5-5-5.

(e) Upon a denial of early discharge under this Section, the Prisoner Review Board shall provide the person on parole

or mandatory supervised release a list of steps or requirements that the person must complete or meet to be granted an early discharge at a subsequent review and share the process for seeking a subsequent early discharge review under this subsection. Upon the completion of such steps or requirements, the person on parole or mandatory supervised release may petition the Prisoner Review Board to grant them an early discharge review. Within no more than 30 days of a petition under this subsection, the Prisoner Review Board shall review the petition and make a determination.

(Source: P.A. 103-271, eff. 1-1-24.)

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

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

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

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

(1.5) for those released as a result of youthful offender parole as set forth in Section 5-4.5-115 of this Code, order that the inmate be subsequently rereleased to

serve a specified mandatory supervised release term not to exceed the full term permitted under the provisions of Section 5-4.5-115 and subsection (d) of Section 5-8-1 of this Code and may modify or enlarge the conditions of the release as the Board deems proper; or

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

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

(i) (A) For those sentenced under the law in effect prior to this amendatory Act of 1977, the recommitment shall be for any portion of the imposed maximum term of imprisonment or confinement which had not been served at the time of parole and the parole term, less the time elapsed between the parole of the person and the commission of the violation for which parole was revoked;

(B) Except as set forth in paragraphs (C) and (D), for those subject to mandatory supervised release under paragraph (d) of Section 5-8-1 of this Code, the recommitment shall be for the total mandatory supervised release term, less the time elapsed between the release of the person and the commission of the violation for which mandatory supervised release is revoked. The Board may also order that a prisoner

serve up to one year of the sentence imposed by the court which was not served due to the accumulation of sentence credit;

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

(D) For those released as a result of youthful offender parole as set forth in Section 5-4.5-115 of this Code, the reconfinement period shall be for the total mandatory supervised release term, less the time elapsed between the release of the person and the commission of the violation for which mandatory supervised release is revoked. The Board may also order that a prisoner serve up to one year of the mandatory supervised release term previously earned. The Board may also order that the inmate be subsequently rereleased to serve a specified mandatory supervised release term not to exceed the full term permitted under the provisions of Section 5-4.5-115 and subsection (d) of Section 5-8-1 of this Code and may modify or enlarge the conditions of the release as the Board deems proper;

(ii) the person shall be given credit against the term of reimprisonment or reconfinement for time spent

in custody since he or she was paroled or released which has not been credited against another sentence or period of confinement;

(iii) (blank);

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

(b) The Board may revoke parole or mandatory supervised release for violation of a condition for the duration of the term and for any further period which is reasonably necessary for the adjudication of matters arising before its expiration. The issuance of a warrant of arrest for an alleged violation of the conditions of parole or mandatory supervised release shall toll the running of the term until the final determination of the charge. When parole or mandatory supervised release is not revoked that period shall be credited to the term, unless a community-based sanction is imposed as an alternative to revocation and reincarceration, including a diversion established by the Illinois Department of Corrections Parole Services Unit prior to the holding of a preliminary parole revocation hearing. Parolees who are diverted to a community-based sanction shall serve the entire term of parole or mandatory supervised release, if otherwise appropriate.

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

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

(d) Parole or mandatory supervised release shall not be revoked without written notice to the offender setting forth the violation of parole or mandatory supervised release charged against him or her. Before the Board makes a decision on whether to revoke an offender's parole or mandatory supervised release, the Prisoner Review Board must run a LEADS report. The Board shall publish on the Board's publicly accessible website the name and identification number of offenders who are alleged to have violated terms of parole or mandatory supervised release and the Board's decision as to whether to revoke parole or mandatory supervised release. This information shall be accessible for a period of 60 days after the information is posted.

(e) A hearing on revocation shall be conducted before at least one member of the Prisoner Review Board. The Board may meet and order its actions in panels of 3 or more members. The action of a majority of the panel shall be the action of the

Board. A record of the hearing shall be made. At the hearing the offender shall be permitted to:

- (1) appear and answer the charge; and
- (2) bring witnesses on his or her behalf.

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

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

(Source: P.A. 100-1182, eff. 6-1-19; 101-288, eff. 1-1-20.)

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

Sec. 3-3-13. Procedure for executive clemency.

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

(a-5) After a petition has been denied by the Governor, the Board may not accept a repeat petition for executive clemency for the same person until one full year has elapsed from the date of the denial. The Chairman of the Board may

waive the one-year requirement if the petitioner offers in writing new information that was unavailable to the petitioner at the time of the filing of the prior petition and which the Chairman determines to be significant. The Chairman also may waive the one-year waiting period if the petitioner can show that a change in circumstances of a compelling humanitarian nature has arisen since the denial of the prior petition.

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

(b-5) Victims registered with the Board shall receive reasonable written notice not less than 30 days prior to the executive clemency hearing date. The victim has the right to submit a victim statement, in support or opposition, to the Prisoner Review Board for consideration at an executive clemency hearing as provided in subsection (c) of this Section. Victim statements provided to the Board shall be confidential and privileged, including any statements received prior to the effective date of this amendatory Act of the 101st General Assembly, except if the statement was an oral statement made by the victim at a hearing open to the public.

(c) The Board shall, upon due notice, give a hearing to each application, allowing representation by counsel, if desired, after which it shall confidentially advise the Governor by a written report of its recommendations which shall be determined by majority vote. The written report to

the Governor shall be confidential and privileged, including any reports made prior to the effective date of this amendatory Act of the 101st General Assembly. The Board shall meet to consider such petitions no less than 4 times each year.

(d) The Governor shall decide each application and communicate his decision to the Board which shall notify the petitioner.

In the event a petitioner who has been convicted of a Class X felony is granted a release, after the Governor has communicated such decision to the Board, the Board shall give written notice to the Sheriff of the county from which the offender was sentenced if such sheriff has requested that such notice be given on a continuing basis. In cases where arrest of the offender or the commission of the offense took place in any municipality with a population of more than 10,000 persons, the Board shall also give written notice to the proper law enforcement agency for said municipality which has requested notice on a continuing basis.

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

(Source: P.A. 103-51, eff. 1-1-24.)

(730 ILCS 5/3-3-14)

Sec. 3-3-14. Procedure for medical release.

(a) Definitions.

(1) As used in this Section, "medically incapacitated" means that a petitioner ~~an inmate~~ has any diagnosable medical condition, including dementia and severe, permanent medical or cognitive disability, that prevents the petitioner ~~inmate~~ from completing more than one activity of daily living without assistance or that incapacitates the petitioner ~~inmate~~ to the extent that institutional confinement does not offer additional restrictions, and that the condition is unlikely to improve noticeably in the future.

(2) As used in this Section, "terminal illness" means a condition that satisfies all of the following criteria:

(i) the condition is irreversible and incurable;
and

(ii) in accordance with medical standards and a reasonable degree of medical certainty, based on an individual assessment of the petitioner ~~inmate~~, the condition is likely to cause death to the petitioner ~~inmate~~ within 18 months.

(b) The Prisoner Review Board shall consider an application for compassionate release on behalf of any petitioner ~~inmate~~ who meets any of the following:

- (1) is suffering from a terminal illness; or
- (2) has been diagnosed with a condition that will result in medical incapacity within the next 6 months; or
- (3) has become medically incapacitated subsequent to

sentencing due to illness or injury.

(c) Initial application.

(1) An initial application for medical release may be filed with the Prisoner Review Board by the petitioner ~~an inmate~~, a prison official, a medical professional who has treated or diagnosed the petitioner ~~inmate~~, or the petitioner's ~~an inmate's~~ spouse, parent, guardian, grandparent, aunt or uncle, sibling, child over the age of eighteen years, or attorney. If the initial application is made by someone other than the petitioner ~~inmate~~, the petitioner ~~inmate~~, or if the petitioner ~~inmate~~ is medically unable to consent, the guardian or family member designated to represent the petitioner's ~~inmate's~~ interests must consent to the application at the time of the institutional hearing.

(2) Application materials shall be maintained on the Prisoner Review Board's website and the Department of Corrections' website and maintained in a clearly visible place within the law library and the infirmary of every penal institution and facility operated by the Department of Corrections.

(3) The initial application need not be notarized, can be sent via email or facsimile, and must contain the following information:

(i) the petitioner's ~~inmate's~~ name and Illinois Department of Corrections number;

- (ii) the petitioner's ~~inmate's~~ diagnosis;
- (iii) a statement that the petitioner ~~inmate~~ meets one of the following diagnostic criteria:

- (A) the petitioner ~~inmate~~ is suffering from a terminal illness;

- (B) the petitioner ~~inmate~~ has been diagnosed with a condition that will result in medical incapacity within the next 6 months; or

- (C) the petitioner ~~inmate~~ has become medically incapacitated subsequent to sentencing due to illness or injury.

(3.5) The Prisoner Review Board shall place no additional restrictions, limitations, or requirements on applications from petitioners.

(4) Upon receiving the petitioner's ~~inmate's~~ initial application, the Board shall order the Department of Corrections to have a physician or nurse practitioner evaluate the petitioner ~~inmate~~ and create a written evaluation within ten days of the Board's order. The evaluation shall include but need not be limited to:

- (i) a concise statement of the petitioner ~~inmate's~~ medical diagnosis, including prognosis, likelihood of recovery, and primary symptoms, to include incapacitation; and

- (ii) a statement confirming or denying that the petitioner ~~inmate~~ meets one of the criteria stated in

subsection (b) of this Section.

(5) Upon a determination that the petitioner is eligible for a hearing, the Prisoner Review Board shall:

(i) provide public notice of the petitioner's name, docket number, counsel, and hearing date; and

(ii) provide a copy of the evaluation and any medical records provided by the Department of Corrections to the petitioner or the petitioner's attorney upon scheduling the institutional hearing.

(d) Institutional hearing. ~~No public institutional hearing is required for consideration of a petition, but shall be granted at the request of the petitioner.~~ Hearings are public unless the petitioner requests a non-public hearing. The petitioner has a right to attend the hearing and to speak on the petitioner's own behalf. The petitioner ~~inmate~~ may be represented by counsel and may present witnesses to the Board members. Hearings shall be governed by the Open Parole Hearings Act. Members of the public shall be permitted to freely attend public hearings without restriction.

(e) Voting procedure. Petitions shall be considered by three-member panels, and decisions shall be made by simple majority. Voting shall take place during the public hearing.

(f) Consideration. In considering a petition for release under the statute, the Prisoner Review Board may consider the following factors:

(i) the petitioner's ~~inmate's~~ diagnosis and

likelihood of recovery;

(ii) the approximate cost of health care to the State should the petitioner ~~inmate~~ remain in custody;

(iii) the impact that the petitioner's ~~inmate's~~ continued incarceration may have on the provision of medical care within the Department;

(iv) the present likelihood of and ability to pose a substantial danger to the physical safety of a specifically identifiable person or persons;

(v) any statements by the victim regarding release; and

(vi) whether the petitioner's ~~inmate's~~ condition was explicitly disclosed to the original sentencing judge and taken into account at the time of sentencing.

(f-1) Upon denying an eligible petitioner's application for medical release, the Prisoner Review Board shall publish a decision letter outlining the reason for denial. The decision letter must include an explanation of each statutory factor and the estimated annual cost of the petitioner's continued incarceration, including the petitioner's medical care.

(g) Petitioners ~~Inmates~~ granted medical release shall be released on mandatory supervised release for a period of 5 years subject to Section 3-3-8, which shall operate to discharge any remaining term of years imposed upon him or her. However, in no event shall the eligible person serve a period

of mandatory supervised release greater than the aggregate of the discharged underlying sentence and the mandatory supervised release period as set forth in Section 5-4.5-20.

(h) Within 90 days of the receipt of the initial application, the Prisoner Review Board shall conduct a hearing if a hearing is requested and render a decision granting or denying the petitioner's request for release.

(i) Nothing in this statute shall preclude a petitioner from seeking alternative forms of release, including clemency, relief from the sentencing court, post-conviction relief, or any other legal remedy.

(j) This act applies retroactively, and shall be applicable to all currently incarcerated people in Illinois.

(k) Data report. The Department of Corrections and the Prisoner Review Board shall release a report annually published on their websites that reports the following information about the Medical Release Program:

(1) The number of applications for medical release received by the Board in the preceding year, and information about those applications, including:

(i) demographic data about the petitioner ~~individual~~, including race or ethnicity, gender, age, and institution;

(ii) the highest class of offense for which the petitioner ~~individual~~ is incarcerated;

(iii) the relationship of the petitioner ~~applicant~~

to the person completing the application;

(iv) whether the petitioner ~~applicant~~ had applied for medical release before and been denied, and, if so, when;

(v) whether the petitioner ~~person~~ applied as a person who is medically incapacitated or a person who is terminally ill; ~~and~~

(vi) a basic description of the underlying medical condition that led to the application ; ~~and-~~

(vii) the institution in which the petitioner was confined at the time of the application.

(2) The number of medical statements from the Department of Corrections received by the Board.

(3) The number of institutional hearings on medical release applications conducted by the Board including:-

(i) whether the petitioner was represented by an attorney; and

(ii) whether the application was considered in a public or non-public hearing.

(4) The number of people approved for medical release, and information about them, including:

(i) demographic data about the individual including race or ethnicity, gender, age, and zip code to which they were released;

(ii) whether the person applied as a person who is medically incapacitated or a person who is terminally

ill;

(iii) a basic description of the underlying medical condition that led to the application; ~~and~~

(iv) a basic description of the medical setting the person was released to; ~~and~~

(v) whether the petitioner was represented by an attorney; and

(vi) whether the application was considered in a public or non-public hearing.

(5) The number of people released on the medical release program.

(6) The number of people approved for medical release who experienced more than a one-month delay between release decision and ultimate release, including:

(i) demographic data about the individuals including race or ethnicity, gender and age;

(ii) the reason for the delay;

(iii) whether the person remains incarcerated; and

(iv) a basic description of the underlying medical condition of the applying person.

(7) For those individuals released on mandatory supervised release due to a granted application for medical release:

(i) the number of individuals who were serving terms of mandatory supervised release because of medical release applications during the previous year;

(ii) the number of individuals who had their mandatory supervised release revoked; and

(iii) the number of individuals who died during the previous year.

(8) Information on seriously ill individuals incarcerated at the Department of Corrections, including:

(i) the number of people currently receiving full-time one-on-one medical care or assistance with activities of daily living within Department of Corrections facilities and whether that care is provided by a medical practitioner or an incarcerated person ~~inmate~~, along with the institutions at which they are incarcerated; and

(ii) the number of people who spent more than one month in outside hospital care during the previous year and their home institutions.

All the information provided in this report shall be provided in aggregate, and nothing shall be construed to require the public dissemination of any personal medical information.

(Source: P.A. 102-494, eff. 1-1-22; 102-813, eff. 5-13-22.)

(730 ILCS 5/3-5-1)

Sec. 3-5-1. Master record file.

(a) The Department of Corrections and the Department of Juvenile Justice shall maintain a master record file on each

person committed to it, which shall contain the following information:

- (1) all information from the committing court;
- (1.5) ethnic and racial background data collected in accordance with Section 4.5 of the Criminal Identification Act and Section 2-5 of the No Representation Without Population Act;
- (1.6) the committed person's last known complete street address prior to incarceration or legal residence collected in accordance with Section 2-5 of the No Representation Without Population Act;
- (2) reception summary;
- (3) evaluation and assignment reports and recommendations;
- (4) reports as to program assignment and progress;
- (5) reports of disciplinary infractions and disposition, including tickets and Administrative Review Board action;
- (6) any parole or aftercare release plan;
- (7) any parole or aftercare release reports;
- (8) the date and circumstances of final discharge;
- (9) criminal history;
- (10) current and past gang affiliations and ranks;
- (11) information regarding associations and family relationships;
- (12) any grievances filed and responses to those

grievances;

(13) other information that the respective Department determines is relevant to the secure confinement and rehabilitation of the committed person;

(14) the last known address provided by the person committed; and

(15) all medical and dental records.

(b) Except as provided in subsections (f) and (f-5), all ~~All~~ files shall be confidential and access shall be limited to authorized personnel of the respective Department or by disclosure in accordance with a court order or subpoena. Personnel of other correctional, welfare or law enforcement agencies may have access to files under rules and regulations of the respective Department. The respective Department shall keep a record of all outside personnel who have access to files, the files reviewed, any file material copied, and the purpose of access. If the respective Department or the Prisoner Review Board makes a determination under this Code which affects the length of the period of confinement or commitment, the committed person and his counsel shall be advised of factual information relied upon by the respective Department or Board to make the determination, provided that the Department or Board shall not be required to advise a person committed to the Department of Juvenile Justice any such information which in the opinion of the Department of Juvenile Justice or Board would be detrimental to his

treatment or rehabilitation.

(c) The master file shall be maintained at a place convenient to its use by personnel of the respective Department in charge of the person. When custody of a person is transferred from the Department to another department or agency, a summary of the file shall be forwarded to the receiving agency with such other information required by law or requested by the agency under rules and regulations of the respective Department.

(d) The master file of a person no longer in the custody of the respective Department shall be placed on inactive status and its use shall be restricted subject to rules and regulations of the Department.

(e) All public agencies may make available to the respective Department on request any factual data not otherwise privileged as a matter of law in their possession in respect to individuals committed to the respective Department.

(f) A committed person may request a summary of the committed person's master record file once per year and the committed person's attorney may request one summary of the committed person's master record file once per year. The Department shall create a form for requesting this summary, and shall make that form available to committed persons and to the public on its website. Upon receipt of the request form, the Department shall provide the summary within 15 days. The summary must contain, unless otherwise prohibited by law:

(1) the person's name, ethnic, racial, last known street address prior to incarceration or legal residence, and other identifying information;

(2) all digitally available information from the committing court;

(3) all information in the Offender 360 system on the person's criminal history;

(4) the person's complete assignment history in the Department of Corrections;

(5) the person's disciplinary card;

(6) additional records about up to 3 specific disciplinary incidents as identified by the requester;

(7) any available records about up to 5 specific grievances filed by the person, as identified by the requester; and

(8) the records of all grievances filed on or after January 1, 2023.

Notwithstanding any provision of this subsection (f) to the contrary, a committed person's master record file is not subject to disclosure and copying under the Freedom of Information Act.

(f-5) At least 60 days before a person's executive clemency, medical release, or parole hearing, if requested, the Department of Corrections shall provide the person and their legal counsel, if retained, a copy of (i) the person's disciplinary card and (ii) any available records of the

person's participation in programming and education.

(g) Subject to appropriation, on or before July 1, 2025, the Department of Corrections shall digitalize all newly committed persons' master record files who become incarcerated and all other new information that the Department maintains concerning its correctional institutions, facilities, and individuals incarcerated.

(h) Subject to appropriation, on or before July 1, 2027, the Department of Corrections shall digitalize all medical and dental records in the master record files and all other information that the Department maintains concerning its correctional institutions and facilities in relation to medical records, dental records, and medical and dental needs of committed persons.

(i) Subject to appropriation, on or before July 1, 2029, the Department of Corrections shall digitalize all information in the master record files and all other information that the Department maintains concerning its correctional institutions and facilities.

(j) The Department of Corrections shall adopt rules to implement subsections (g), (h), and (i) if appropriations are available to implement these provisions.

(k) Subject to appropriation, the Department of Corrections, in consultation with the Department of Innovation and Technology, shall conduct a study on the best way to digitize all Department of Corrections records and the impact

of that digitizing on State agencies, including the impact on the Department of Innovation and Technology. The study shall be completed on or before January 1, 2024.

(Source: P.A. 102-776, eff. 1-1-23; 102-784, eff. 5-13-22; 103-18, eff. 1-1-24; 103-71, eff. 6-9-23; 103-154, eff. 6-30-23; 103-605, eff. 7-1-24.)

(730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

Sec. 3-14-1. Release from the institution.

(a) Upon release of a person on parole, mandatory release, final discharge, or pardon, the Department shall return all property held for him, provide him with suitable clothing and procure necessary transportation for him to his designated place of residence and employment. It may provide such person with a grant of money for travel and expenses which may be paid in installments. The amount of the money grant shall be determined by the Department.

(a-1) The Department shall, before a wrongfully imprisoned person, as defined in Section 3-1-2 of this Code, is discharged from the Department, provide him or her with any documents necessary after discharge.

(a-2) The Department of Corrections may establish and maintain, in any institution it administers, revolving funds to be known as "Travel and Allowances Revolving Funds". These revolving funds shall be used for advancing travel and expense allowances to committed, paroled, and discharged prisoners.

The moneys paid into such revolving funds shall be from appropriations to the Department for Committed, Paroled, and Discharged Prisoners.

(a-3) Upon release of a person who is eligible to vote on parole, mandatory release, final discharge, or pardon, the Department shall provide the person with a form that informs him or her that his or her voting rights have been restored and a voter registration application. The Department shall have available voter registration applications in the languages provided by the Illinois State Board of Elections. The form that informs the person that his or her rights have been restored shall include the following information:

(1) All voting rights are restored upon release from the Department's custody.

(2) A person who is eligible to vote must register in order to be able to vote.

The Department of Corrections shall confirm that the person received the voter registration application and has been informed that his or her voting rights have been restored.

(a-4) Prior to release of a person on parole, mandatory supervised release, final discharge, or pardon, the Department shall screen every person for Medicaid eligibility. Officials of the correctional institution or facility where the committed person is assigned shall assist an eligible person to complete a Medicaid application to ensure that the person

begins receiving benefits as soon as possible after his or her release. The application must include the eligible person's address associated with his or her residence upon release from the facility. If the residence is temporary, the eligible person must notify the Department of Human Services of his or her change in address upon transition to permanent housing.

(a-5) Upon release of a person from its custody to parole, upon mandatory supervised release, or upon final discharge, the Department shall run a LEADS report and shall notify the person of all in-effect protective orders issued against the person under Article 112A of the Code of Criminal Procedure of 1963 or under the Illinois Domestic Violence Act of 1986, the Civil No Contact Order Act, or the Stalking No Contact Order Act, that are identified in the LEADS report.

(b) (Blank).

(c) Except as otherwise provided in this Code, the Department shall establish procedures to provide written notification of any release of any person who has been convicted of a felony to the State's Attorney and sheriff of the county from which the offender was committed, and the State's Attorney and sheriff of the county into which the offender is to be paroled or released. Except as otherwise provided in this Code, the Department shall establish procedures to provide written notification to the proper law enforcement agency for any municipality of any release of any person who has been convicted of a felony if the arrest of the

offender or the commission of the offense took place in the municipality, if the offender is to be paroled or released into the municipality, or if the offender resided in the municipality at the time of the commission of the offense. If a person convicted of a felony who is in the custody of the Department of Corrections or on parole or mandatory supervised release informs the Department that he or she has resided, resides, or will reside at an address that is a housing facility owned, managed, operated, or leased by a public housing agency, the Department must send written notification of that information to the public housing agency that owns, manages, operates, or leases the housing facility. The written notification shall, when possible, be given at least 14 days before release of the person from custody, or as soon thereafter as possible. The written notification shall be provided electronically if the State's Attorney, sheriff, proper law enforcement agency, or public housing agency has provided the Department with an accurate and up to date email address.

(c-1) (Blank).

(c-2) The Department shall establish procedures to provide notice to the Illinois State Police of the release or discharge of persons convicted of violations of the Methamphetamine Control and Community Protection Act or a violation of the Methamphetamine Precursor Control Act. The Illinois State Police shall make this information available to

local, State, or federal law enforcement agencies upon request.

(c-5) If a person on parole or mandatory supervised release becomes a resident of a facility licensed or regulated by the Department of Public Health, the Illinois Department of Public Aid, or the Illinois Department of Human Services, the Department of Corrections shall provide copies of the following information to the appropriate licensing or regulating Department and the licensed or regulated facility where the person becomes a resident:

(1) The mittimus and any pre-sentence investigation reports.

(2) The social evaluation prepared pursuant to Section 3-8-2.

(3) Any pre-release evaluation conducted pursuant to subsection (j) of Section 3-6-2.

(4) Reports of disciplinary infractions and dispositions.

(5) Any parole plan, including orders issued by the Prisoner Review Board, and any violation reports and dispositions.

(6) The name and contact information for the assigned parole agent and parole supervisor.

This information shall be provided within 3 days of the person becoming a resident of the facility.

(c-10) If a person on parole or mandatory supervised

release becomes a resident of a facility licensed or regulated by the Department of Public Health, the Illinois Department of Public Aid, or the Illinois Department of Human Services, the Department of Corrections shall provide written notification of such residence to the following:

(1) The Prisoner Review Board.

(2) The chief of police and sheriff in the municipality and county in which the licensed facility is located.

The notification shall be provided within 3 days of the person becoming a resident of the facility.

(d) Upon the release of a committed person on parole, mandatory supervised release, final discharge, or pardon, the Department shall provide such person with information concerning programs and services of the Illinois Department of Public Health to ascertain whether such person has been exposed to the human immunodeficiency virus (HIV) or any identified causative agent of Acquired Immunodeficiency Syndrome (AIDS).

(e) Upon the release of a committed person on parole, mandatory supervised release, final discharge, pardon, or who has been wrongfully imprisoned, the Department shall verify the released person's full name, date of birth, and social security number. If verification is made by the Department by obtaining a certified copy of the released person's birth certificate and the released person's social security card or

other documents authorized by the Secretary, the Department shall provide the birth certificate and social security card or other documents authorized by the Secretary to the released person. If verification by the Department is done by means other than obtaining a certified copy of the released person's birth certificate and the released person's social security card or other documents authorized by the Secretary, the Department shall complete a verification form, prescribed by the Secretary of State, and shall provide that verification form to the released person.

(f) Forty-five days prior to the scheduled discharge of a person committed to the custody of the Department of Corrections, the Department shall give the person:

(1) who is otherwise uninsured an opportunity to apply for health care coverage including medical assistance under Article V of the Illinois Public Aid Code in accordance with subsection (b) of Section 1-8.5 of the Illinois Public Aid Code, and the Department of Corrections shall provide assistance with completion of the application for health care coverage including medical assistance;

(2) information about obtaining a standard Illinois Identification Card or a limited-term Illinois Identification Card under Section 4 of the Illinois Identification Card Act if the person has not been issued an Illinois Identification Card under subsection (a-20) of

Section 4 of the Illinois Identification Card Act;

(3) information about voter registration and may distribute information prepared by the State Board of Elections. The Department of Corrections may enter into an interagency contract with the State Board of Elections to participate in the automatic voter registration program and be a designated automatic voter registration agency under Section 1A-16.2 of the Election Code;

(4) information about job listings upon discharge from the correctional institution or facility;

(5) information about available housing upon discharge from the correctional institution or facility;

(6) a directory of elected State officials and of officials elected in the county and municipality, if any, in which the committed person intends to reside upon discharge from the correctional institution or facility; and

(7) any other information that the Department of Corrections deems necessary to provide the committed person in order for the committed person to reenter the community and avoid recidivism.

(g) Sixty days before the scheduled discharge of a person committed to the custody of the Department or upon receipt of the person's certified birth certificate and social security card as set forth in subsection (d) of Section 3-8-1 of this Act, whichever occurs later, the Department shall transmit an

application for an Identification Card to the Secretary of State, in accordance with subsection (a-20) of Section 4 of the Illinois Identification Card Act.

The Department may adopt rules to implement this Section.
(Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21; 102-606, eff. 1-1-22; 102-813, eff. 5-13-22; 103-345, eff. 1-1-24.)

(730 ILCS 5/5-4.5-115)

Sec. 5-4.5-115. Parole review of persons under the age of 21 at the time of the commission of an offense.

(a) For purposes of this Section, "victim" means a victim of a violent crime as defined in subsection (a) of Section 3 of the Rights of Crime Victims and Witnesses Act including a witness as defined in subsection (b) of Section 3 of the Rights of Crime Victims and Witnesses Act; any person legally related to the victim by blood, marriage, adoption, or guardianship; any friend of the victim; or any concerned citizen.

(b) A person under 21 years of age at the time of the commission of an offense or offenses, other than first degree murder, and who is not serving a sentence for first degree murder and who is sentenced on or after June 1, 2019 (the effective date of Public Act 100-1182) shall be eligible for parole review by the Prisoner Review Board after serving 10 years or more of his or her sentence or sentences, except for those serving a sentence or sentences for: (1) aggravated

criminal sexual assault who shall be eligible for parole review by the Prisoner Review Board after serving 20 years or more of his or her sentence or sentences or (2) predatory criminal sexual assault of a child who shall not be eligible for parole review by the Prisoner Review Board under this Section. A person under 21 years of age at the time of the commission of first degree murder who is sentenced on or after June 1, 2019 (the effective date of Public Act 100-1182) shall be eligible for parole review by the Prisoner Review Board after serving 20 years or more of his or her sentence or sentences, except for those subject to a term of natural life imprisonment under Section 5-8-1 of this Code or any person subject to sentencing under subsection (c) of Section 5-4.5-105 of this Code, who shall be eligible for parole review by the Prisoner Review Board after serving 40 years or more of his or her sentence or sentences.

(c) Three years prior to becoming eligible for parole review, the eligible person may file his or her petition for parole review with the Prisoner Review Board. The petition shall include a copy of the order of commitment and sentence to the Department of Corrections for the offense or offenses for which review is sought. Within 30 days of receipt of this petition, the Prisoner Review Board shall determine whether the petition is appropriately filed, and if so, shall set a date for parole review 3 years from receipt of the petition and notify the Department of Corrections within 10 business days.

If the Prisoner Review Board determines that the petition is not appropriately filed, it shall notify the petitioner in writing, including a basis for its determination.

(d) Within 6 months of the Prisoner Review Board's determination that the petition was appropriately filed, a representative from the Department of Corrections shall meet with the eligible person and provide the inmate information about the parole hearing process and personalized recommendations for the inmate regarding his or her work assignments, rehabilitative programs, and institutional behavior. Following this meeting, the eligible person has 7 calendar days to file a written request to the representative from the Department of Corrections who met with the eligible person of any additional programs and services which the eligible person believes should be made available to prepare the eligible person for return to the community.

(e) One year prior to the person being eligible for parole, counsel shall be appointed by the Prisoner Review Board upon a finding of indigency. The eligible person may waive appointed counsel or retain his or her own counsel at his or her own expense.

(f) Nine months prior to the hearing, the Prisoner Review Board shall provide the eligible person, and his or her counsel, any written documents or materials it will be considering in making its decision unless the written documents or materials are specifically found to: (1) include

information which, if disclosed, would damage the therapeutic relationship between the inmate and a mental health professional; (2) subject any person to the actual risk of physical harm; (3) threaten the safety or security of the Department or an institution. In accordance with Section 4.5(d)(4) of the Rights of Crime Victims and Witnesses Act and Section 10 of the Open Parole Hearings Act, victim statements provided to the Board shall be confidential and privileged, including any statements received prior to the effective date of this amendatory Act of the 101st General Assembly, except if the statement was an oral statement made by the victim at a hearing open to the public. Victim statements shall not be considered public documents under the provisions of the Freedom of Information Act. The inmate or his or her attorney shall not be given a copy of the statement, but shall be informed of the existence of a victim statement and the position taken by the victim on the inmate's request for parole. This shall not be construed to permit disclosure to an inmate of any information which might result in the risk of threats or physical harm to a victim. The Prisoner Review Board shall have an ongoing duty to provide the eligible person, and his or her counsel, with any further documents or materials that come into its possession prior to the hearing subject to the limitations contained in this subsection.

(g) Not less than 12 months prior to the hearing, the Prisoner Review Board shall provide notification to the

State's Attorney of the county from which the person was committed and written notification to the victim or family of the victim of the scheduled hearing place, date, and approximate time. The written notification shall contain: (1) information about their right to be present, appear in person at the parole hearing, and their right to make an oral statement and submit information in writing, by videotape, tape recording, or other electronic means; (2) a toll-free number to call for further information about the parole review process; and (3) information regarding available resources, including trauma-informed therapy, they may access. If the Board does not have knowledge of the current address of the victim or family of the victim, it shall notify the State's Attorney of the county of commitment and request assistance in locating the victim or family of the victim. Those victims or family of the victims who advise the Board in writing that they no longer wish to be notified shall not receive future notices. A victim shall have the right to submit information by videotape, tape recording, or other electronic means. The victim may submit this material prior to or at the parole hearing. The victim also has the right to be heard at the parole hearing.

(h) The hearing conducted by the Prisoner Review Board shall be governed by Sections 15 and 20, subsection (f) of Section 5, subsections (a), (a-5), (b), (b-5), and (c) of Section 10, and subsection (d) of Section 25 of the Open Parole

Hearings Act and Part 1610 of Title 20 of the Illinois Administrative Code. The eligible person has a right to be present at the Prisoner Review Board hearing, unless the Prisoner Review Board determines the eligible person's presence is unduly burdensome when conducting a hearing under paragraph (6.6) of subsection (a) of Section 3-3-2 of this Code. If a psychological evaluation is submitted for the Prisoner Review Board's consideration, it shall be prepared by a person who has expertise in adolescent brain development and behavior, and shall take into consideration the diminished culpability of youthful offenders, the hallmark features of youth, and any subsequent growth and increased maturity of the person. At the hearing, the eligible person shall have the right to make a statement on his or her own behalf.

(i) Only upon motion for good cause shall the date for the Prisoner Review Board hearing, as set by subsection (b) of this Section, be changed. No less than 15 days prior to the hearing, the Prisoner Review Board shall notify the victim or victim representative, the attorney, and the eligible person of the exact date and time of the hearing. All hearings shall be open to the public.

(j) (Blank). ~~The Prisoner Review Board shall not parole the eligible person if it determines that:~~

~~(1) there is a substantial risk that the eligible person will not conform to reasonable conditions of parole or aftercare release; or~~

~~(2) the eligible person's release at that time would deprecate the seriousness of his or her offense or promote disrespect for the law; or~~

~~(3) the eligible person's release would have a substantially adverse effect on institutional discipline.~~

~~In considering the factors affecting the release determination under 20 Ill. Adm. Code 1610.50(b), the Prisoner Review Board panel shall consider the diminished culpability of youthful offenders, the hallmark features of youth, and any subsequent growth and maturity of the youthful offender during incarceration.~~

(j-5) In deciding whether to grant or deny parole, the Board shall consider the following factors:

(1) participation in rehabilitative programming available to the petitioner, including, but not limited to, educational courses, vocational courses, life skills courses, individual or group counseling courses, civics education courses, peer education courses, independent studies courses, substance abuse counseling courses, and behavior modification courses;

(2) participation in professional licensing courses or on-the-job training courses;

(3) letters from correctional staff, educational faculty, community members, friends, and other incarcerated persons;

(4) the petitioner's potential for rehabilitation or

the evidence of rehabilitation in the petitioner;

(5) the applicant's age at the time of the offense;

(6) the circumstances of the offense and the petitioner's role and degree of participation in the offense;

(7) the presence of a cognitive or developmental disability in the petitioner at the time of the offense;

(8) the petitioner's family, home environment, educational and social background at the time of the offense;

(9) evidence that the petitioner has suffered from post-traumatic stress disorder, adverse childhood experiences, or other traumas that could have been a contributing factor to a person's criminal behavior and participation in the offense;

(10) the presence or expression by the petitioner of remorse, compassion, or insight of harm and collateral effects experienced by the victims;

(11) the commission of a serious disciplinary infraction within the previous 5 years;

(12) a pattern of fewer serious institutional disciplinary infractions within the previous 2 years;

(13) evidence that the petitioner has any serious medical conditions;

(14) evidence that the Department is unable to meet the petitioner's medical needs; and

(15) the petitioner's reentry plan, including, but not limited to, residence plans, employment plans, continued education plans, rehabilitation plans, and counseling plans.

No one factor in this subsection (j-5) shall be dispositive. In considering the factors affecting the release determination under 20 Ill. Adm. Code 1610.50(b), the Prisoner Review Board panel shall consider the diminished culpability of youthful offenders, the hallmark features of youth, and any subsequent growth and maturity of the youthful offender during incarceration.

(k) Unless denied parole under subsection (j) of this Section and subject to the provisions of Section 3-3-9 of this Code: (1) the eligible person serving a sentence for any non-first degree murder offense or offenses, shall be released on parole which shall operate to discharge any remaining term of years sentence imposed upon him or her, notwithstanding any required mandatory supervised release period the eligible person is required to serve; and (2) the eligible person serving a sentence for any first degree murder offense, shall be released on mandatory supervised release for a period of 10 years subject to Section 3-3-8, which shall operate to discharge any remaining term of years sentence imposed upon him or her, however in no event shall the eligible person serve a period of mandatory supervised release greater than the aggregate of the discharged underlying sentence and the

mandatory supervised release period as sent forth in Section 5-4.5-20.

(l) If the Prisoner Review Board denies parole after conducting the hearing under subsection (j) of this Section, it shall issue a written decision which states the rationale for denial, including the primary factors considered. This decision shall be provided to the eligible person and his or her counsel within 30 days.

(m) A person denied parole under subsection (j) of this Section, who is not serving a sentence for either first degree murder or aggravated criminal sexual assault, shall be eligible for a second parole review by the Prisoner Review Board 5 years after the written decision under subsection (l) of this Section; a person denied parole under subsection (j) of this Section, who is serving a sentence or sentences for first degree murder or aggravated criminal sexual assault shall be eligible for a second and final parole review by the Prisoner Review Board 10 years after the written decision under subsection (k) of this Section. The procedures for a second parole review shall be governed by subsections (c) through (k) of this Section.

(n) A person denied parole under subsection (m) of this Section, who is not serving a sentence for either first degree murder or aggravated criminal sexual assault, shall be eligible for a third and final parole review by the Prisoner Review Board 5 years after the written decision under

subsection (l) of this Section. The procedures for the third and final parole review shall be governed by subsections (c) through (k) of this Section.

(o) Notwithstanding anything else to the contrary in this Section, nothing in this Section shall be construed to delay parole or mandatory supervised release consideration for petitioners who are or will be eligible for release earlier than this Section provides. Nothing in this Section shall be construed as a limit, substitution, or bar on a person's right to sentencing relief, or any other manner of relief, obtained by order of a court in proceedings other than as provided in this Section.

(Source: P.A. 101-288, eff. 1-1-20; 102-1128, eff. 1-1-24.)

Section 25. The Illinois Domestic Violence Act of 1986 is amended by changing Section 201 as follows:

(750 ILCS 60/201) (from Ch. 40, par. 2312-1)

Sec. 201. Persons protected by this Act.

(a) The following persons are protected by this Act:

- (i) any person abused by a family or household member;
- (ii) any high-risk adult with disabilities who is abused, neglected, or exploited by a family or household member;
- (iii) any minor child or dependent adult in the care of such person;

(iv) any person residing or employed at a private home or public shelter which is housing an abused family or household member; and

(v) any of the following persons if the person is abused by a family or household member of a child:

(A) a foster parent of that child if the child has been placed in the foster parent's home by the Department of Children and Family Services or by another state's public child welfare agency;

(B) a legally appointed guardian or legally appointed custodian of that child;

(C) an adoptive parent of that child; or

(D) a prospective adoptive parent of that child if the child has been placed in the prospective adoptive parent's home pursuant to the Adoption Act or pursuant to another state's law.

For purposes of this paragraph (a)(v), individuals who would have been considered "family or household members" of the child under subsection (6) of Section 103 of this Act before a termination of the parental rights with respect to the child continue to meet the definition of "family or household members" of the child.

(b) A petition for an order of protection may be filed only:

(i) by a person who has been abused by a family or household member or by any person on behalf of a minor

child or an adult who has been abused by a family or household member and who, because of age, health, disability, or inaccessibility, cannot file the petition;

(ii) by any person on behalf of a high-risk adult with disabilities who has been abused, neglected, or exploited by a family or household member; ~~or~~

(iii) by any of the following persons if the person is abused by a family or household member of a child:

(A) a foster parent of that child if the child has been placed in the foster parent's home by the Department of Children and Family Services or by another state's public child welfare agency;

(B) a legally appointed guardian or legally appointed custodian of that child;

(C) an adoptive parent of that child;

(D) a prospective adoptive parent of that child if the child has been placed in the prospective adoptive parent's home pursuant to the Adoption Act or pursuant to another state's law.

For purposes of this paragraph (b)(iii), individuals who would have been considered "family or household members" of the child under subsection (6) of Section 103 of this Act before a termination of the parental rights with respect to the child continue to meet the definition of "family or household members" of the child;~~;~~

(iv) by a crime victim who was abused by an offender

prior to the incarceration of the offender in a penal institution and such offender is incarcerated in a penal institution at the time of the filing of the petition; or

(v) by any person who has previously suffered abuse by a person convicted of (1) domestic battery, aggravated domestic battery, aggravated battery, or any other offense that would constitute domestic violence or (2) a violent crime, as defined in Section 3 of the Rights of Crime Victims and Witnesses Act, committed against another person.

A petition for an order of protection may not be denied solely upon the basis that the respondent or petitioner is incarcerated in a penal institution at the time of the filing of the petition.

(c) Any petition properly filed under this Act may seek protection for any additional persons protected by this Act.

(Source: P.A. 100-639, eff. 1-1-19.)

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