

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-5-1 and 5-4-1 as follows:

6 (730 ILCS 5/3-5-1) (from Ch. 38, par. 1003-5-1)
7 Sec. 3-5-1. Master Record File.

8 (a) The Department of Corrections and the Department of
9 Juvenile Justice shall maintain a master record file on each
10 person committed to it, which shall contain the following
11 information:

12 (1) all information from the committing court;

13 (1.5) ethnic and racial background data collected in
14 accordance with Section 4.5 of the Criminal Identification
15 Act and Section 2-5 of the No Representation Without
16 Population Act;

17 (1.6) the committed person's last known complete
18 street address prior to incarceration or legal residence
19 collected in accordance with Section 2-5 of the No
20 Representation Without Population Act;

21 (2) reception summary;

22 (3) evaluation and assignment reports and
23 recommendations;

- 1 (4) reports as to program assignment and progress;
- 2 (5) reports of disciplinary infractions and
- 3 disposition, including tickets and Administrative Review
- 4 Board action;
- 5 (6) any parole or aftercare release plan;
- 6 (7) any parole or aftercare release reports;
- 7 (8) the date and circumstances of final discharge;
- 8 (9) criminal history;
- 9 (10) current and past gang affiliations and ranks;
- 10 (11) information regarding associations and family
- 11 relationships;
- 12 (12) any grievances filed and responses to those
- 13 grievances; and
- 14 (13) other information that the respective Department
- 15 determines is relevant to the secure confinement and
- 16 rehabilitation of the committed person.

17 (b) All files shall be confidential and access shall be
18 limited to authorized personnel of the respective Department
19 or by disclosure in accordance with a court order or subpoena.
20 Personnel of other correctional, welfare or law enforcement
21 agencies may have access to files under rules and regulations
22 of the respective Department. The respective Department shall
23 keep a record of all outside personnel who have access to
24 files, the files reviewed, any file material copied, and the
25 purpose of access. If the respective Department or the
26 Prisoner Review Board makes a determination under this Code

1 which affects the length of the period of confinement or
2 commitment, the committed person and his counsel shall be
3 advised of factual information relied upon by the respective
4 Department or Board to make the determination, provided that
5 the Department or Board shall not be required to advise a
6 person committed to the Department of Juvenile Justice any
7 such information which in the opinion of the Department of
8 Juvenile Justice or Board would be detrimental to his
9 treatment or rehabilitation.

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

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

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

26 (f) A committed person may request a summary of the

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

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

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

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

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

18 (5) the person's disciplinary card;

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

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

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

26 Notwithstanding any provision of this subsection (f) to

1 the contrary, a committed person's master record file is not
2 subject to disclosure and copying under the Freedom of
3 Information Act.

4 (Source: P.A. 102-776, eff. 1-1-23; 102-784, eff. 5-13-22;
5 revised 12-14-22.)

6 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

7 Sec. 5-4-1. Sentencing hearing.

8 (a) Except when the death penalty is sought under hearing
9 procedures otherwise specified, after a determination of
10 guilt, a hearing shall be held to impose the sentence.
11 However, prior to the imposition of sentence on an individual
12 being sentenced for an offense based upon a charge for a
13 violation of Section 11-501 of the Illinois Vehicle Code or a
14 similar provision of a local ordinance, the individual must
15 undergo a professional evaluation to determine if an alcohol
16 or other drug abuse problem exists and the extent of such a
17 problem. Programs conducting these evaluations shall be
18 licensed by the Department of Human Services. However, if the
19 individual is not a resident of Illinois, the court may, in its
20 discretion, accept an evaluation from a program in the state
21 of such individual's residence. The court shall make a
22 specific finding about whether the defendant is eligible for
23 participation in a Department impact incarceration program as
24 provided in Section 5-8-1.1 or 5-8-1.3, and if not, provide an
25 explanation as to why a sentence to impact incarceration is

1 not an appropriate sentence. The court may in its sentencing
2 order recommend a defendant for placement in a Department of
3 Corrections substance abuse treatment program as provided in
4 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
5 upon the defendant being accepted in a program by the
6 Department of Corrections. At the hearing the court shall:

7 (1) consider the evidence, if any, received upon the
8 trial;

9 (2) consider any presentence reports;

10 (3) consider the financial impact of incarceration
11 based on the financial impact statement filed with the
12 clerk of the court by the Department of Corrections;

13 (4) consider evidence and information offered by the
14 parties in aggravation and mitigation;

15 (4.5) consider substance abuse treatment, eligibility
16 screening, and an assessment, if any, of the defendant by
17 an agent designated by the State of Illinois to provide
18 assessment services for the Illinois courts;

19 (5) hear arguments as to sentencing alternatives;

20 (6) afford the defendant the opportunity to make a
21 statement in his own behalf;

22 (7) afford the victim of a violent crime or a
23 violation of Section 11-501 of the Illinois Vehicle Code,
24 or a similar provision of a local ordinance, the
25 opportunity to present an oral or written statement, as
26 guaranteed by Article I, Section 8.1 of the Illinois

1 Constitution and provided in Section 6 of the Rights of
2 Crime Victims and Witnesses Act. The court shall allow a
3 victim to make an oral statement if the victim is present
4 in the courtroom and requests to make an oral or written
5 statement. An oral or written statement includes the
6 victim or a representative of the victim reading the
7 written statement. The court may allow persons impacted by
8 the crime who are not victims under subsection (a) of
9 Section 3 of the Rights of Crime Victims and Witnesses Act
10 to present an oral or written statement. A victim and any
11 person making an oral statement shall not be put under
12 oath or subject to cross-examination. All statements
13 offered under this paragraph (7) shall become part of the
14 record of the court. In this paragraph (7), "victim of a
15 violent crime" means a person who is a victim of a violent
16 crime for which the defendant has been convicted after a
17 bench or jury trial or a person who is the victim of a
18 violent crime with which the defendant was charged and the
19 defendant has been convicted under a plea agreement of a
20 crime that is not a violent crime as defined in subsection
21 (c) of 3 of the Rights of Crime Victims and Witnesses Act;

22 (7.5) afford a qualified person affected by: (i) a
23 violation of Section 405, 405.1, 405.2, or 407 of the
24 Illinois Controlled Substances Act or a violation of
25 Section 55 or Section 65 of the Methamphetamine Control
26 and Community Protection Act; or (ii) a Class 4 felony

1 violation of Section 11-14, 11-14.3 except as described in
2 subdivisions (a) (2) (A) and (a) (2) (B), 11-15, 11-17, 11-18,
3 11-18.1, or 11-19 of the Criminal Code of 1961 or the
4 Criminal Code of 2012, committed by the defendant the
5 opportunity to make a statement concerning the impact on
6 the qualified person and to offer evidence in aggravation
7 or mitigation; provided that the statement and evidence
8 offered in aggravation or mitigation shall first be
9 prepared in writing in conjunction with the State's
10 Attorney before it may be presented orally at the hearing.
11 Sworn testimony offered by the qualified person is subject
12 to the defendant's right to cross-examine. All statements
13 and evidence offered under this paragraph (7.5) shall
14 become part of the record of the court. In this paragraph
15 (7.5), "qualified person" means any person who: (i) lived
16 or worked within the territorial jurisdiction where the
17 offense took place when the offense took place; or (ii) is
18 familiar with various public places within the territorial
19 jurisdiction where the offense took place when the offense
20 took place. "Qualified person" includes any peace officer
21 or any member of any duly organized State, county, or
22 municipal peace officer unit assigned to the territorial
23 jurisdiction where the offense took place when the offense
24 took place;

25 (8) in cases of reckless homicide afford the victim's
26 spouse, guardians, parents or other immediate family

1 members an opportunity to make oral statements;

2 (9) in cases involving a felony sex offense as defined
3 under the Sex Offender Management Board Act, consider the
4 results of the sex offender evaluation conducted pursuant
5 to Section 5-3-2 of this Act; and

6 (10) make a finding of whether a motor vehicle was
7 used in the commission of the offense for which the
8 defendant is being sentenced.

9 (b) All sentences shall be imposed by the judge based upon
10 his independent assessment of the elements specified above and
11 any agreement as to sentence reached by the parties. The judge
12 who presided at the trial or the judge who accepted the plea of
13 guilty shall impose the sentence unless he is no longer
14 sitting as a judge in that court. Where the judge does not
15 impose sentence at the same time on all defendants who are
16 convicted as a result of being involved in the same offense,
17 the defendant or the State's Attorney may advise the
18 sentencing court of the disposition of any other defendants
19 who have been sentenced.

20 (b-1) In imposing a sentence of imprisonment or periodic
21 imprisonment for a Class 3 or Class 4 felony for which a
22 sentence of probation or conditional discharge is an available
23 sentence, if the defendant has no prior sentence of probation
24 or conditional discharge and no prior conviction for a violent
25 crime, the defendant shall not be sentenced to imprisonment
26 before review and consideration of a presentence report and

1 determination and explanation of why the particular evidence,
2 information, factor in aggravation, factual finding, or other
3 reasons support a sentencing determination that one or more of
4 the factors under subsection (a) of Section 5-6-1 of this Code
5 apply and that probation or conditional discharge is not an
6 appropriate sentence.

7 (c) In imposing a sentence for a violent crime or for an
8 offense of operating or being in physical control of a vehicle
9 while under the influence of alcohol, any other drug or any
10 combination thereof, or a similar provision of a local
11 ordinance, when such offense resulted in the personal injury
12 to someone other than the defendant, the trial judge shall
13 specify on the record the particular evidence, information,
14 factors in mitigation and aggravation or other reasons that
15 led to his sentencing determination. The full verbatim record
16 of the sentencing hearing shall be filed with the clerk of the
17 court and shall be a public record.

18 (c-1) In imposing a sentence for the offense of aggravated
19 kidnapping for ransom, home invasion, armed robbery,
20 aggravated vehicular hijacking, aggravated discharge of a
21 firearm, or armed violence with a category I weapon or
22 category II weapon, the trial judge shall make a finding as to
23 whether the conduct leading to conviction for the offense
24 resulted in great bodily harm to a victim, and shall enter that
25 finding and the basis for that finding in the record.

26 (c-1.5) Notwithstanding any other provision of law to the

1 contrary, in imposing a sentence for an offense that requires
2 a mandatory minimum sentence of imprisonment, the court may
3 instead sentence the offender to probation, conditional
4 discharge, or a lesser term of imprisonment it deems
5 appropriate if: (1) the offense involves the use or possession
6 of drugs, retail theft, or driving on a revoked license due to
7 unpaid financial obligations; (2) the court finds that the
8 defendant does not pose a risk to public safety; and (3) the
9 interest of justice requires imposing a term of probation,
10 conditional discharge, or a lesser term of imprisonment. The
11 court must state on the record its reasons for imposing
12 probation, conditional discharge, or a lesser term of
13 imprisonment.

14 (c-2) If the defendant is sentenced to prison, other than
15 when a sentence of natural life imprisonment or a sentence of
16 death is imposed, at the time the sentence is imposed the judge
17 shall state on the record in open court the approximate period
18 of time the defendant will serve in custody according to the
19 then current statutory rules and regulations for sentence
20 credit found in Section 3-6-3 and other related provisions of
21 this Code. This statement is intended solely to inform the
22 public, has no legal effect on the defendant's actual release,
23 and may not be relied on by the defendant on appeal.

24 The judge's statement, to be given after pronouncing the
25 sentence, other than when the sentence is imposed for one of
26 the offenses enumerated in paragraph (a) (4) of Section 3-6-3,

1 shall include the following:

2 "The purpose of this statement is to inform the public of
3 the actual period of time this defendant is likely to spend in
4 prison as a result of this sentence. The actual period of
5 prison time served is determined by the statutes of Illinois
6 as applied to this sentence by the Illinois Department of
7 Corrections and the Illinois Prisoner Review Board. In this
8 case, assuming the defendant receives all of his or her
9 sentence credit, the period of estimated actual custody is ...
10 years and ... months, less up to 180 days additional earned
11 sentence credit. If the defendant, because of his or her own
12 misconduct or failure to comply with the institutional
13 regulations, does not receive those credits, the actual time
14 served in prison will be longer. The defendant may also
15 receive an additional one-half day sentence credit for each
16 day of participation in vocational, industry, substance abuse,
17 and educational programs as provided for by Illinois statute."

18 When the sentence is imposed for one of the offenses
19 enumerated in paragraph (a)(2) of Section 3-6-3, other than
20 first degree murder, and the offense was committed on or after
21 June 19, 1998, and when the sentence is imposed for reckless
22 homicide as defined in subsection (e) of Section 9-3 of the
23 Criminal Code of 1961 or the Criminal Code of 2012 if the
24 offense was committed on or after January 1, 1999, and when the
25 sentence is imposed for aggravated driving under the influence
26 of alcohol, other drug or drugs, or intoxicating compound or

1 compounds, or any combination thereof as defined in
2 subparagraph (F) of paragraph (1) of subsection (d) of Section
3 11-501 of the Illinois Vehicle Code, and when the sentence is
4 imposed for aggravated arson if the offense was committed on
5 or after July 27, 2001 (the effective date of Public Act
6 92-176), and when the sentence is imposed for aggravated
7 driving under the influence of alcohol, other drug or drugs,
8 or intoxicating compound or compounds, or any combination
9 thereof as defined in subparagraph (C) of paragraph (1) of
10 subsection (d) of Section 11-501 of the Illinois Vehicle Code
11 committed on or after January 1, 2011 (the effective date of
12 Public Act 96-1230), the judge's statement, to be given after
13 pronouncing the sentence, shall include the following:

14 "The purpose of this statement is to inform the public of
15 the actual period of time this defendant is likely to spend in
16 prison as a result of this sentence. The actual period of
17 prison time served is determined by the statutes of Illinois
18 as applied to this sentence by the Illinois Department of
19 Corrections and the Illinois Prisoner Review Board. In this
20 case, the defendant is entitled to no more than 4 1/2 days of
21 sentence credit for each month of his or her sentence of
22 imprisonment. Therefore, this defendant will serve at least
23 85% of his or her sentence. Assuming the defendant receives 4
24 1/2 days credit for each month of his or her sentence, the
25 period of estimated actual custody is ... years and ...
26 months. If the defendant, because of his or her own misconduct

1 or failure to comply with the institutional regulations
2 receives lesser credit, the actual time served in prison will
3 be longer."

4 When a sentence of imprisonment is imposed for first
5 degree murder and the offense was committed on or after June
6 19, 1998, the judge's statement, to be given after pronouncing
7 the sentence, shall include the following:

8 "The purpose of this statement is to inform the public of
9 the actual period of time this defendant is likely to spend in
10 prison as a result of this sentence. The actual period of
11 prison time served is determined by the statutes of Illinois
12 as applied to this sentence by the Illinois Department of
13 Corrections and the Illinois Prisoner Review Board. In this
14 case, the defendant is not entitled to sentence credit.
15 Therefore, this defendant will serve 100% of his or her
16 sentence."

17 When the sentencing order recommends placement in a
18 substance abuse program for any offense that results in
19 incarceration in a Department of Corrections facility and the
20 crime was committed on or after September 1, 2003 (the
21 effective date of Public Act 93-354), the judge's statement,
22 in addition to any other judge's statement required under this
23 Section, to be given after pronouncing the sentence, shall
24 include the following:

25 "The purpose of this statement is to inform the public of
26 the actual period of time this defendant is likely to spend in

1 prison as a result of this sentence. The actual period of
2 prison time served is determined by the statutes of Illinois
3 as applied to this sentence by the Illinois Department of
4 Corrections and the Illinois Prisoner Review Board. In this
5 case, the defendant shall receive no earned sentence credit
6 under clause (3) of subsection (a) of Section 3-6-3 until he or
7 she participates in and completes a substance abuse treatment
8 program or receives a waiver from the Director of Corrections
9 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

10 (c-4) Before the sentencing hearing and as part of the
11 presentence investigation under Section 5-3-1, the court shall
12 inquire of the defendant whether the defendant is currently
13 serving in or is a veteran of the Armed Forces of the United
14 States. If the defendant is currently serving in the Armed
15 Forces of the United States or is a veteran of the Armed Forces
16 of the United States and has been diagnosed as having a mental
17 illness by a qualified psychiatrist or clinical psychologist
18 or physician, the court may:

19 (1) order that the officer preparing the presentence
20 report consult with the United States Department of
21 Veterans Affairs, Illinois Department of Veterans'
22 Affairs, or another agency or person with suitable
23 knowledge or experience for the purpose of providing the
24 court with information regarding treatment options
25 available to the defendant, including federal, State, and
26 local programming; and

1 (2) consider the treatment recommendations of any
2 diagnosing or treating mental health professionals
3 together with the treatment options available to the
4 defendant in imposing sentence.

5 For the purposes of this subsection (c-4), "qualified
6 psychiatrist" means a reputable physician licensed in Illinois
7 to practice medicine in all its branches, who has specialized
8 in the diagnosis and treatment of mental and nervous disorders
9 for a period of not less than 5 years.

10 (c-6) In imposing a sentence, the trial judge shall
11 specify, on the record, the particular evidence and other
12 reasons which led to his or her determination that a motor
13 vehicle was used in the commission of the offense.

14 (c-7) In imposing a sentence for a Class 3 or 4 felony,
15 other than a violent crime as defined in Section 3 of the
16 Rights of Crime Victims and Witnesses Act, the court shall
17 determine and indicate in the sentencing order whether the
18 defendant has 4 or more or fewer than 4 months remaining on his
19 or her sentence accounting for time served.

20 (d) When the defendant is committed to the Department of
21 Corrections, the State's Attorney shall and counsel for the
22 defendant may file a statement with the clerk of the court to
23 be transmitted to the department, agency or institution to
24 which the defendant is committed to furnish such department,
25 agency or institution with the facts and circumstances of the
26 offense for which the person was committed together with all

1 other factual information accessible to them in regard to the
2 person prior to his commitment relative to his habits,
3 associates, disposition and reputation and any other facts and
4 circumstances which may aid such department, agency or
5 institution during its custody of such person. The clerk shall
6 within 10 days after receiving any such statements transmit a
7 copy to such department, agency or institution and a copy to
8 the other party, provided, however, that this shall not be
9 cause for delay in conveying the person to the department,
10 agency or institution to which he has been committed.

11 (e) The clerk of the court shall transmit to the
12 department, agency or institution, if any, to which the
13 defendant is committed, the following:

14 (1) the sentence imposed;

15 (2) any statement by the court of the basis for
16 imposing the sentence;

17 (3) any presentence reports;

18 (3.3) the person's last known complete street address
19 prior to incarceration or legal residence, the person's
20 race, whether the person is of Hispanic or Latino origin,
21 and whether the person is 18 years of age or older;

22 (3.5) any sex offender evaluations;

23 (3.6) any substance abuse treatment eligibility
24 screening and assessment of the defendant by an agent
25 designated by the State of Illinois to provide assessment
26 services for the Illinois courts;

1 (4) the number of days, if any, which the defendant
2 has been in custody and for which he is entitled to credit
3 against the sentence, which information shall be provided
4 to the clerk by the sheriff;

5 (4.1) any finding of great bodily harm made by the
6 court with respect to an offense enumerated in subsection
7 (c-1);

8 (5) all statements filed under subsection (d) of this
9 Section;

10 (6) any medical or mental health records or summaries
11 of the defendant;

12 (7) the municipality where the arrest of the offender
13 or the commission of the offense has occurred, where such
14 municipality has a population of more than 25,000 persons;

15 (8) all statements made and evidence offered under
16 paragraph (7) of subsection (a) of this Section; and

17 (9) all additional matters which the court directs the
18 clerk to transmit.

19 (f) In cases in which the court finds that a motor vehicle
20 was used in the commission of the offense for which the
21 defendant is being sentenced, the clerk of the court shall,
22 within 5 days thereafter, forward a report of such conviction
23 to the Secretary of State.

24 (Source: P.A. 101-81, eff. 7-12-19; 101-105, eff. 1-1-20;
25 101-652, Article 10, Section 10-281, eff. 7-1-21; 101-652,
26 Article 20, Section 20-5, eff. 7-1-21; 102-813, eff. 5-13-22.)

1 Section 10. The No Representation Without Population Act
2 is amended by changing Section 2-10 as follows:

3 (730 ILCS 205/2-10)

4 Sec. 2-10. Reports to the State Board of Elections.

5 (a) Within 30 days after the effective date of this Act,
6 and thereafter, on or before May 1 of each year in which the
7 federal decennial census is taken but in which the United
8 States Bureau of the Census allocates incarcerated persons as
9 residents of correctional facilities, the Department shall
10 deliver to the State Board of Elections the following
11 information:

12 (1) A unique identifier, not including the name or
13 Department-assigned inmate number, for each incarcerated
14 person subject to the jurisdiction of the Department on
15 the date for which the decennial census reports
16 population. The unique identifier shall enable the State
17 Board of Elections to address inquiries about specific
18 address records to the Department, without making it
19 possible for anyone outside of the Department to identify
20 the inmate to whom the address record pertains.

21 (2) The street address of the correctional facility
22 where the person was incarcerated at the time of the
23 report.

24 (3) The last known address of the person prior to

1 incarceration or other legal residence, if known. If the
2 last address or legal address of the person is unknown,
3 the Department shall use, if available, addresses
4 collected for purposes of parole, mandatory supervised
5 release, or aftercare release programs.

6 (4) The person's race, whether the person is of
7 Hispanic or Latino origin, and whether the person is age
8 18 or older, if known.

9 (5) Any additional information as the State Board of
10 Elections may request pursuant to law.

11 (b) The Department shall provide the information specified
12 in subsection (a) in the form that the State Board of Elections
13 shall specify.

14 (c) Notwithstanding any other provision of law, the
15 information required to be provided to the State Board of
16 Elections pursuant to this Section shall not include the name
17 of any incarcerated person and shall not allow for the
18 identification of any person therefrom, except to the
19 Department. The information shall be treated as confidential
20 and shall not be disclosed by the State Board of Elections
21 except as redistricting data aggregated by census block for
22 purposes specified in Section 2-20.

23 (Source: P.A. 101-652, eff. 1-1-25; 102-813, eff. 5-13-22.)