



Sen. Seth Lewis

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10300SB2073sam001

LRB103 28530 RLC 58389 a

1 AMENDMENT TO SENATE BILL 2073

2 AMENDMENT NO. _____. Amend Senate Bill 2073 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-3-3, 3-3-4, and 5-4.5-115 as follows:

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

7 Sec. 3-3-3. Eligibility for parole or release.

8 (a) Except for those offenders who accept the fixed
9 release date established by the Prisoner Review Board under
10 Section 3-3-2.1, every person serving a term of imprisonment
11 under the law in effect prior to the effective date of this
12 amendatory Act of 1977 shall be eligible for parole when he or
13 she has served:

14 (1) the minimum term of an indeterminate sentence less
15 time credit for good behavior, or 20 years less time
16 credit for good behavior, whichever is less; or

1 (2) 20 years of a life sentence less time credit for
2 good behavior; or

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

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

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

15 (d) Except as provided in Section 5-4.5-115, no ~~No~~ person
16 serving a term of natural life imprisonment may be paroled or
17 released except through executive clemency.

18 (e) Every person committed to the Department of Juvenile
19 Justice under the Juvenile Court Act of 1987 and confined in
20 the State correctional institutions or facilities if such
21 juvenile has not been tried as an adult shall be eligible for
22 aftercare release under Section 3-2.5-85 of this Code.
23 However, if a juvenile has been tried as an adult he or she
24 shall only be eligible for parole or mandatory supervised
25 release as an adult under this Section.

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

1 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)

2 Sec. 3-3-4. Preparation for parole hearing.

3 (a) The Prisoner Review Board shall consider the parole of
4 each eligible person committed to the Department of
5 Corrections at least 30 days prior to the date he or she shall
6 first become eligible for parole.

7 (a-5) The Prisoner Review Board, no less than 15 days in
8 advance of a person's scheduled parole hearing, shall send by
9 certified mail notice of the parole hearing's place, date, and
10 approximate time to: (1) the State's Attorney's office of the
11 county where a person eligible for parole was convicted; (2)
12 the victim of the crime for which the person eligible for
13 parole was convicted, if not deceased; and (3) the victim's
14 family. These provisions are in addition to the provisions
15 that apply to notification to the State's Attorney's office
16 under subsection (e), notification of a parole hearing under
17 Section 25 of the Open Parole Hearings Act, notification to
18 victims under Section 4.5 of the Rights of Crime Victims and
19 Witnesses Act, notification of parole review under subsection
20 (g) of Section 5-4.5-115, and any other notifications to
21 State's Attorneys' offices, victims, and victims' families
22 under any other law of this State.

23 (b) A person eligible for parole shall, no less than 15
24 days in advance of his or her parole interview, prepare a
25 parole plan in accordance with the rules of the Prisoner

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

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

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

25 (1) (blank);

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

1 (3) a report by the Department and any report by the
2 chief administrative officer of the institution or
3 facility;

4 (4) a parole progress report;

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

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

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

15 (8) the person's eligibility for commitment under the
16 Sexually Violent Persons Commitment Act.

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

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

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

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

1 to be submitted at any subsequent parole hearing if the victim
2 or State's Attorney submits in writing a declaration clearly
3 identifying such recording as representing the present
4 position of the victim or State's Attorney regarding the
5 issues to be considered at the parole hearing.

6 (h) The Board shall not release any material to the
7 inmate, the inmate's attorney, any third party, or any other
8 person containing any information from a victim who has
9 written objections, testified at any hearing, or submitted
10 audio or visual objections to the inmate's parole, unless
11 provided with a waiver from that victim. Victim statements
12 provided to the Board shall be confidential and privileged,
13 including any statements received prior to the effective date
14 of this amendatory Act of the 101st General Assembly, except
15 if the statement was an oral statement made by the victim at a
16 hearing open to the public. The Board shall not release the
17 names or addresses of any person on its victim registry to any
18 other person except the victim, a law enforcement agency, or
19 other victim notification system.

20 (Source: P.A. 101-288, eff. 1-1-20.)

21 (730 ILCS 5/5-4.5-115)

22 (Text of Section before amendment by P.A. 102-1128)

23 Sec. 5-4.5-115. Parole review of persons under the age of
24 21 at the time of the commission of an offense.

25 (a) For purposes of this Section, "victim" means a victim

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

7 (b) A person under 21 years of age at the time of the
8 commission of an offense or offenses, other than first degree
9 murder, and who is not serving a sentence for first degree
10 murder and who is sentenced on or after June 1, 2019 (the
11 effective date of Public Act 100-1182) shall be eligible for
12 parole review by the Prisoner Review Board after serving 10
13 years or more of his or her sentence or sentences, except for
14 those serving a sentence or sentences for: (1) aggravated
15 criminal sexual assault who shall be eligible for parole
16 review by the Prisoner Review Board after serving 20 years or
17 more of his or her sentence or sentences or (2) predatory
18 criminal sexual assault of a child who shall not be eligible
19 for parole review by the Prisoner Review Board under this
20 Section. A person under 21 years of age at the time of the
21 commission of first degree murder who is sentenced on or after
22 June 1, 2019 (the effective date of Public Act 100-1182) shall
23 be eligible for parole review by the Prisoner Review Board
24 after serving 20 years or more of his or her sentence or
25 sentences, except for those subject to a term of natural life
26 imprisonment under Section 5-8-1 of this Code or any person

1 subject to sentencing under subsection (c) of Section
2 5-4.5-105 of this Code.

3 (c) Three years prior to becoming eligible for parole
4 review, the eligible person may file his or her petition for
5 parole review with the Prisoner Review Board. The petition
6 shall include a copy of the order of commitment and sentence to
7 the Department of Corrections for the offense or offenses for
8 which review is sought. Within 30 days of receipt of this
9 petition, the Prisoner Review Board shall determine whether
10 the petition is appropriately filed, and if so, shall set a
11 date for parole review 3 years from receipt of the petition and
12 notify the Department of Corrections within 10 business days.
13 If the Prisoner Review Board determines that the petition is
14 not appropriately filed, it shall notify the petitioner in
15 writing, including a basis for its determination.

16 (d) Within 6 months of the Prisoner Review Board's
17 determination that the petition was appropriately filed, a
18 representative from the Department of Corrections shall meet
19 with the eligible person and provide the inmate information
20 about the parole hearing process and personalized
21 recommendations for the inmate regarding his or her work
22 assignments, rehabilitative programs, and institutional
23 behavior. Following this meeting, the eligible person has 7
24 calendar days to file a written request to the representative
25 from the Department of Corrections who met with the eligible
26 person of any additional programs and services which the

1 eligible person believes should be made available to prepare
2 the eligible person for return to the community.

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

8 (f) Nine months prior to the hearing, the Prisoner Review
9 Board shall provide the eligible person, and his or her
10 counsel, any written documents or materials it will be
11 considering in making its decision unless the written
12 documents or materials are specifically found to: (1) include
13 information which, if disclosed, would damage the therapeutic
14 relationship between the inmate and a mental health
15 professional; (2) subject any person to the actual risk of
16 physical harm; (3) threaten the safety or security of the
17 Department or an institution. In accordance with Section
18 4.5(d)(4) of the Rights of Crime Victims and Witnesses Act and
19 Section 10 of the Open Parole Hearings Act, victim statements
20 provided to the Board shall be confidential and privileged,
21 including any statements received prior to the effective date
22 of this amendatory Act of the 101st General Assembly, except
23 if the statement was an oral statement made by the victim at a
24 hearing open to the public. Victim statements shall not be
25 considered public documents under the provisions of the
26 Freedom of Information Act. The inmate or his or her attorney

1 shall not be given a copy of the statement, but shall be
2 informed of the existence of a victim statement and the
3 position taken by the victim on the inmate's request for
4 parole. This shall not be construed to permit disclosure to an
5 inmate of any information which might result in the risk of
6 threats or physical harm to a victim. The Prisoner Review
7 Board shall have an ongoing duty to provide the eligible
8 person, and his or her counsel, with any further documents or
9 materials that come into its possession prior to the hearing
10 subject to the limitations contained in this subsection.

11 (g) Not less than 12 months prior to the hearing, the
12 Prisoner Review Board shall provide notification to the
13 State's Attorney of the county from which the person was
14 committed and written notification to the victim or family of
15 the victim of the scheduled hearing place, date, and
16 approximate time. The written notification shall contain: (1)
17 information about their right to be present, appear in person
18 at the parole hearing, and their right to make an oral
19 statement and submit information in writing, by videotape,
20 tape recording, or other electronic means; (2) a toll-free
21 number to call for further information about the parole review
22 process; and (3) information regarding available resources,
23 including trauma-informed therapy, they may access. If the
24 Board does not have knowledge of the current address of the
25 victim or family of the victim, it shall notify the State's
26 Attorney of the county of commitment and request assistance in

1 locating the victim or family of the victim. Those victims or
2 family of the victims who advise the Board in writing that they
3 no longer wish to be notified shall not receive future
4 notices. A victim shall have the right to submit information
5 by videotape, tape recording, or other electronic means. The
6 victim may submit this material prior to or at the parole
7 hearing. The victim also has the right to be heard at the
8 parole hearing.

9 (h) The hearing conducted by the Prisoner Review Board
10 shall be governed by Sections 15 and 20, subsection (f) of
11 Section 5, subsections (a), (a-5), (b), (b-5), and (c) of
12 Section 10, and subsection (d) of Section 25 of the Open Parole
13 Hearings Act and Part 1610 of Title 20 of the Illinois
14 Administrative Code. The eligible person has a right to be
15 present at the Prisoner Review Board hearing, unless the
16 Prisoner Review Board determines the eligible person's
17 presence is unduly burdensome when conducting a hearing under
18 paragraph (6.6) of subsection (a) of Section 3-3-2 of this
19 Code. If a psychological evaluation is submitted for the
20 Prisoner Review Board's consideration, it shall be prepared by
21 a person who has expertise in adolescent brain development and
22 behavior, and shall take into consideration the diminished
23 culpability of youthful offenders, the hallmark features of
24 youth, and any subsequent growth and increased maturity of the
25 person. At the hearing, the eligible person shall have the
26 right to make a statement on his or her own behalf.

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

8 (j) The Prisoner Review Board shall not parole the
9 eligible person if it determines that:

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

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

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

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

24 (k) Unless denied parole under subsection (j) of this
25 Section and subject to the provisions of Section 3-3-9 of this
26 Code: (1) the eligible person serving a sentence for any

1 non-first degree murder offense or offenses, shall be released
2 on parole which shall operate to discharge any remaining term
3 of years sentence imposed upon him or her, notwithstanding any
4 required mandatory supervised release period the eligible
5 person is required to serve; and (2) the eligible person
6 serving a sentence for any first degree murder offense, shall
7 be released on mandatory supervised release for a period of 10
8 years subject to Section 3-3-8, which shall operate to
9 discharge any remaining term of years sentence imposed upon
10 him or her, however in no event shall the eligible person serve
11 a period of mandatory supervised release greater than the
12 aggregate of the discharged underlying sentence and the
13 mandatory supervised release period as sent forth in Section
14 5-4.5-20.

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

21 (m) A person denied parole under subsection (j) of this
22 Section, who is not serving a sentence for either first degree
23 murder or aggravated criminal sexual assault, shall be
24 eligible for a second parole review by the Prisoner Review
25 Board 5 years after the written decision under subsection (l)
26 of this Section; a person denied parole under subsection (j)

1 of this Section, who is serving a sentence or sentences for
2 first degree murder or aggravated criminal sexual assault
3 shall be eligible for a second and final parole review by the
4 Prisoner Review Board 10 years after the written decision
5 under subsection (k) of this Section. The procedures for a
6 second parole review shall be governed by subsections (c)
7 through (k) of this Section.

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

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

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

1 (Text of Section after amendment by P.A. 102-1128)

2 Sec. 5-4.5-115. Parole review of persons under the age of
3 21 at the time of the commission of an offense.

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

11 (b) Any ~~A~~ person under 21 years of age at the time of the
12 commission of an offense or offenses, other than first degree
13 murder, ~~and who is not serving a sentence for first degree~~
14 ~~murder and who is sentenced on or after June 1, 2019 (the~~
15 ~~effective date of Public Act 100-1182)~~ shall be eligible for
16 parole review by the Prisoner Review Board after serving 10
17 years or more of his or her sentence or sentences, except for
18 those serving a sentence or sentences for: (1) aggravated
19 criminal sexual assault who shall be eligible for parole
20 review by the Prisoner Review Board after serving 20 years or
21 more of his or her sentence or sentences or (2) predatory
22 criminal sexual assault of a child who shall not be eligible
23 for parole review by the Prisoner Review Board under this
24 Section. Any ~~A~~ person under 21 years of age at the time of the
25 commission of first degree murder ~~who is sentenced on or after~~
26 ~~June 1, 2019 (the effective date of Public Act 100-1182)~~ shall

1 be eligible for parole review by the Prisoner Review Board
2 after serving 20 years or more of his or her sentence or
3 sentences, except for those subject to a term of natural life
4 imprisonment under Section 5-8-1 of this Code or any person
5 subject to sentencing under subsection (c) of Section
6 5-4.5-105 of this Code, who shall be eligible for parole
7 review by the Prisoner Review Board after serving 40 years or
8 more of his or her sentence or sentences.

9 (c) Up to 3 ~~Three~~ years prior to becoming eligible for
10 parole review, the eligible person may file his or her
11 petition for parole review with the Prisoner Review Board. The
12 petition shall include a copy of the order of commitment and
13 sentence to the Department of Corrections for the offense or
14 offenses for which review is sought. Within 30 days of receipt
15 of this petition, the Prisoner Review Board shall determine
16 whether the petition is appropriately filed, and if so, shall
17 set a date for a parole review hearing one year from the date
18 the petition is deemed appropriately filed or on the date of
19 eligibility for parole review, whichever is later, ~~3 years~~
20 ~~from receipt of the petition~~ and notify the Department of
21 Corrections within 10 business days. If the Prisoner Review
22 Board determines that the petition is not appropriately filed,
23 it shall notify the petitioner in writing, including a basis
24 for its determination.

25 (d) Within 6 months of the Prisoner Review Board's
26 determination that the petition was appropriately filed, a

1 representative from the Department of Corrections shall meet
2 with the eligible person and provide the inmate information
3 about the parole hearing process and personalized
4 recommendations for the inmate regarding his or her work
5 assignments, rehabilitative programs, and institutional
6 behavior. Following this meeting, the eligible person has 7
7 calendar days to file a written request to the representative
8 from the Department of Corrections who met with the eligible
9 person of any additional programs and services which the
10 eligible person believes should be made available to prepare
11 the eligible person for return to the community.

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

17 (f) Nine months prior to the hearing, the Prisoner Review
18 Board shall provide the eligible person, and his or her
19 counsel, any written documents or materials it will be
20 considering in making its decision unless the written
21 documents or materials are specifically found to: (1) include
22 information which, if disclosed, would damage the therapeutic
23 relationship between the inmate and a mental health
24 professional; (2) subject any person to the actual risk of
25 physical harm; (3) threaten the safety or security of the
26 Department or an institution. In accordance with Section

1 4.5(d)(4) of the Rights of Crime Victims and Witnesses Act and
2 Section 10 of the Open Parole Hearings Act, victim statements
3 provided to the Board shall be confidential and privileged,
4 including any statements received prior to the effective date
5 of this amendatory Act of the 101st General Assembly, except
6 if the statement was an oral statement made by the victim at a
7 hearing open to the public. Victim statements shall not be
8 considered public documents under the provisions of the
9 Freedom of Information Act. The inmate or his or her attorney
10 shall not be given a copy of the statement, but shall be
11 informed of the existence of a victim statement and the
12 position taken by the victim on the inmate's request for
13 parole. This shall not be construed to permit disclosure to an
14 inmate of any information which might result in the risk of
15 threats or physical harm to a victim. The Prisoner Review
16 Board shall have an ongoing duty to provide the eligible
17 person, and his or her counsel, with any further documents or
18 materials that come into its possession prior to the hearing
19 subject to the limitations contained in this subsection.

20 (g) Not less than 12 months prior to the hearing, the
21 Prisoner Review Board shall by certified mail provide
22 notification to the State's Attorney of the county from which
23 the person was committed and by certified mail written
24 notification to the victim or family of the victim of the
25 scheduled hearing place, date, and approximate time. The
26 written notification shall contain: (1) information about

1 their right to be present, appear in person at the parole
2 hearing, and their right to make an oral statement and submit
3 information in writing, by videotape, tape recording, or other
4 electronic means; (2) a toll-free number to call for further
5 information about the parole review process; and (3)
6 information regarding available resources, including
7 trauma-informed therapy, they may access. If the Board does
8 not have knowledge of the current address of the victim or
9 family of the victim, it shall notify the State's Attorney of
10 the county of commitment and request assistance in locating
11 the victim or family of the victim. Those victims or family of
12 the victims who advise the Board in writing that they no longer
13 wish to be notified shall not receive future notices. A victim
14 shall have the right to submit information by videotape, tape
15 recording, or other electronic means. The victim may submit
16 this material prior to or at the parole hearing. The victim
17 also has the right to be heard at the parole hearing.

18 (h) The hearing conducted by the Prisoner Review Board
19 shall be governed by Sections 15 and 20, subsection (f) of
20 Section 5, subsections (a), (a-5), (b), (b-5), and (c) of
21 Section 10, and subsection (d) of Section 25 of the Open Parole
22 Hearings Act and Part 1610 of Title 20 of the Illinois
23 Administrative Code. The eligible person has a right to be
24 present at the Prisoner Review Board hearing, unless the
25 Prisoner Review Board determines the eligible person's
26 presence is unduly burdensome when conducting a hearing under

1 paragraph (6.6) of subsection (a) of Section 3-3-2 of this
2 Code. If a psychological evaluation is submitted for the
3 Prisoner Review Board's consideration, it shall be prepared by
4 a person who has expertise in adolescent brain development and
5 behavior, and shall take into consideration the diminished
6 culpability of youthful offenders, the hallmark features of
7 youth, and any subsequent growth and increased maturity of the
8 person. At the hearing, the eligible person shall have the
9 right to make a statement on his or her own behalf.

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

17 (j) The Prisoner Review Board shall not parole the
18 eligible person if it determines that:

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

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

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

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

7 (k) Unless denied parole under subsection (j) of this
8 Section and subject to the provisions of Section 3-3-9 of this
9 Code: (1) the eligible person serving a sentence for any
10 non-first degree murder offense or offenses, shall be released
11 on parole which shall operate to discharge any remaining term
12 of years sentence imposed upon him or her, notwithstanding any
13 required mandatory supervised release period the eligible
14 person is required to serve; and (2) the eligible person
15 serving a sentence for any first degree murder offense, shall
16 be released on mandatory supervised release for a period of 10
17 years subject to Section 3-3-8, which shall operate to
18 discharge any remaining term of years sentence imposed upon
19 him or her, however in no event shall the eligible person serve
20 a period of mandatory supervised release greater than the
21 aggregate of the discharged underlying sentence and the
22 mandatory supervised release period as sent forth in Section
23 5-4.5-20.

24 (1) If the Prisoner Review Board denies parole after
25 conducting the hearing under subsection (j) of this Section,
26 it shall issue a written decision which states the rationale

1 for denial, including the primary factors considered. This
2 decision shall be provided to the eligible person and his or
3 her counsel within 30 days.

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

17 (n) A person denied parole under subsection (m) of this
18 Section, who is not serving a sentence for either first degree
19 murder or aggravated criminal sexual assault, shall be
20 eligible for a third and final parole review by the Prisoner
21 Review Board 5 years after the written decision under
22 subsection (l) of this Section. The procedures for the third
23 and final parole review shall be governed by subsections (c)
24 through (k) of this Section.

25 (o) Notwithstanding anything else to the contrary in this
26 Section, nothing in this Section shall be construed to delay

1 parole or mandatory supervised release consideration for
2 petitioners who are or will be eligible for release earlier
3 than this Section provides. Nothing in this Section shall be
4 construed as a limit, substitution, or bar on a person's right
5 to sentencing relief, or any other manner of relief, obtained
6 by order of a court in proceedings other than as provided in
7 this Section. This Section applies retroactively on the
8 effective date of this amendatory Act of the 103rd General
9 Assembly.

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

11 Section 95. No acceleration or delay. Where this Act makes
12 changes in a statute that is represented in this Act by text
13 that is not yet or no longer in effect (for example, a Section
14 represented by multiple versions), the use of that text does
15 not accelerate or delay the taking effect of (i) the changes
16 made by this Act or (ii) provisions derived from any other
17 Public Act.

18 Section 99. Effective date. This Act takes effect July 1,
19 2024."