



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3415

Introduced 2/18/2025, by Rep. Amy Elik

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-2.5-85

Amends the Unified Code of Corrections. Provides that the law enforcement agency of the committing county shall receive from the Department of Juvenile Justice reasonable written notice not less than 30 days prior to the target release date of a youth from the Department of Juvenile Justice.

LRB104 10268 RLC 20342 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 3-2.5-85 as follows:

6 (730 ILCS 5/3-2.5-85)

7 Sec. 3-2.5-85. Eligibility for release; determination.

8 (a) Every youth committed to the Department of Juvenile
9 Justice under Section 5-750 of the Juvenile Court Act of 1987,
10 except those committed for first degree murder, shall be:

11 (1) Eligible for aftercare release without regard to
12 the length of time the youth has been confined or whether
13 the youth has served any minimum term imposed.

14 (2) Placed on aftercare release on or before his or
15 her 20th birthday or upon completion of the maximum term
16 of confinement ordered by the court under Section 5-710 of
17 the Juvenile Court Act of 1987, whichever is sooner.

18 (3) Considered for aftercare release at least 30 days
19 prior to the expiration of the first year of confinement
20 and at least annually thereafter.

21 (b) Subsections (d) through (l) of this Section do not
22 apply when a youth is released under paragraph (2) of
23 subsection (a) of this Section or the youth's release is

1 otherwise required by law or ordered by the court. Youth who
2 have been tried as an adult and committed to the Department
3 under Section 5-8-6 of this Code are only eligible for
4 mandatory supervised release as an adult under Section 3-3-3
5 of this Code.

6 (c) The Department shall establish a process for deciding
7 the date of release on aftercare for every youth committed to
8 the Department of Juvenile Justice under Section 5-750 of the
9 Juvenile Court Act of 1987. The process shall include
10 establishing a target release date upon commitment to the
11 Department, the regular review and appropriate adjustment of
12 the target release date, and the final release consideration
13 at least 30 days prior to the youth's target release date. The
14 establishment, adjustment, and final consideration of the
15 target release date shall include consideration of the
16 following factors:

- 17 (1) the nature and seriousness of the youth's offense;
18 (2) the likelihood the youth will reoffend or will
19 pose a danger to the community based on an assessment of
20 the youth's risks, strengths, and behavior; and
21 (3) the youth's progress since being committed to the
22 Department.

23 The target release date for youth committed to the
24 Department for first degree murder shall not precede the
25 minimum period of confinement provided in Section 5-750 of the
26 Juvenile Court Act of 1987. These youth shall be considered

1 for release upon completion of their minimum term of
2 confinement and at least annually thereafter. The target
3 release date for youth committed to the Department as a
4 Habitual Juvenile Offender or Violent Juvenile Offender under
5 Section 5-815 or 5-820 of the Juvenile Court Act of 1987 shall
6 be extended by not less than 12 months.

7 (d) If the youth being considered for aftercare release
8 has a petition or any written submissions prepared on his or
9 her behalf by an attorney or other representative, the
10 attorney or representative for the youth must serve by
11 certified mail the State's Attorney of the county where the
12 youth was prosecuted with the petition or any written
13 submissions 15 days prior to the youth's target release date.

14 (e) In making its determination of aftercare release, the
15 Department shall consider:

16 (1) material transmitted to the Department by the
17 clerk of the committing court under Section 5-750 of the
18 Juvenile Court Act of 1987;

19 (2) the report under Section 3-10-2;

20 (3) a report by the Department and any report by the
21 chief administrative officer of the institution or
22 facility;

23 (4) an aftercare release progress report;

24 (5) a medical and psychological report, if available;

25 (6) material in writing, or on film, video tape or
26 other electronic means in the form of a recording

1 submitted by the youth whose aftercare release is being
2 considered;

3 (7) material in writing, or on film, video tape or
4 other electronic means in the form of a recording or
5 testimony submitted by the State's Attorney and the victim
6 or a concerned citizen under the Rights of Crime Victims
7 and Witnesses Act; and

8 (8) the youth's eligibility for commitment under the
9 Sexually Violent Persons Commitment Act.

10 (f) The prosecuting State's Attorney's office shall
11 receive from the Department reasonable written notice not less
12 than 30 days prior to the target release date and may submit
13 relevant information by oral argument or testimony of victims
14 and concerned citizens, or both, in writing, or on film, video
15 tape or other electronic means or in the form of a recording to
16 the Department for its consideration. The State's Attorney may
17 waive the written notice of the target release date at any
18 time. Upon written request of the State's Attorney's office,
19 provided the request is received within 15 days of receipt of
20 the written notice of the target release date, the Department
21 shall hear protests to aftercare release. If a State's
22 Attorney requests a protest hearing, the committed youth's
23 attorney or other representative shall also receive notice of
24 the request and a copy of any information submitted by the
25 State's Attorney. This hearing shall take place prior to the
26 youth's aftercare release. The Department shall schedule the

1 protest hearing date, providing at least 15 days' notice to
2 the State's Attorney. If the protest hearing is rescheduled,
3 the Department shall promptly notify the State's Attorney of
4 the new date.

5 (g) The victim of the violent crime for which the youth has
6 been sentenced shall receive notice of the target release date
7 as provided in paragraph (4) of subsection (d) of Section 4.5
8 of the Rights of Crime Victims and Witnesses Act.

9 (g-1) The law enforcement agency of the committing county
10 shall receive from the Department of Juvenile Justice
11 reasonable written notice not less than 30 days prior to the
12 target release date of a youth from the Department of Juvenile
13 Justice.

14 (h) The Department shall not release any material to the
15 youth, the youth's attorney, any third party, or any other
16 person containing any information from the victim or from a
17 person related to the victim by blood, adoption, or marriage
18 who has written objections, testified at any hearing, or
19 submitted audio or visual objections to the youth's aftercare
20 release, unless provided with a waiver from that objecting
21 party. The Department shall not release the names or addresses
22 of any person on its victim registry to any other person except
23 the victim, a law enforcement agency, or other victim
24 notification system.

25 (i) Any recording considered under the provisions of
26 paragraph (6) or (7) of subsection (e) or subsection (f) of

1 this Section shall be in the form designated by the
2 Department. The recording shall be both visual and aural.
3 Every voice on the recording and person present shall be
4 identified and the recording shall contain either a visual or
5 aural statement of the person submitting the recording, the
6 date of the recording, and the name of the youth whose
7 aftercare release is being considered. The recordings shall be
8 retained by the Department and shall be considered during any
9 subsequent aftercare release decision if the victim or State's
10 Attorney submits in writing a declaration clearly identifying
11 the recording as representing the position of the victim or
12 State's Attorney regarding the release of the youth.

13 (j) The Department shall not release a youth eligible for
14 aftercare release if it determines that:

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

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

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

22 (k) The Department shall render its release decision and
23 shall state the basis therefor both in the records of the
24 Department and in written notice to the youth who was
25 considered for aftercare release. In its decision, the
26 Department shall set the youth's time for aftercare release,

1 or if it denies aftercare release it shall provide for
2 reconsideration of aftercare release not less frequently than
3 once each year.

4 (l) The Department shall ensure all evaluations and
5 proceedings under the Sexually Violent Persons Commitment Act
6 are completed prior to any youth's release, when applicable.

7 (m) Any youth whose aftercare release has been revoked by
8 the Prisoner Review Board under Section 3-3-9.5 of this Code
9 may be rereleased to the full aftercare release term by the
10 Department at any time in accordance with this Section. Youth
11 rereleased under this subsection shall be subject to Sections
12 3-2.5-70, 3-2.5-75, 3-2.5-80, 3-2.5-90, 3-2.5-95, and 3-3-9.5
13 of this Code.

14 (n) The Department shall adopt rules regarding the
15 exercise of its discretion under this Section.

16 (Source: P.A. 102-350, eff. 8-13-21.)