

1 AN ACT in relation to criminal law.

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

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

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

7 Sec. 3-3-5. Hearing and Determination.

8 (a) The Prisoner Review Board shall meet as often as
9 need requires to consider the cases of persons eligible for
10 parole. Except as otherwise provided in paragraph (2) of
11 subsection (a) of Section 3-3-2 of this Act, the Prisoner
12 Review Board may meet and order its actions in panels of 3 or
13 more members. The action of a majority of the panel shall be
14 the action of the Board. In consideration of persons
15 committed to the Juvenile Division, the panel shall have at
16 least a majority of members experienced in juvenile matters.

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

30 (c) The Board shall not parole a person eligible for
31 parole if it determines that:

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

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

6 (3) his release would have a substantially adverse
7 effect on institutional discipline.

8 (d) A person committed under the Juvenile Court Act or
9 the Juvenile Court Act of 1987 who has not been sooner
10 released shall be paroled on or before his 20th birthday to
11 begin serving a period of parole under Section 3-3-8.

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

16 (f) The Board shall render its decision within a
17 reasonable time after hearing and shall state the basis
18 therefor both in the records of the Board and in written
19 notice to the person on whose application it has acted. In
20 its decision, the Board shall set the person's time for
21 parole, or if it denies parole it shall provide for a
22 rehearing not less frequently than once every year, except
23 that the Board may, after denying parole, schedule a
24 rehearing no later than 5 3 years from the date of the parole
25 denial, if the Board finds that it is not reasonable to
26 expect that parole would be granted at a hearing prior to the
27 scheduled rehearing date. If the Board shall parole a person,
28 and, if he is not released within 90 days from the effective
29 date of the order granting parole, the matter shall be
30 returned to the Board for review.

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

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

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

9 (Source: P.A. 91-798, eff. 7-9-00; 91-946, eff. 2-9-01.)