



STATE OF ILLINOIS  
BRUCE RAUNER, GOVERNOR

## **PRISONER REVIEW BOARD**

Craig Findley, Chairman

### HB2515/SB2073 Overview

#### What this bill does:

- Creates mid-sentence parole consideration system for inmates who were 20 or under at the time of the commission of the offense and were given lengthy sentences.
  - Consideration after 10 actual years of incarceration for most crimes, with additional consideration hearings at 15 and 20 years if denied release.
  - Consideration after 20 actual years of incarceration for first-degree murder and aggravated criminal sexual assault, with an additional consideration at 30 years.
- Ensures that victims, witnesses, and other concerned citizens may be heard by the Board whenever release is considered and that their identities and concerns will be confidential.
- Provides attorneys to indigent applicants to efficiently and effectively present a case for parole.
- Recognizes that youthful offenders are substantially more likely to be successfully rehabilitated, as noted by the United States Supreme Court in Miller v. Alabama (567 U.S. 460).
- Appropriately addresses the fact that sentencing judges cannot know at the time of sentencing which youths will, in fact, mature and be rehabilitated as a result of lengthy incarceration; allows for the Board to fully investigate and allow the supervised release of those inmates who have demonstrated actual rehabilitation.

#### What this bill does NOT do:

- Does NOT apply retroactively. No existing sentences will be changed by this bill.
- Does NOT apply to the 'worst-of-the-worst.' Predatory criminal sexual assault, first-degree murders of 'special victims' (i.e. peace officers, EMTs, firefighters), and any inmates given a natural life sentence will not be eligible for parole consideration.
- Does NOT create a presumption of release from custody. If the Board feels there is a substantial risk of non-compliance with release conditions, or that the release would deprecate the seriousness of the crime, or that release would adversely effect institutional discipline, then parole MUST be denied by the Board.
- Does NOT change the conditions of mandatory supervised release. All inmates will still be given specific release conditions on a case-by-case basis by the Board, and will be subject to re-incarceration and the extension of their MSR term for a violation of those conditions.
- Does NOT flood the community with parolees. The Board estimates that no more than 100 inmates would qualify for a hearing in any given year, let alone be granted release.
- Does NOT require large expenditures by the State. IDOC projects no cost increases for this bill, and the Board projects increased costs of not more than \$100,000 per year. Moreover, any grant of parole would result in cost *savings* for IDOC due to the reduced length of incarceration.



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[Now House Bill 531  
in the 2001  
Legislative Session]

### Summary Analysis of HB2515/SB2073 as of House Amendment 5/Senate Amendment 2

Overview: This bill institutes a prospective system of mid-sentence parole review for inmates convicted of crimes committed prior to reaching 21 years of age. For most crimes, an inmate will be eligible for parole review after serving 10 actual years of incarceration. For first degree murder and aggravated criminal sexual assault, inmates must have served at least 20 actual years of incarceration to be given a parole review. Excludes the 'worst-of-the-worst' offenses from consideration: sentences for predatory criminal sexual assault, first-degree murder of 'special victims' (e.g. peace officers, EMTs, firefighters, etc.), and natural life shall not be eligible for parole review. Provides two additional parole consideration hearings for most crimes at five-year intervals, and one additional parole consideration hearing for first degree murder/aggravated criminal sexual assault offenders after an additional 10 years have been served. Provides that the Illinois Department of Corrections ("IDOC") shall inform applicants of available education, training, and other services prior to the parole consideration hearing. Provides that the Prisoner Review Board ("PRB" or "the Board") will appoint attorneys to indigent applicants at State cost, will notify victims of upcoming hearings at least 12 months prior to the parole consideration hearing and hear any objections or other statements from such victims, and will conduct the parole consideration hearings and make decisions as to release and release conditions for applicants. Provides for revocation hearings before the Board, with sanctions to include the extension of the mandatory supervised release ("MSR") period and additional re-confinement followed by additional MSR period in the event of any violation. In no event shall the MSR period appended to the initial release or post-violation release exceed the maximum original sentence length.

Fiscal overview: IDOC has indicated it will not incur significant costs, as their current staff can handle the additional duties relating to providing an overview of available education and programming. IDOC would, in fact, likely realize a savings from every parolee, due the lower costs associated with a shorter period of incarceration. The Board believes existing staff could process the applications and conduct additional hearings without the need for increased staff, and thus would incur no personnel costs. The Board further estimates that the hiring and appointment of attorneys could be done on a flat-fee basis for approximately \$1,000 per case, and estimates that no more than 100 such cases would be filed in any given calendar year, based upon existing sentencing data and the exclusion of certain categorical offenses from consideration. This would bring a total cost to the Board not to exceed \$100,000 per year. Because this bill applies only to sentences occurring after this bill's effective date, no costs would be incurred by the State until at least the ninth year after the effective date of this bill.



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**Victim Involvement and Confidentiality:** The provisions of this bill conform with the Illinois Constitution and the Rights of Crime Victims and Witnesses Act, and provides any concerned citizen with the right to register with the Board and confidentially object to (or support) the release of any inmate. Any such statement provided to the Board—be it hand-written, emailed, audio, video, or in-person—shall be strictly confidential, and maintained by the Board as a part of the inmate's internal Board file. The identities of any individuals who provide statements to the Board will be known only to law enforcement, and the contents of the statements will be known only to the Board and the individuals themselves. The inmate and their attorney will be notified if a statement was filed, and its general support or opposition to release. No outside party will be permitted to inspect or otherwise receive a copy of the statement, in order to protect the maker of the statement from trauma or harassment, and in order to allow the ability to speak freely with the Board about the effects of the offense. If desired, any victim will have the right to speak at the open hearing session of the Board.

**Violations of youthful offender parole:** This bill provides that any parolee found to have violated their MSR conditions may be sanctioned by the Board. The Board may choose to: (1) re-release the parolee back to the existing MSR term with modified or enlarged conditions of release as deemed necessary and proper by the Board; (2) re-release the parolee to a renewed MSR term not to exceed the maximum length of MSR permitted under 730 ILCS 5/5-8-1(d), or 10 years for first-degree murder as provided in 730 ILCS 5/5-4.5-110; (3) revoke the parolee's release and order that the parolee be incarcerated for the remainder of the MSR term; (4) revoke the parolee's release and order that the parolee be incarcerated for the remainder of the MSR term, including up to one year of previously-accumulated MSR; (5) revoke the parolee's release and order the parolee be re-incarcerated in the manner described in (3) and (4), but also order that a new term of MSR be applied following the re-incarceration, as described in (2). In no event shall the additional MSR period extend beyond the original maximum sentence length of the inmate.

Example timeline of a parole consideration request under this system:

1. Inmate A is sentenced to 30 years at 75% on January 1, 2018 for Class X Manufacture & Delivery of a Controlled Substance. Inmate A would hypothetically serve a minimum 22.5 years of actual incarceration based upon current truth-in-sentencing provisions.
2. Starting on January 1, 2025, Inmate A may apply for parole consideration on the January 2028 docket. The Board would review that application and confirm Inmate A's eligibility, based upon criminal offense and expected incarceration.
3. Approximately June-July 2025, IDOC counselors will meet with Inmate A and outline the parole consideration process and programming available to Inmate A prior to the 2028



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- hearing. Inmate A will review those documents and apply for programming as Inmate A deems appropriate, and as approved by IDOC.
4. No later than January 1, 2027, the Board will notify victims and schedule any protest hearings as necessary with those victims; the State's Attorney of the committing county shall also be notified by the Board and provided an opportunity to respond to the parole consideration request. The Board shall also appoint an attorney for Inmate A if he is found to be indigent (this will be true in almost all cases), with the cost of representation to be borne by the Board.
  5. During the month of January 2028, unless otherwise continued for good cause, Inmate A and their attorney will personally meet with at least one Member of the Board who is qualified in juvenile matters. The release decision will subsequently be made by a panel of no less than 3 Board Members, at least 2 of which shall be qualified in juvenile matters. (At least 6 of the Board's 15 Members must have these qualifications under existing law.) That Board panel will consider all aggravating and mitigating factors provided in 20 Ill. Adm. Code 1610 as well as "the diminished culpability of youthful offenders, the hallmark features of youth, and any subsequent growth and maturity of the youthful offender during incarceration." If the Board finds "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" then parole will be denied.
  6. If granted parole, the remaining term of years of Inmate A's sentence will be discharged, and Inmate A will be placed on the statutory 3 years of MSR required by the nature of the committing offense (a class X felony). The Board will also place conditions upon that release as deemed appropriate and necessary under Illinois law. In this case, Inmate A will have left custody approximately 12.5 years earlier than required under the initial sentence.
  7. If denied parole, Inmate A will be provided an explanation of the Board's decision within 30 days. Inmate A may re-apply for a new parole hearing to occur 5 years after the decision has been made. If denied at that hearing, Inmate A could file for a third and final parole hearing 5 years after the second denial. A denial at the final hearing would require completion of the entire original sentence by Inmate A.

Note that if Inmate A had committed first-degree murder or aggravated criminal sexual assault, there would only be one additional parole consideration hearing, which would occur 10 years after the denial of the first request for release. Additionally, if release is granted for any first-degree murder, the MSR term applied will be for a period of 10 years instead of the 3 years that would otherwise normally occur.