

## **ILLINOIS PRISONER REVIEW BOARD**

### ***GUIDELINES FOR YOUTHFUL PAROLE PETITION***

In accordance with the Illinois State Statute, 730 ILCS 5/5-4.5-115, To be eligible for a parole review, the individual must meet the criteria listed below.

#### **10 Year Eligibility Requirements:**

1. The incarcerated individual must be a person who was under the age of 21 at the time of the commission of an offense.
2. The individual must have been sentenced on or after June 1, 2019.
3. The individual must have served 10 years or more of his or her sentence or sentences.
4. Must not be serving a sentence for First Degree Murder, Aggravated Criminal Sexual Assault, Predatory Criminal Sexual Assault of a Child or serving a term of natural life under Section 5-8-1 of Code 730 ILCS or any person subject to sentencing under subsection (c) of Section 5-4.5-105 of this Code.

#### **20 Year Eligibility Requirements:**

1. The individual in custody must be a person who was under the age of 21 at the time of the commission of an offense.
2. The individual must have been sentenced on or after June 1, 2019.
3. The individual must have served 20 years or more of his or her sentence or sentences.
4. Must not be serving a sentence for Predatory Criminal Sexual Assault of a Child or serving a term of natural life under Section 5-8-1 of Code 730 ILCS or any person subject to sentencing under subsection (c) of Section 5-4.5-105 of this Code.

#### **Ineligible Crimes:**

Any individual serving a sentence of Predatory Criminal Sexual Assault of a Child or serving a term of natural life under Section 5-8-1 of Code 730 ILCS or any person subject to sentencing under subsection (c) of Section 5-4.5-105 of this Code

## **PETITION CRITERIA**

### **Timeline:**

Three years prior to becoming eligible for parole review, the eligible person may file his or her typed or legibly handwritten petition for parole review with the Illinois Prisoner Review Board.

### **Petition Guidelines:**

1. The petition shall include a copy of the order of commitment and sentence to the Department of Corrections for the offense or offenses for which review is sought.
2. The petition shall state the name under which petitioner was convicted, any aliases, and the state incarcerated individual's number.
3. If applicable, declare whether the petitioner previously asked for Youthful Individual Parole for any conviction and, if so, the month and year in which it was considered.
4. The Petitioner may include a detailed statement of the facts of the offenses, including dates, places and all surrounding circumstances. This should include petitioner's version of the offenses.
5. Provide complete criminal history. This is to include every instance in which the petitioner was arrested for or charged with any offense in any jurisdiction, except for minor traffic violations, and the disposition of each criminal charge (whether it resulted in a conviction and sentence or some other determination). Provide a statement of the facts surrounding any conviction.
6. Provide a personal life history, a narrative biography. It must include date and place of birth, educational history, employment history.
7. Give the reasons for seeking release and include supporting materials, if applicable.
8. Document a detailed explanation of parole plan. (Add details such as plans for housing, employment and education)

Within 6 months of the Prisoner Review Board's determination that the petition was appropriately filed, a representative from the Department of Corrections shall meet with the eligible person and provide the incarcerated individual with:

- a. Information about the parole hearing process and

- b. Personalized recommendations for the individual regarding his or her work assignments, rehabilitative programs, and institutional behavior.

Following this meeting with the Illinois Department of Corrections' representative, the eligible person has seven (7) calendar days to file a written request to the representative from the Department of Corrections who met with the eligible person of any additional programs and services which the eligible person believes should be made available to prepare the eligible person for return to the community.

**PETITIONER ATTORNEY NOTICE AND INFORMATION:**

1. One year prior to being eligible for parole, counsel shall be appointed by the Prisoner Review Board upon a finding of indigency. The eligible person may waive appointed counsel or retain his or her own counsel at his or her own expense.
2. Nine months prior to the hearing, the Prisoner Review Board shall provide the eligible person, and his or her counsel, any written documents or materials it will be considering in making its decision unless the written documents or materials are specifically found to:
  - a. (1) include information which, if disclosed, would damage the therapeutic relationship between the person in custody and a mental health professional.
  - b. (2) subject any person to the actual risk of physical harm.
  - c. (3) threaten the safety or security of the Department or an institution.
3. The person in custody or his or her attorney shall not be given a copy of the statement but shall be informed of the existence of a victim statement and the position taken by the victim on the person in custody's request for parole. This shall not be construed to permit disclosure to an person in custody of any information which might result in the risk of threats or physical harm to a victim.

In accordance with Section 4.5(d)(4) of the Rights of Crime Victims and Witnesses Act and Section 10 of the Open Parole Hearings Act, victim statements provided to the Board shall be **confidential and privileged**, including any statements received prior to the effective date of this amendatory Act of the 101st General Assembly, except if the statement was an oral statement made by the victim at a hearing open to the public. Victim statements shall not be considered public documents under the provisions of the Freedom of Information Act.

4. The Prisoner Review Board shall have an ongoing duty to provide the eligible person, and his or her counsel, with any further documents or materials that come into its possession prior to the hearing subject to the limitations contained in this subsection.

