

ILLINOIS PRISONER REVIEW BOARD
YOUTHFUL PAROLE HEARING PROCESS

In accordance with the Illinois State Statute, 730 ILCS 5/5-4.5-115, the following is the hearing process upon receipt of the Youthful Parole Petition by the Illinois Prisoner Review Board.

YOUTHFUL PAROLE HEARING:

The hearing conducted by the Prisoner Review Board shall be governed by Sections 15 and 20, subsection (f) of Section 5, subsections (a), (a-5), (b), (b-5), and (c) of Section 10, and subsection (d) of Section 25 of the Open Parole Hearings Act and Part 1610 of Title 20 of the Illinois Administrative Code.

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

CONTINUANCE OF HEARING:

1. Only upon motion for good cause shall the date for the Prisoner Review Board hearing, as set by subsection (b) of this Section, be changed.
2. All hearings shall be open to the public.

PAROLE RELEASE DECISION:

Parole Denied:

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

The Prisoner Review Board shall not parole the eligible person if it determines 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.

If the Prisoner Review Board denies parole after conducting the hearing under subsection (j) of this Section, it shall issue a written decision which states the rationale for denial, including the primary factors considered.

The decision shall be provided to the eligible person and his or her counsel within 30 days.

SUBSEQUENT HEARINGS AFTER DENIAL:

*Petitioners **Not Serving** A Sentence For Either First Degree Murder Or Aggravated Criminal Sexual Assault:*

1. A person denied parole under who is not serving a sentence for either first degree murder or aggravated criminal sexual assault, shall be eligible for a second parole review by the Prisoner Review Board 5 years after the written decision under subsection (l) of this Section.
2. A person denied parole under subsection (m) of this Section, who is not serving a sentence for either first degree murder or aggravated criminal sexual assault, shall be eligible for a third and final parole review by the Prisoner Review Board 5 years after the written decision under subsection (l) of this Section.

3. The procedures for the third and final parole review shall be governed by subsections (c) through (k) of this Section.

*Petitioners **Serving** A Sentence For Either First Degree Murder Or Aggravated Criminal Sexual Assault:*

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

Parole Granted:

If paroled, parole under subsection (j) of this Section and subject to the provisions of Section 3-3-9 of this Code:

Non-First-Degree Murder Offense

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

*Notwithstanding anything else to the contrary in this Section, nothing in this Section shall be construed to delay parole or mandatory supervised release consideration for petitioners who are or will be eligible for release earlier than this Section provides.

*Nothing in this Section shall be construed as a limit, substitution, or bar on a person's right to sentencing relief, or any other manner of relief, obtained by order of a court in proceedings other than as provided in this Section.