



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB4173

by Rep. Arthur Turner

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Unified Code of Corrections. Provides that a committed person who is at least 50 years of age and who has served at least 25 consecutive years of imprisonment in a Department of Corrections institution or facility may petition the Department for participation in the Pathway to Community Program. Provides that before a participant is selected for the Program, the petitioner shall successfully complete an atonement and restorative justice program prepared by the Department. Following completion of this program of atonement and restorative justice, the Department shall make an exhaustive effort to find and notify family members of the victim of the petitioner's offense and to afford them the opportunity to participate in the Department's final selection process for the Pathway to Community Program. Provides that the Department shall select 50 participants for the Program from petitions submitted to it by the Department. Provides that up to \$1,000 of trauma-informed victim services or trauma-certified professional therapy shall be provided by the Department to family members of the victim of the petitioner's offense. Insurance policies of the family members of the victim of the petitioner's offense or family members financial resources shall first be used to pay the costs of these services or therapy. Optional participation by family members of the victim of petitioner's offense shall be provided by the Department at no cost to the family members of the victim. Provides that after 8 years of participation in the Program, the participant may petition the Governor for executive clemency. Provides that the Department shall select a panel of independent researchers to assess the effectiveness of the Program and to make annual recommendations to the Governor and General Assembly as to whether the Program should be extended.

LRB100 15435 RLC 30429 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 1. This Act may be referred to as the Pathway to  
5 Community Act.

6 Section 5. The Unified Code of Corrections is amended by  
7 adding Section 3-14-1.1 as follows:

8 (730 ILCS 5/3-14-1.1 new)

9 Sec. 3-14-1.1. Pathway to Community Program.

10 (a) In this Section:

11 "Committed person" means a currently incarcerated  
12 person who (i) is at least 50 years of age and (ii) has  
13 served at least 25 consecutive years of imprisonment in a  
14 facility or institution of the Department of Corrections.

15 "Family member" means a spouse, parent, child, or  
16 sibling.

17 "Program" means the Pathway to Community Program  
18 created in this Section.

19 (b) A committed person may petition the Department of  
20 Corrections for participation in the Pathway to Community  
21 Program as provided in this Section. If a committed person  
22 files a petition, the Department shall make an exhaustive

1 effort to find and notify the victim and the family members of  
2 the victim of the petitioner's offense.

3 (c) The petition shall contain a statement by the  
4 petitioner that he or she is qualified to participate in the  
5 Program, together with the petitioner's plans for reentry,  
6 including, but not limited to, information about where the  
7 petitioner will live, how the petitioner will be supported  
8 financially, and any plans for the petitioner's ongoing medical  
9 care if necessary. The petition may also contain supporting  
10 statements or documentation related to the factors listed in  
11 paragraphs (1) through (7) of subsection (d) of this Section.

12 (d) The petition shall, in the first instance, be screened  
13 by the Department of Corrections, who shall determine whether  
14 to recommend that the petitioner be considered for  
15 participation in the Program. In so doing, the Department shall  
16 draw on information in the petition and on its own resources,  
17 including its use of tools that assesses the petitioner's  
18 risks, assets, and needs to determine whether the petitioner  
19 may be released and, if so, under what specific conditions set  
20 by the Department. Among other factors, in making this  
21 determination the Department shall consider the following:

22 (1) the petitioner's successful participation in  
23 programs designed to restore him or her to a useful and  
24 productive life upon release (including educational  
25 programs and programs designed to deal with substance abuse  
26 or other issues) or, if the programs are not available,

1 information demonstrating that the petitioner has engaged  
2 in self-education programs, correspondence courses, or  
3 other self-improvement efforts;

4 (2) the genuine reform and changed behavior the  
5 petitioner has demonstrated over a period of years;

6 (3) the petitioner's remorse for the consequences of  
7 his or her criminal conduct;

8 (4) the petitioner's ability to socialize with others  
9 in an acceptable manner;

10 (5) the petitioner's renunciation of criminal activity  
11 and gang affiliation if the petitioner was a member of a  
12 gang;

13 (6) an appropriate plan for living arrangements,  
14 financial support, and any medical care that will be needed  
15 when the petitioner returns to society; and

16 (7) input from the victim of the petitioner's offense  
17 and from their family members.

18 (e) Fifty participants shall be selected for the Program.  
19 Before a participant is selected for the Program, the  
20 petitioner shall successfully complete an atonement and  
21 restorative justice program prepared by the Department.  
22 Following completion of this program of atonement and  
23 restorative justice, the Department shall notify the victim and  
24 the family members of the victim of the petitioner's offense  
25 and to afford them the opportunity to participate in the  
26 Department's final selection process for the Pathway to

1 Community Program. Up to \$1,000 of trauma-informed victim  
2 services or trauma-certified professional therapy shall be  
3 provided by the Department to family members of the victim of  
4 the petitioner's offense. Insurance policies of the family  
5 members of the victim of the petitioner's offense or family  
6 members financial resources shall first be used to pay the  
7 costs of these services or therapy. Optional participation by  
8 family members of the victim of petitioner's offense shall be  
9 provided by the Department at no cost to the family members of  
10 the victim.

11 (f) Time served in the Program shall be credited toward  
12 time served on the sentence. The end date of the period of  
13 mandatory supervised release shall remain the same as it would  
14 have been had the petitioner not been given early supervised  
15 release, and the petitioner shall remain under supervision of  
16 the Department until that date, except that the Department may  
17 enter an order releasing and discharging the petitioner from  
18 mandatory supervised release if it determines that he or she is  
19 likely to remain at liberty without committing another offense.  
20 Discharge of the petitioner from mandatory supervised release  
21 does not discharge the petitioner's sentence, if time to be  
22 served remains; nor does it deprive the Department of  
23 jurisdiction over the petitioner, if time to be served remains.

24 (g) Beginning on the effective date of this amendatory Act  
25 of the 100th General Assembly, notwithstanding any other law to  
26 the contrary, all persons serving sentences in the Department

1 who meet the requirements of subsection (b) of this Section are  
2 eligible to petition to participate in the Program. The  
3 Department shall establish a system to allow for the orderly  
4 disposition of the applications of those presently  
5 incarcerated as they become eligible.

6 (h) After 8 years of participation in the Program, the  
7 participant may petition the Governor for executive clemency  
8 under Section 3-3-13 of this Code.

9 (i) The Department shall select a panel of independent  
10 researchers to assess the effectiveness of the Program and to  
11 make annual recommendations to the Governor and General  
12 Assembly as to whether the Program should be extended.

13 (j) Notwithstanding any other provision of law to the  
14 contrary, this Section shall control any release under this  
15 Program.

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Statutes amended in order of appearance

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730 ILCS 5/3-14-1.1 new