



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

**HB3879**

Introduced 10/17/2019, by Rep. La Shawn K. Ford

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-2.5-80

730 ILCS 5/3-3-9

from Ch. 38, par. 1003-3-9

Amends the Unified Code of Corrections. Provides that a person who, in good faith, seeks or obtains emergency medical assistance for someone experiencing an overdose shall not be deemed to violate his or her conditions of aftercare release (for a juvenile) or conditions of parole or mandatory supervised release.

LRB101 14147 NHT 63015 b

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 5. The Unified Code of Corrections is amended by  
5 changing Sections 3-2.5-80 and 3-3-9 as follows:

6 (730 ILCS 5/3-2.5-80)

7 Sec. 3-2.5-80. Supervision on aftercare release.

8 (a) The Department shall retain custody of all youth placed  
9 on aftercare release or released under Section 3-2.5-85 or  
10 3-3-10 of this Code. The Department shall supervise those youth  
11 during their aftercare release period in accordance with the  
12 conditions set by the Department or Prisoner Review Board.

13 (b) A copy of youth's conditions of aftercare release shall  
14 be signed by the youth and given to the youth and to his or her  
15 aftercare specialist who shall report on the youth's progress  
16 under the rules of the Department. Aftercare specialists and  
17 supervisors shall have the full power of peace officers in the  
18 retaking of any releasee who has allegedly violated his or her  
19 aftercare release conditions. The aftercare specialist may  
20 request the Department of Juvenile Justice to issue a warrant  
21 for the arrest of any releasee who has allegedly violated his  
22 or her aftercare release conditions.

23 (b-5) A youth who, in good faith, seeks or obtains

1 emergency medical assistance for someone experiencing an  
2 overdose shall not be deemed to violate his or her conditions  
3 of aftercare release.

4 (c) The aftercare supervisor shall request the Department  
5 of Juvenile Justice to issue an aftercare release violation  
6 warrant, and the Department of Juvenile Justice shall issue an  
7 aftercare release violation warrant, under the following  
8 circumstances:

9 (1) if the releasee has a subsequent delinquency  
10 petition filed against him or her alleging commission of an  
11 act that constitutes a felony using a firearm or knife;

12 (2) if the releasee is required to and fails to comply  
13 with the requirements of the Sex Offender Registration Act;

14 (3) (blank); or

15 (4) if the releasee is on aftercare release for a  
16 murder, a Class X felony or a Class 1 felony violation of  
17 the Criminal Code of 2012, or any felony that requires  
18 registration as a sex offender under the Sex Offender  
19 Registration Act and a subsequent delinquency petition is  
20 filed against him or her alleging commission of an act that  
21 constitutes first degree murder, a Class X felony, a Class  
22 1 felony, a Class 2 felony, or a Class 3 felony.

23 Personnel designated by the Department of Juvenile Justice  
24 or another peace officer may detain an alleged aftercare  
25 release violator until a warrant for his or her return to the  
26 Department of Juvenile Justice can be issued. The releasee may

1 be delivered to any secure place until he or she can be  
2 transported to the Department of Juvenile Justice. The  
3 aftercare specialist or the Department of Juvenile Justice  
4 shall file a violation report with notice of charges with the  
5 Department.

6 (d) The aftercare specialist shall regularly advise and  
7 consult with the releasee and assist the youth in adjusting to  
8 community life in accord with this Section.

9 (e) If the aftercare releasee has been convicted of a sex  
10 offense as defined in the Sex Offender Management Board Act,  
11 the aftercare specialist shall periodically, but not less than  
12 once a month, verify that the releasee is in compliance with  
13 paragraph (7.6) of subsection (a) of Section 3-3-7.

14 (f) The aftercare specialist shall keep those records as  
15 the Department may require. All records shall be entered in the  
16 master file of the youth.

17 (Source: P.A. 98-558, eff. 1-1-14; 99-268, eff. 1-1-16; 99-628,  
18 eff. 1-1-17.)

19 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

20 Sec. 3-3-9. Violations; changes of conditions; preliminary  
21 hearing; revocation of parole or mandatory supervised release;  
22 revocation hearing.

23 (a) If prior to expiration or termination of the term of  
24 parole or mandatory supervised release, a person violates a  
25 condition set by the Prisoner Review Board or a condition of

1 parole or mandatory supervised release under Section 3-3-7 of  
2 this Code to govern that term, the Board may:

3 (1) continue the existing term, with or without  
4 modifying or enlarging the conditions; or

5 (1.5) for those released as a result of youthful  
6 offender parole as set forth in Section 5-4.5-115 ~~5-4.5-110~~  
7 of this Code, order that the inmate be subsequently  
8 rereleased to serve a specified mandatory supervised  
9 release term not to exceed the full term permitted under  
10 the provisions of Section 5-4.5-115 ~~5-4.5-110~~ and  
11 subsection (d) of Section 5-8-1 of this Code and may modify  
12 or enlarge the conditions of the release as the Board deems  
13 proper; or

14 (2) parole or release the person to a half-way house;  
15 or

16 (3) revoke the parole or mandatory supervised release  
17 and reconfine the person for a term computed in the  
18 following manner:

19 (i) (A) For those sentenced under the law in effect  
20 prior to this amendatory Act of 1977, the recommitment  
21 shall be for any portion of the imposed maximum term of  
22 imprisonment or confinement which had not been served  
23 at the time of parole and the parole term, less the  
24 time elapsed between the parole of the person and the  
25 commission of the violation for which parole was  
26 revoked;

1 (B) Except as set forth in paragraphs (C) and (D),  
2 for those subject to mandatory supervised release  
3 under paragraph (d) of Section 5-8-1 of this Code, the  
4 recommitment shall be for the total mandatory  
5 supervised release term, less the time elapsed between  
6 the release of the person and the commission of the  
7 violation for which mandatory supervised release is  
8 revoked. The Board may also order that a prisoner serve  
9 up to one year of the sentence imposed by the court  
10 which was not served due to the accumulation of  
11 sentence credit;

12 (C) For those subject to sex offender supervision  
13 under clause (d) (4) of Section 5-8-1 of this Code, the  
14 reconfinement period for violations of clauses (a) (3)  
15 through (b-1) (15) of Section 3-3-7 shall not exceed 2  
16 years from the date of reconfinement;

17 (D) For those released as a result of youthful  
18 offender parole as set forth in Section 5-4.5-115  
19 ~~5-4.5-110~~ of this Code, the reconfinement period shall  
20 be for the total mandatory supervised release term,  
21 less the time elapsed between the release of the person  
22 and the commission of the violation for which mandatory  
23 supervised release is revoked. The Board may also order  
24 that a prisoner serve up to one year of the mandatory  
25 supervised release term previously earned. The Board  
26 may also order that the inmate be subsequently

1 rereleased to serve a specified mandatory supervised  
2 release term not to exceed the full term permitted  
3 under the provisions of Section 5-4.5-115 ~~5-4.5-110~~  
4 and subsection (d) of Section 5-8-1 of this Code and  
5 may modify or enlarge the conditions of the release as  
6 the Board deems proper;

7 (ii) the person shall be given credit against the  
8 term of reimprisonment or reconfinement for time spent  
9 in custody since he or she was paroled or released  
10 which has not been credited against another sentence or  
11 period of confinement;

12 (iii) (blank);

13 (iv) this Section is subject to the release under  
14 supervision and the reparole and rerelease provisions  
15 of Section 3-3-10.

16 (a-5) A person who, in good faith, seeks or obtains  
17 emergency medical assistance for someone experiencing an  
18 overdose shall not be deemed to violate his or her conditions  
19 of parole or mandatory supervised release.

20 (b) The Board may revoke parole or mandatory supervised  
21 release for violation of a condition for the duration of the  
22 term and for any further period which is reasonably necessary  
23 for the adjudication of matters arising before its expiration.  
24 The issuance of a warrant of arrest for an alleged violation of  
25 the conditions of parole or mandatory supervised release shall  
26 toll the running of the term until the final determination of

1 the charge. When parole or mandatory supervised release is not  
2 revoked that period shall be credited to the term, unless a  
3 community-based sanction is imposed as an alternative to  
4 revocation and reincarceration, including a diversion  
5 established by the Illinois Department of Corrections Parole  
6 Services Unit prior to the holding of a preliminary parole  
7 revocation hearing. Parolees who are diverted to a  
8 community-based sanction shall serve the entire term of parole  
9 or mandatory supervised release, if otherwise appropriate.

10 (b-5) The Board shall revoke parole or mandatory supervised  
11 release for violation of the conditions prescribed in paragraph  
12 (7.6) of subsection (a) of Section 3-3-7.

13 (c) A person charged with violating a condition of parole  
14 or mandatory supervised release shall have a preliminary  
15 hearing before a hearing officer designated by the Board to  
16 determine if there is cause to hold the person for a revocation  
17 hearing. However, no preliminary hearing need be held when  
18 revocation is based upon new criminal charges and a court finds  
19 probable cause on the new criminal charges or when the  
20 revocation is based upon a new criminal conviction and a  
21 certified copy of that conviction is available.

22 (d) Parole or mandatory supervised release shall not be  
23 revoked without written notice to the offender setting forth  
24 the violation of parole or mandatory supervised release charged  
25 against him or her.

26 (e) A hearing on revocation shall be conducted before at



1 least one member of the Prisoner Review Board. The Board may  
2 meet and order its actions in panels of 3 or more members. The  
3 action of a majority of the panel shall be the action of the  
4 Board. A record of the hearing shall be made. At the hearing  
5 the offender shall be permitted to:

6 (1) appear and answer the charge; and

7 (2) bring witnesses on his or her behalf.

8 (f) The Board shall either revoke parole or mandatory  
9 supervised release or order the person's term continued with or  
10 without modification or enlargement of the conditions.

11 (g) Parole or mandatory supervised release shall not be  
12 revoked for failure to make payments under the conditions of  
13 parole or release unless the Board determines that such failure  
14 is due to the offender's willful refusal to pay.

15 (Source: P.A. 99-628, eff. 1-1-17; 100-1182, eff. 6-1-19;  
16 revised 4-3-19.)