

SB3197



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3197

Introduced 2/6/2024, by Sen. Neil Anderson

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-8A-2

from Ch. 38, par. 1005-8A-2

Amends the Unified Code of Corrections. In the Electronic Monitoring and Home Detention Law, provides that an "approved electronic monitoring device" means a device approved by the supervising authority which is primarily intended to record or transmit information as to the defendant's presence or nonpresence in the home, consumption of alcohol, consumption of drugs, or location by using smartphone applications (rather than through GPS, cellular triangulation, Wi-Fi, or other electronic means). Deletes references to "wire communications" in the definition of "approved electronic monitoring device".

LRB103 35698 RLC 65774 b

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 5. The Unified Code of Corrections is amended by
5 changing Section 5-8A-2 as follows:

6 (730 ILCS 5/5-8A-2) (from Ch. 38, par. 1005-8A-2)

7 Sec. 5-8A-2. Definitions. As used in this Article:

8 (A) "Approved electronic monitoring device" means a device
9 approved by the supervising authority which is primarily
10 intended to record or transmit information as to the
11 defendant's presence or nonpresence in the home, consumption
12 of alcohol, consumption of drugs, or location by using
13 smartphone applications ~~as determined through GPS, cellular~~
14 ~~triangulation, Wi Fi, or other electronic means.~~

15 An approved electronic monitoring device may record or
16 transmit: oral ~~or wire~~ communications or an auditory sound;
17 visual images; or information regarding the offender's
18 activities while inside the offender's home. These devices are
19 subject to the required consent as set forth in Section 5-8A-5
20 of this Article.

21 An approved electronic monitoring device may be used to
22 record a conversation between the participant and the
23 monitoring device, or the participant and the person

1 supervising the participant solely for the purpose of
2 identification and not for the purpose of eavesdropping or
3 conducting any other illegally intrusive monitoring.

4 (A-10) "Department" means the Department of Corrections or
5 the Department of Juvenile Justice.

6 (A-20) "Electronic monitoring" means the monitoring of an
7 inmate, person, or offender with an electronic device both
8 within and outside of their home under the terms and
9 conditions established by the supervising authority.

10 (B) "Excluded offenses" means first degree murder, escape,
11 predatory criminal sexual assault of a child, aggravated
12 criminal sexual assault, criminal sexual assault, aggravated
13 battery with a firearm as described in Section 12-4.2 or
14 subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of Section
15 12-3.05, bringing or possessing a firearm, ammunition or
16 explosive in a penal institution, any "Super-X" drug offense
17 or calculated criminal drug conspiracy or streetgang criminal
18 drug conspiracy, or any predecessor or successor offenses with
19 the same or substantially the same elements, or any inchoate
20 offenses relating to the foregoing offenses.

21 (B-10) "GPS" means a device or system which utilizes the
22 Global Positioning Satellite system for determining the
23 location of a person, inmate or offender.

24 (C) "Home detention" means the confinement of a person
25 convicted or charged with an offense to his or her place of
26 residence under the terms and conditions established by the

1 supervising authority. Confinement need not be 24 hours per
2 day to qualify as home detention, and significant restrictions
3 on liberty such as 7pm to 7am curfews shall qualify. Home
4 confinement may or may not be accompanied by electronic
5 monitoring, and electronic monitoring is not required for
6 purposes of sentencing credit.

7 (D) "Participant" means an inmate or offender placed into
8 an electronic monitoring program.

9 (E) "Supervising authority" means the Department of
10 Corrections, the Department of Juvenile Justice, probation
11 department, a Chief Judge's office, pretrial services division
12 or department, sheriff, superintendent of municipal house of
13 corrections or any other officer or agency charged with
14 authorizing and supervising electronic monitoring and home
15 detention.

16 (F) "Super-X drug offense" means a violation of Section
17 401(a)(1)(B), (C), or (D); Section 401(a)(2)(B), (C), or (D);
18 Section 401(a)(3)(B), (C), or (D); or Section 401(a)(7)(B),
19 (C), or (D) of the Illinois Controlled Substances Act.

20 (G) "Wi-Fi" or "WiFi" means a device or system which
21 utilizes a wireless local area network for determining the
22 location of a person, inmate or offender.

23 (Source: P.A. 101-652, eff. 7-1-21.)