

HB1496



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB1496

by Rep. Michael J. Madigan

SYNOPSIS AS INTRODUCED:

730 ILCS 115/1

from Ch. 38, par. 204a-1

Amends the Probation Community Service Act. Makes a technical change in a Section concerning community service programs.

LRB100 03349 RLC 13354 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 Probation Community Service Act is amended
5 by changing Section 1 as follows:

6 (730 ILCS 115/1) (from Ch. 38, par. 204a-1)

7 Sec. 1. (a) "Public or community service" means
8 uncompensated labor for a not-for-profit organization or
9 public body whose purpose is to enhance physical, or mental
10 stability of the ~~the~~ offender, environmental quality or the
11 social welfare and which agrees to accept public or community
12 service from offenders and to report on the progress of the
13 offender and the public or community service to the court or to
14 the authorized diversion program that has referred the offender
15 for public or community service. "Public or Community Service"
16 does not include blood donation or assignment to labor at a
17 blood bank. For the purposes of this Act, "blood bank" has the
18 meaning ascribed to the term in Section 2-124 of the Illinois
19 Clinical Laboratory and Blood Bank Act.

20 (b) "Site" means a not-for-profit organization, public
21 body, church, charitable organization, or individual agreeing
22 to accept community service from offenders and to report on the
23 progress of ordered or required public or community service to

1 the court or to the authorized diversion program that has
2 referred the offender for public or community service.

3 (c) The county boards of the several counties in this State
4 are authorized to establish and operate agencies to develop and
5 supervise programs of public or community service for those
6 persons placed by the court on probation, conditional
7 discharge, or supervision.

8 (d) The programs shall be developed in cooperation with the
9 circuit courts for the respective counties developing such
10 programs and shall conform with any law restricting the use of
11 public or community service.

12 (e) Neither the State, any local government, probation
13 department, public or community service program or site, nor
14 any official, volunteer, or employee thereof acting in the
15 course of their official duties shall be liable for any injury
16 or loss a person might receive while performing public or
17 community service as ordered either (1) by the court or (2) by
18 any duly authorized station or probation adjustment, teen
19 court, community mediation, or other administrative diversion
20 program authorized by the Juvenile Court Act of 1987 for a
21 violation of a penal statute of this State or a local
22 government ordinance (whether penal, civil, or quasi-criminal)
23 or for a traffic offense, nor shall they be liable for any
24 tortious acts of any person performing public or community
25 service, except for wilful, wanton misconduct or gross
26 negligence on the part of such governmental unit, probation

1 department, or public or community service program or site or
2 on the part of the official, volunteer, or employee.

3 (f) No person assigned to a public or community service
4 program shall be considered an employee for any purpose, nor
5 shall the county board be obligated to provide any compensation
6 to such person.

7 (Source: P.A. 98-824, eff. 1-1-15.)