



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB3754

by Rep. Arthur Turner

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-8-1.2

Amends the Unified Code of Corrections. Provides that in a county with more than 3,000,000 inhabitants, the Sheriff may establish a county impact incarceration program without the approval of the County Board of Commissioners. Provides that a person charged with a felony may be admitted into the program. Permits certain violent offenders to participate in the program. Excludes persons convicted of escape or aiding escape from eligibility for the program. Provides that the county impact incarceration program may (rather than shall) include, among other matters, vocational training, education, counseling, substance abuse counseling, life skills training, mandatory physical training and labor, military formation and drills, regimented activities, and uniformity of dress and appearance. Provides that the mandatory term of monitored release a person shall serve may be reduced by the accumulation of good time or pre-trial detention, up to 120 days. Provides that offenders who are charged with eligible offenses may be ordered to the custodial period of the county impact incarceration program. Provides that if the offender is convicted of the eligible offense, the court may sentence the offender to the remaining days required to complete a total participation period of 120 to 180 days and the mandatory term of monitored release.

LRB100 10934 RLC 21171 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 Section 5-8-1.2 as follows:

6 (730 ILCS 5/5-8-1.2)

7 Sec. 5-8-1.2. County impact incarceration.

8 (a) Legislative intent. It is the finding of the General  
9 Assembly that certain non-violent offenders eligible for  
10 sentences of incarceration may benefit from the rehabilitative  
11 aspects of a county impact incarceration program to improve the  
12 prospects of successful re-entry into society. It is the intent  
13 of the General Assembly that such programs be implemented as  
14 provided by this Section. ~~This Section shall not be construed~~  
15 ~~to allow violent offenders to participate in a county impact~~  
16 ~~incarceration program.~~

17 (b) ~~The~~ Under the direction of the Sheriff and with the  
18 ~~approval of the County Board of Commissioners,~~ the Sheriff, in  
19 any county with more than 3,000,000 inhabitants, may establish  
20 and operate a county impact incarceration program for eligible  
21 offenders. If the court finds under Section 5-4-1 that an  
22 offender convicted of or charged with a felony meets the  
23 eligibility requirements of the Sheriff's county impact

1 incarceration program, the court may sentence or order the  
2 offender to the county impact incarceration program. The  
3 Sheriff shall be responsible for monitoring all offenders who  
4 are sentenced to the county impact incarceration program,  
5 including the mandatory period of monitored release following  
6 the 120 to 180 days of impact incarceration. Offenders assigned  
7 to the county impact incarceration program under an  
8 intergovernmental agreement between the county and the  
9 Illinois Department of Corrections are exempt from the  
10 provisions of this mandatory period of monitored release. In  
11 the event the offender is not accepted for placement in the  
12 county impact incarceration program, the court shall proceed to  
13 sentence the offender to any other disposition authorized by  
14 this Code. If the offender does not successfully complete the  
15 program, the offender's failure to do so shall constitute a  
16 violation of the sentence to the county impact incarceration  
17 program.

18 (c) In order to be eligible to be sentenced to or ordered  
19 to a county impact incarceration program by the court, the  
20 person shall meet all of the following requirements:

21 (1) The ~~the~~ person must be not less than 17 years of  
22 age nor more than 35 years of age.†

23 (2) The person has not previously participated in the  
24 county impact incarceration program and has not previously  
25 served more than one prior sentence of imprisonment for a  
26 felony in an adult correctional facility.†

1           (3) The person has not been convicted of a Class X  
2 felony, first or second degree murder, armed violence,  
3 aggravated kidnapping, criminal sexual assault, aggravated  
4 criminal sexual abuse or a subsequent conviction for  
5 criminal sexual abuse, escape, aiding escape, forcible  
6 detention, or arson and has not been convicted previously  
7 of any of those offenses.

8           (4) The person ~~has been found in violation of probation~~  
9 ~~for an offense that is a Class 2, 3, or 4 felony that is not~~  
10 ~~a forcible felony as defined in Section 2-8 of the Criminal~~  
11 ~~Code of 2012 or a violent crime as defined in subsection~~  
12 ~~(e) of Section 3 of the Rights of Crime Victims and~~  
13 ~~Witnesses Act who otherwise could be sentenced to a term of~~  
14 ~~incarceration; or the person~~ is convicted of an offense  
15 that is a Class 2, 3, or 4 felony that is not a forcible  
16 felony as defined in Section 2-8 of the Criminal Code of  
17 2012 or a violent crime as defined in subsection (c) of  
18 Section 3 of the Rights of Crime Victims and Witnesses Act,  
19 except burglary or robbery, ~~who has previously served a~~  
20 ~~sentence of probation for any felony offense and~~ who  
21 otherwise could be sentenced to a term of incarceration.

22           (5) The person must be physically able to participate  
23 in strenuous physical activities or labor, as determined by  
24 the Sheriff.

25           (6) The person must not have any mental disorder or  
26 disability that would prevent participation in a county

1 impact incarceration program, as determined by the  
2 Sheriff.

3 (7) The person ~~was recommended and approved for~~  
4 ~~placement in the county impact incarceration program by the~~  
5 ~~Sheriff and~~ consented in writing to participation in the  
6 county impact incarceration program and to the terms and  
7 conditions of the program. ~~The Sheriff may consider, among~~  
8 ~~other matters, whether the person has any outstanding~~  
9 ~~detainers or warrants, whether the person has a history of~~  
10 ~~escaping or absconding, whether participation in the~~  
11 ~~county impact incarceration program may pose a risk to the~~  
12 ~~safety or security of any person and whether space is~~  
13 ~~available.~~

14 (c-5) (e) The county impact incarceration program ~~may shall~~  
15 include, among other matters, vocational training, education,  
16 counseling, substance abuse counseling, life skills training,  
17 mandatory physical training and labor, military formation and  
18 drills, regimented activities, and uniformity of dress and  
19 appearance, ~~education and counseling, including drug~~  
20 ~~counseling where appropriate.~~

21 (d) Privileges including visitation, commissary, receipt  
22 and retention of property and publications and access to  
23 television, radio, and a library may be suspended or  
24 restricted, notwithstanding provisions to the contrary in this  
25 Code.

26 (e) The Sheriff shall issue written rules and requirements

1 for the program. Persons shall be informed of rules of behavior  
2 and conduct. Persons participating in the county impact  
3 incarceration program shall adhere to all rules and all  
4 requirements of the program.

5 (f) Participation in the county impact incarceration  
6 program shall be for a period of 120 to 180 days followed by a  
7 mandatory term of monitored release for at least 8 months and  
8 no more than 12 months supervised by the Sheriff. The period of  
9 incarceration ~~time~~ a person shall serve in the impact  
10 incarceration program shall not be reduced by the accumulation  
11 of good time. The mandatory term of monitored release a person  
12 shall serve may be reduced by the accumulation of good time or  
13 pre-trial detention, up to 120 days. The court may also  
14 sentence the person to a period of probation to commence at the  
15 successful completion of the county impact incarceration  
16 program.

17 (f-5) Offenders who are charged with eligible offenses may  
18 be ordered to the custodial period of the county impact  
19 incarceration program. If the offender is convicted of the  
20 eligible offense, the court may sentence the offender to the  
21 remaining days required to complete a total participation  
22 period of 120 to 180 days and the mandatory term of monitored  
23 release.

24 (g) If the person successfully completes the county impact  
25 incarceration program, the Sheriff shall certify the person's  
26 successful completion of the program to the court and to the

1 county's State's Attorney. Upon successful completion of the  
2 county impact incarceration program and mandatory term of  
3 monitored release and if there is an additional period of  
4 probation given, the person shall at that time begin his or her  
5 probationary sentence under the supervision of the Adult  
6 Probation Department.

7 (h) A person may be removed from the county impact  
8 incarceration program for a violation of the terms or  
9 conditions of the program or in the event he or she is for any  
10 reason unable to participate. The failure to complete the  
11 program for any reason, including the 8 to 12 month monitored  
12 release period, shall be deemed a violation of the county  
13 impact incarceration sentence. The Sheriff shall give notice to  
14 the State's Attorney of the person's failure to complete the  
15 program. The Sheriff shall file a petition for violation of the  
16 county impact incarceration sentence with the court and the  
17 State's Attorney may proceed on the petition under Section  
18 5-6-4 of this Code. The Sheriff shall promulgate rules and  
19 regulations governing conduct which could result in removal  
20 from the program or in a determination that the person has not  
21 successfully completed the program.

22 The mandatory conditions of every county impact  
23 incarceration sentence shall include that the person either  
24 while in the program or during the period of monitored release:

- 25 (1) not violate any criminal statute of any  
26 jurisdiction;

1           (2) report or appear in person before any such person  
2           or agency as directed by the court or the Sheriff;

3           (3) refrain from possessing a firearm or other  
4           dangerous weapon;

5           (4) not leave the State without the consent of the  
6           court or, in circumstances in which the reason for the  
7           absence is of such an emergency nature that prior consent  
8           by the court is not possible, without the prior  
9           notification and approval of the Sheriff; and

10          (5) permit representatives of the Sheriff to visit at  
11          the person's home or elsewhere to the extent necessary for  
12          the Sheriff to monitor compliance with the program. Persons  
13          shall have access to such rules, which shall provide that a  
14          person shall receive notice of any such violation.

15          (i) The Sheriff may terminate the county impact  
16          incarceration program at any time.

17          (j) The Sheriff shall report to the county board on or  
18          before September 30th of each year on the county impact  
19          incarceration program, including the composition of the  
20          program by the offenders, by county of commitment, sentence,  
21          age, offense, and race.

22          (Source: P.A. 97-1150, eff. 1-25-13; revised 10-5-16.)