



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3815

by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

20 ILCS 415/4c from Ch. 127, par. 63b104c
20 ILCS 3930/16 new
730 ILCS 5/5-8-8
730 ILCS 5/5-8-9 new

Amends the Personnel Code. Provides for exemption from the Code of employees having demonstrable, defined advanced skills in statistical research and data analytics who are employed in research and analysis units of executive branch agencies or whose duties are primarily focused on developing information sharing capabilities across executive branch agencies and between State agencies and units of local government. Amends the Criminal Justice Information Act. Abolishes the Illinois Integrated Justice System Implementation Board. Amends the Unified Code of Corrections. Creates the Illinois State Criminal Justice Data, Research, and Implementation Advisory Committee to (1) examine existing State and local criminal justice data collection systems and assess agencies' capacities to effectively analyze data and evaluate criminal justice trends and programming based on national best practices; and (2) publish an annual report, detailing its findings and recommendations to the General Assembly and the Governor. Provides that the administrative support for the Committee shall be provided by the Illinois Sentencing Policy Advisory Council. Provides that each department, agency, board, or authority of the State or any unit of local government shall provide records or other information to the Committee as requested by the Committee to carry out its duties, provided that the Committee and provider of the information shall make appropriate arrangements to ensure that the Committee and provider of the information to the Committee does not violate any applicable laws.

LRB100 10964 RLC 21201 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning data.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Personnel Code is amended by changing
5 Section 4c as follows:

6 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

7 Sec. 4c. General exemptions. The following positions in
8 State service shall be exempt from jurisdictions A, B, and C,
9 unless the jurisdictions shall be extended as provided in this
10 Act:

11 (1) All officers elected by the people.

12 (2) All positions under the Lieutenant Governor,
13 Secretary of State, State Treasurer, State Comptroller,
14 State Board of Education, Clerk of the Supreme Court,
15 Attorney General, and State Board of Elections.

16 (3) Judges, and officers and employees of the courts,
17 and notaries public.

18 (4) All officers and employees of the Illinois General
19 Assembly, all employees of legislative commissions, all
20 officers and employees of the Illinois Legislative
21 Reference Bureau, the Legislative Research Unit, and the
22 Legislative Printing Unit.

23 (5) All positions in the Illinois National Guard and

1 Illinois State Guard, paid from federal funds or positions
2 in the State Military Service filled by enlistment and paid
3 from State funds.

4 (6) All employees of the Governor at the executive
5 mansion and on his immediate personal staff.

6 (7) Directors of Departments, the Adjutant General,
7 the Assistant Adjutant General, the Director of the
8 Illinois Emergency Management Agency, members of boards
9 and commissions, and all other positions appointed by the
10 Governor by and with the consent of the Senate.

11 (8) The presidents, other principal administrative
12 officers, and teaching, research and extension faculties
13 of Chicago State University, Eastern Illinois University,
14 Governors State University, Illinois State University,
15 Northeastern Illinois University, Northern Illinois
16 University, Western Illinois University, the Illinois
17 Community College Board, Southern Illinois University,
18 Illinois Board of Higher Education, University of
19 Illinois, State Universities Civil Service System,
20 University Retirement System of Illinois, and the
21 administrative officers and scientific and technical staff
22 of the Illinois State Museum.

23 (9) All other employees except the presidents, other
24 principal administrative officers, and teaching, research
25 and extension faculties of the universities under the
26 jurisdiction of the Board of Regents and the colleges and

1 universities under the jurisdiction of the Board of
2 Governors of State Colleges and Universities, Illinois
3 Community College Board, Southern Illinois University,
4 Illinois Board of Higher Education, Board of Governors of
5 State Colleges and Universities, the Board of Regents,
6 University of Illinois, State Universities Civil Service
7 System, University Retirement System of Illinois, so long
8 as these are subject to the provisions of the State
9 Universities Civil Service Act.

10 (10) The State Police so long as they are subject to
11 the merit provisions of the State Police Act.

12 (11) (Blank).

13 (12) The technical and engineering staffs of the
14 Department of Transportation, the Department of Nuclear
15 Safety, the Pollution Control Board, and the Illinois
16 Commerce Commission, and the technical and engineering
17 staff providing architectural and engineering services in
18 the Department of Central Management Services.

19 (13) All employees of the Illinois State Toll Highway
20 Authority.

21 (14) The Secretary of the Illinois Workers'
22 Compensation Commission.

23 (15) All persons who are appointed or employed by the
24 Director of Insurance under authority of Section 202 of the
25 Illinois Insurance Code to assist the Director of Insurance
26 in discharging his responsibilities relating to the

1 rehabilitation, liquidation, conservation, and dissolution
2 of companies that are subject to the jurisdiction of the
3 Illinois Insurance Code.

4 (16) All employees of the St. Louis Metropolitan Area
5 Airport Authority.

6 (17) All investment officers employed by the Illinois
7 State Board of Investment.

8 (18) Employees of the Illinois Young Adult
9 Conservation Corps program, administered by the Illinois
10 Department of Natural Resources, authorized grantee under
11 Title VIII of the Comprehensive Employment and Training Act
12 of 1973, 29 USC 993.

13 (19) Seasonal employees of the Department of
14 Agriculture for the operation of the Illinois State Fair
15 and the DuQuoin State Fair, no one person receiving more
16 than 29 days of such employment in any calendar year.

17 (20) All "temporary" employees hired under the
18 Department of Natural Resources' Illinois Conservation
19 Service, a youth employment program that hires young people
20 to work in State parks for a period of one year or less.

21 (21) All hearing officers of the Human Rights
22 Commission.

23 (22) All employees of the Illinois Mathematics and
24 Science Academy.

25 (23) All employees of the Kankakee River Valley Area
26 Airport Authority.

1 (24) The commissioners and employees of the Executive
2 Ethics Commission.

3 (25) The Executive Inspectors General, including
4 special Executive Inspectors General, and employees of
5 each Office of an Executive Inspector General.

6 (26) The commissioners and employees of the
7 Legislative Ethics Commission.

8 (27) The Legislative Inspector General, including
9 special Legislative Inspectors General, and employees of
10 the Office of the Legislative Inspector General.

11 (28) The Auditor General's Inspector General and
12 employees of the Office of the Auditor General's Inspector
13 General.

14 (29) All employees of the Illinois Power Agency.

15 (30) Employees having demonstrable, defined advanced
16 skills in accounting, financial reporting, or technical
17 expertise who are employed within executive branch
18 agencies and whose duties are directly related to the
19 submission to the Office of the Comptroller of financial
20 information for the publication of the Comprehensive
21 Annual Financial Report (CAFR).

22 (31) All employees of the Illinois Sentencing Policy
23 Advisory Council.

24 (32) Employees having demonstrable, defined advanced
25 skills in statistical research and data analytics who are
26 employed in research and analysis units of executive branch

1 agencies or whose duties are primarily focused on
2 developing information sharing capabilities across
3 executive branch agencies and between State agencies and
4 units of local government.

5 (Source: P.A. 97-618, eff. 10-26-11; 97-1055, eff. 8-23-12;
6 98-65, eff. 7-15-13.)

7 Section 10. The Illinois Criminal Justice Information Act
8 is amended by adding Section 16 as follows:

9 (20 ILCS 3930/16 new)

10 Sec. 16. Illinois Integrated Justice System Implementation
11 Board; abolition. The General Assembly finds that the Illinois
12 Integrated Justice System Implementation Board, created by
13 Executive Order 2003-16 and codified as Sections 1760.100
14 through 1760.600 in Title 2 of the Illinois Administrative
15 Code, has failed to fulfill its mandate and is no longer
16 active, specifically: no meetings of the Board have been held
17 since 2004, the Board last filed a report of its activities (as
18 required by Executive Order 2003-16) in 2004, and that no
19 appointments have been made to the Board for an indeterminate
20 period of time and the only currently named Board members
21 reported by the Legislative Research Unit are ex-officio
22 members. Therefore, the Illinois Integrated Justice System
23 Implementation Board is abolished, and Sections 1760.100
24 through 1760.600 in Title 2 of the Illinois Administrative Code

1 are repealed and without effect on and after the effective date
2 of this amendatory Act of the 100th General Assembly.

3 Section 15. The Unified Code of Corrections is amended by
4 changing Section 5-8-8 and by adding Section 5-8-9 as follows:

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

6 (Section scheduled to be repealed on December 31, 2020)

7 Sec. 5-8-8. Illinois Sentencing Policy Advisory Council.

8 (a) Creation. There is created under the jurisdiction of
9 the Governor the Illinois Sentencing Policy Advisory Council,
10 hereinafter referred to as the Council.

11 (b) Purposes and goals. The purpose of the Council is to
12 review sentencing policies and practices and examine how these
13 policies and practices impact the criminal justice system as a
14 whole in the State of Illinois. In carrying out its duties, the
15 Council shall be mindful of and aim to achieve the purposes of
16 sentencing in Illinois, which are set out in Section 1-1-2 of
17 this Code:

18 (1) prescribe sanctions proportionate to the
19 seriousness of the offenses and permit the recognition of
20 differences in rehabilitation possibilities among
21 individual offenders;

22 (2) forbid and prevent the commission of offenses;

23 (3) prevent arbitrary or oppressive treatment of
24 persons adjudicated offenders or delinquents; and

1 (4) restore offenders to useful citizenship.

2 (c) Council composition.

3 (1) The Council shall consist of the following members:

4 (A) the President of the Senate, or his or her
5 designee;

6 (B) the Minority Leader of the Senate, or his or
7 her designee;

8 (C) the Speaker of the House, or his or her
9 designee;

10 (D) the Minority Leader of the House, or his or her
11 designee;

12 (E) the Governor, or his or her designee;

13 (F) the Attorney General, or his or her designee;

14 (G) two retired judges, who may have been circuit,
15 appellate, or supreme court judges; retired judges
16 shall be selected by the members of the Council
17 designated in clauses (c) (1) (A) through (L);

18 (G-5) (blank);

19 (H) the Cook County State's Attorney, or his or her
20 designee;

21 (I) the Cook County Public Defender, or his or her
22 designee;

23 (J) a State's Attorney not from Cook County,
24 appointed by the State's Attorney's Appellate
25 Prosecutor;

26 (K) the State Appellate Defender, or his or her

1 designee;

2 (L) the Director of the Administrative Office of
3 the Illinois Courts, or his or her designee;

4 (M) a victim of a violent felony or a
5 representative of a crime victims' organization,
6 selected by the members of the Council designated in
7 clauses (c) (1) (A) through (L);

8 (N) a representative of a community-based
9 organization, selected by the members of the Council
10 designated in clauses (c) (1) (A) through (L);

11 (O) a criminal justice academic researcher, to be
12 selected by the members of the Council designated in
13 clauses (c) (1) (A) through (L);

14 (P) a representative of law enforcement from a unit
15 of local government to be selected by the members of
16 the Council designated in clauses (c) (1) (A) through
17 (L);

18 (Q) a sheriff selected by the members of the
19 Council designated in clauses (c) (1) (A) through (L);
20 and

21 (R) ex-officio members shall include:

22 (i) the Director of Corrections, or his or her
23 designee;

24 (ii) the Chair of the Prisoner Review Board, or
25 his or her designee;

26 (iii) the Director of the Illinois State

1 Police, or his or her designee; and

2 (iv) the Director of the Illinois Criminal
3 Justice Information Authority, or his or her
4 designee.

5 (1.5) The Chair and Vice Chair shall be elected from
6 among its members by a majority of the members of the
7 Council.

8 (2) Members of the Council who serve because of their
9 public office or position, or those who are designated as
10 members by such officials, shall serve only as long as they
11 hold such office or position.

12 (3) Council members shall serve without compensation
13 but shall be reimbursed for travel and per diem expenses
14 incurred in their work for the Council.

15 (4) The Council may exercise any power, perform any
16 function, take any action, or do anything in furtherance of
17 its purposes and goals upon the appointment of a quorum of
18 its members. The term of office of each member of the
19 Council ends on the date of repeal of this amendatory Act
20 of the 96th General Assembly.

21 (d) Duties. The Council shall perform, as resources permit,
22 duties including:

23 (1) Collect and analyze information including
24 sentencing data, crime trends, and existing correctional
25 resources to support legislative and executive action
26 affecting the use of correctional resources on the State

1 and local levels.

2 (1.5) To provide administrative support to the
3 Illinois State Criminal Justice Data, Research, and
4 Implementation Committee established in Section 5-8-9 of
5 this Code.

6 (2) Prepare criminal justice population projections
7 annually, including correctional and community-based
8 supervision populations.

9 (3) Analyze data relevant to proposed sentencing
10 legislation and its effect on current policies or
11 practices, and provide information to support
12 evidence-based sentencing.

13 (4) Ensure that adequate resources and facilities are
14 available for carrying out sentences imposed on offenders
15 and that rational priorities are established for the use of
16 those resources. To do so, the Council shall prepare
17 criminal justice resource statements, identifying the
18 fiscal and practical effects of proposed criminal
19 sentencing legislation, including, but not limited to, the
20 correctional population, court processes, and county or
21 local government resources.

22 (5) Perform such other studies or tasks pertaining to
23 sentencing policies as may be requested by the Governor or
24 the Illinois General Assembly.

25 (6) Perform such other functions as may be required by
26 law or as are necessary to carry out the purposes and goals

1 of the Council prescribed in subsection (b).

2 (7) Publish a report on the trends in sentencing for
3 offenders described in subsection (b-1) of Section 5-4-1 of
4 this Code, the impact of the trends on the prison and
5 probation populations, and any changes in the racial
6 composition of the prison and probation populations that
7 can be attributed to the changes made by adding subsection
8 (b-1) of Section 5-4-1 to this Code by Public Act 99-861
9 ~~this amendatory Act of the 99th General Assembly.~~

10 (e) Authority.

11 (1) The Council shall have the power to perform the
12 functions necessary to carry out its duties, purposes and
13 goals under this Act. In so doing, the Council shall
14 utilize information and analysis developed by the Illinois
15 Criminal Justice Information Authority, the Administrative
16 Office of the Illinois Courts, and the Illinois Department
17 of Corrections.

18 (2) Upon request from the Council, each executive
19 agency and department of State and local government shall
20 provide information and records to the Council in the
21 execution of its duties.

22 (f) Report. The Council shall report in writing annually to
23 the General Assembly, the Illinois Supreme Court, and the
24 Governor.

25 (g) This Section is repealed on December 31, 2020.

26 (Source: P.A. 98-65, eff. 7-15-13; 99-101, eff. 7-22-15;

1 99-533, eff. 7-8-16; 99-861, eff. 1-1-17; revised 9-6-16.)

2 (730 ILCS 5/5-8-9 new)

3 Sec. 5-8-9. Illinois State Criminal Justice Data,
4 Research, and Implementation Committee.

5 (a) The General Assembly acknowledges that State criminal
6 justice agencies need to collect and analyze data and to
7 evaluate programming so that these agencies can help policy
8 makers determine that efforts to control crime and reduce
9 victimization are effective. The General Assembly believes
10 that an advisory group should be created to ensure that State
11 criminal justice agencies have access to the data needed and
12 capacities required to analyze criminal justice trends and
13 evaluate programming.

14 (b) The Illinois State Criminal Justice Data, Research, and
15 Implementation Advisory Committee is hereby created. The
16 Committee shall:

17 (1) examine existing State and local criminal justice
18 data collection systems and assess agencies' capacities to
19 effectively analyze data and evaluate criminal justice
20 trends and programming based on national best practices;
21 and

22 (2) publish an annual report, detailing its findings
23 and recommendations to the General Assembly and the
24 Governor.

25 (c) The Committee shall consist of the following members:

1 (1) the Executive Director of the Sentencing Policy
2 Advisory Council, who shall serve as co-chairperson;

3 (2) the Associate Research Director of the Research &
4 Analysis Unit and the Illinois Statistical Analysis Center
5 at the Illinois Criminal Justice Information Authority,
6 who shall serve as co-chair person;

7 (3) the Director of State Police, or his or her
8 designee;

9 (4) the Director of Corrections, or his or her
10 designee;

11 (5) the Director of Juvenile Justice, or his or her
12 designee;

13 (6) the Director of the Prisoner Review Board, or his
14 or her designee;

15 (7) the Director of the Department of Innovation and
16 Technology, or his or her designee;

17 (8) the Director of the Administrative Office of the
18 Illinois Courts, or his or her designee;

19 (9) 2 researchers that have experience working with
20 administrative data appointed by the co-chairs of the
21 Committee;

22 (10) a member of the House of Representative appointed
23 by the Speaker of the House of Representatives and a member
24 of the Senate appointed by the President of the Senate, one
25 of whom shall serve as co-chairperson;

26 (11) a member of the Senate appointed by the Minority

1 Leader of the Senate; and

2 (12) a member of the House of Representatives appointed
3 by the Minority Leader of the House of Representatives;

4 (d) Administrative support for the Committee shall be
5 provided by the Illinois Sentencing Policy Advisory Council.

6 (e) Each department, agency, board, or authority of the
7 State or any unit of local government shall provide records or
8 other information to the Committee as requested by the
9 Committee to carry out its duties, provided that the Committee
10 and provider of the information shall make appropriate
11 arrangements to ensure that the Committee and provider of the
12 information to the Committee does not violate any applicable
13 laws.