



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3887

by Rep. Carol Ammons

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-8A-1.1 new	
730 ILCS 5/5-8A-2	from Ch. 38, par. 1005-8A-2
730 ILCS 5/5-8A-4.2 new	
730 ILCS 5/5-8A-5	from Ch. 38, par. 1005-8A-5

Amends the Unified Code of Corrections. Provides that the purpose of a person being placed in an electronic home detention program instead of being sentenced to a term of imprisonment is to facilitate rehabilitation and a person's continued participation in employment, education programs, family, community, and religious activities. Provides that only the court may place a person in an electronic home detention program. Provides that a person placed in an electronic home detention program shall: (1) be allowed 8 hours a day of movement outside the home, unless there is a reduction of movement due to a disciplinary infraction validated at a parole, probation, conditional discharge, or court hearing; (2) not receive lifetime imposition of electronic home detention; (3) receive an annual review of his or her electronic home detention status by the supervising authority; (4) if as a condition of a pre-trial release program receive full or partial credit for time served for the days spent on electronic home detention; and (5) not be charged a fee during pretrial release, mandatory supervised release, or as a sentence in lieu of incarceration. Provides that a person placed on electronic home detention may appeal to the circuit court if he or she is denied to leave the premises of his or her residence for specific reasons.

LRB100 10859 RLC 21094 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 5-8A-2 and 5-8A-5 and by adding Sections
6 5-8A-1.1 and 5-8A-4.2 as follows:

7 (730 ILCS 5/5-8A-1.1 new)

8 Sec. 5-8A-1.1. Purpose. The purpose of a person being
9 placed in an electronic home detention program instead of being
10 sentenced to a term of imprisonment is to facilitate
11 rehabilitation and a person's continued participation in
12 employment, education programs, family, community, and
13 religious activities.

14 (730 ILCS 5/5-8A-2) (from Ch. 38, par. 1005-8A-2)

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

16 (A) "Approved electronic monitoring device" means a device
17 approved by the supervising authority which is primarily
18 intended to record or transmit information as to the
19 defendant's presence or nonpresence in the home, consumption of
20 alcohol, consumption of drugs, location as determined through
21 GPS, cellular triangulation, Wi-Fi, or other electronic means.

22 An approved electronic monitoring device may record or

1 transmit: oral or wire communications or an auditory sound;
2 visual images; or information regarding the offender's
3 activities while inside the offender's home. These devices are
4 subject to the required consent as set forth in Section 5-8A-5
5 of this Article.

6 An approved electronic monitoring device may be used to
7 record a conversation between the participant and the
8 monitoring device, or the participant and the person
9 supervising the participant solely for the purpose of
10 identification and not for the purpose of eavesdropping or
11 conducting any other illegally intrusive monitoring.

12 (A-10) "Department" means the Department of Corrections or
13 the Department of Juvenile Justice.

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

18 (B) "Excluded offenses" means first degree murder, escape,
19 predatory criminal sexual assault of a child, aggravated
20 criminal sexual assault, criminal sexual assault, aggravated
21 battery with a firearm as described in Section 12-4.2 or
22 subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of Section
23 12-3.05, bringing or possessing a firearm, ammunition or
24 explosive in a penal institution, any "Super-X" drug offense or
25 calculated criminal drug conspiracy or streetgang criminal
26 drug conspiracy, or any predecessor or successor offenses with

1 the same or substantially the same elements, or any inchoate
2 offenses relating to the foregoing offenses.

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

6 (C) "Home detention" means the confinement of a person
7 convicted or charged with an offense to his or her place of
8 residence under the terms and conditions established by the
9 supervising authority.

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

12 (E) "Supervising authority" means the Department of
13 Corrections, the Department of Juvenile Justice, probation
14 department, sheriff, superintendent of municipal house of
15 corrections or any other officer or agency charged with
16 ~~authorizing and~~ supervising electronic monitoring and home
17 detention.

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

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

25 (Source: P.A. 99-797, eff. 8-12-16.)

1 (730 ILCS 5/5-8A-4.2 new)

2 Sec. 5-8A-4.2. Limits on electronic monitoring.

3 (a) A person placed in an electronic home detention program
4 shall:

5 (1) be allowed 8 hours per day of movement outside the
6 home, unless there is a reduction of movement due to a
7 disciplinary infraction validated at a parole, mandatory
8 supervised release, probation, or court hearing;

9 (2) not receive lifetime imposition of electronic home
10 detention;

11 (3) receive an annual review of his or her electronic
12 home detention status by the supervising authority;

13 (4) if as a condition of a pre-trial release program
14 receive full or partial credit for time served for the days
15 spent on electronic home detention; and

16 (5) not be charged a fee during pretrial release,
17 mandatory supervised release, or as a sentence in lieu of
18 incarceration.

19 (b) A person placed on electronic home detention may appeal
20 to the circuit court if he or she is denied the ability to
21 leave the premises of his or her residence for one of the
22 following reasons:

23 (1) to seek and maintain employment (including working
24 overtime, irregular shifts and in mobile workplaces);

25 (2) to participate in educational or training
26 programs;

1 (3) to participate in family, religious, and community
2 activities;

3 (4) to seek and receive medical or substance abuse
4 treatment;

5 (5) to carry out necessary life activities, including
6 shopping, paying bills, banking, and laundry.

7 (c) The court may not impose as a condition of electronic
8 home detention that the person have a landline telephone.

9 (d) A person placed in an electronic home detention program
10 shall have the right, in the absence of extraordinary
11 circumstances as determined by the court to:

12 (1) seek and maintain employment (including working
13 overtime, irregular shifts and in mobile workplaces);

14 (2) participate in educational or training programs;

15 (3) participate in family, religious, and community
16 activities;

17 (4) seek and receive medical or substance abuse
18 treatment; and

19 (5) carry out necessary survival activities, including
20 shopping, paying bills, banking, and laundry.

21 (730 ILCS 5/5-8A-5) (from Ch. 38, par. 1005-8A-5)

22 Sec. 5-8A-5. Consent of the participant. Before entering an
23 order for commitment for electronic monitoring, the court
24 ~~supervising authority~~ shall inform the participant and other
25 persons residing in the home of the nature and extent of the

1 approved electronic monitoring devices by doing the following:

2 (A) Securing the written consent of the participant in
3 the program to comply with the rules and regulations of the
4 program as stipulated in subsections (A) through (I) of
5 Section 5-8A-4.

6 (B) Where possible, securing the written consent of
7 other persons residing in the home of the participant,
8 including the person in whose name the telephone is
9 registered, at the time of the order or commitment for
10 electronic home detention is entered and acknowledge the
11 nature and extent of approved electronic monitoring
12 devices.

13 (C) Insure that the approved electronic devices be
14 minimally intrusive upon the privacy of the participant and
15 other persons residing in the home while remaining in
16 compliance with subsections (B) through (D) of Section
17 5-8A-4.

18 (D) (Blank). ~~This Section does not apply to persons subject~~
19 ~~to Electronic Monitoring or home detention as a term or~~
20 ~~condition of parole, aftercare release, or mandatory~~
21 ~~supervised release under subsection (d) of Section 5-8-1 of~~
22 ~~this Code.~~

23 (Source: P.A. 98-558, eff. 1-1-14; 99-797, eff. 8-12-16;
24 revised 10-27-16.)