

# HB4364



## 100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

**HB4364**

by Rep. C.D. Davidsmeyer

### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-8-1.1

from Ch. 38, par. 1005-8-1.1

Amends the Unified Code of Corrections. Removes the requirement that a person be recommended and approved for placement in the impact incarceration program in the court's sentencing order.

LRB100 16732 RLC 31871 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 5-8-1.1 as follows:

6 (730 ILCS 5/5-8-1.1) (from Ch. 38, par. 1005-8-1.1)

7 Sec. 5-8-1.1. Impact incarceration.

8 (a) The Department may establish and operate an impact  
9 incarceration program for eligible offenders. If the court  
10 finds under Section 5-4-1 that an offender sentenced to a term  
11 of imprisonment for a felony may meet the eligibility  
12 requirements of the Department, the court may in its sentencing  
13 order approve the offender for placement in the impact  
14 incarceration program conditioned upon his acceptance in the  
15 program by the Department. Notwithstanding the sentencing  
16 provisions of this Code, the sentencing order also shall  
17 provide that if the Department accepts the offender in the  
18 program and determines that the offender has successfully  
19 completed the impact incarceration program, the sentence shall  
20 be reduced to time considered served upon certification to the  
21 court by the Department that the offender has successfully  
22 completed the program. In the event the offender is not  
23 accepted for placement in the impact incarceration program or

1 the offender does not successfully complete the program, his  
2 term of imprisonment shall be as set forth by the court in its  
3 sentencing order.

4 (b) In order to be eligible to participate in the impact  
5 incarceration program, the committed person shall meet all of  
6 the following requirements:

7 (1) The person must be not less than 17 years of age  
8 nor more than 35 years of age.

9 (2) The person has not previously participated in the  
10 impact incarceration program and has not previously served  
11 more than one prior sentence of imprisonment for a felony  
12 in an adult correctional facility.

13 (3) The person has not been convicted of a Class X  
14 felony, first or second degree murder, armed violence,  
15 aggravated kidnapping, criminal sexual assault, aggravated  
16 criminal sexual abuse or a subsequent conviction for  
17 criminal sexual abuse, forcible detention, residential  
18 arson, place of worship arson, or arson and has not been  
19 convicted previously of any of those offenses.

20 (4) The person has been sentenced to a term of  
21 imprisonment of 8 years or less.

22 (5) The person must be physically able to participate  
23 in strenuous physical activities or labor.

24 (6) The person must not have any mental disorder or  
25 disability that would prevent participation in the impact  
26 incarceration program.

1           (7) The person has consented in writing to  
2 participation in the impact incarceration program and to  
3 the terms and conditions thereof.

4           (8) (Blank). ~~The person was recommended and approved~~  
5 ~~for placement in the impact incarceration program in the~~  
6 ~~court's sentencing order.~~

7           The Department may also consider, among other matters,  
8 whether the committed person has any outstanding detainers or  
9 warrants, whether the committed person has a history of  
10 escaping or absconding, whether participation in the impact  
11 incarceration program may pose a risk to the safety or security  
12 of any person and whether space is available.

13           (c) The impact incarceration program shall include, among  
14 other matters, mandatory physical training and labor, military  
15 formation and drills, regimented activities, uniformity of  
16 dress and appearance, education and counseling, including drug  
17 counseling where appropriate.

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

22           (e) Committed persons participating in the impact  
23 incarceration program shall adhere to all Department rules and  
24 all requirements of the program. Committed persons shall be  
25 informed of rules of behavior and conduct. Disciplinary  
26 procedures required by this Code or by Department rule are not

1 applicable except in those instances in which the Department  
2 seeks to revoke good time.

3 (f) Participation in the impact incarceration program  
4 shall be for a period of 120 to 180 days. The period of time a  
5 committed person shall serve in the impact incarceration  
6 program shall not be reduced by the accumulation of good time.

7 (g) The committed person shall serve a term of mandatory  
8 supervised release as set forth in subsection (d) of Section  
9 5-8-1.

10 (h) A committed person may be removed from the program for  
11 a violation of the terms or conditions of the program or in the  
12 event he is for any reason unable to participate. The  
13 Department shall promulgate rules and regulations governing  
14 conduct which could result in removal from the program or in a  
15 determination that the committed person has not successfully  
16 completed the program. Committed persons shall have access to  
17 such rules, which shall provide that a committed person shall  
18 receive notice and have the opportunity to appear before and  
19 address one or more hearing officers. A committed person may be  
20 transferred to any of the Department's facilities prior to the  
21 hearing.

22 (i) The Department may terminate the impact incarceration  
23 program at any time.

24 (j) The Department shall report to the Governor and the  
25 General Assembly on or before September 30th of each year on  
26 the impact incarceration program, including the composition of

1 the program by the offenders, by county of commitment,  
2 sentence, age, offense and race.

3 (k) The Department of Corrections shall consider the  
4 affirmative action plan approved by the Department of Human  
5 Rights in hiring staff at the impact incarceration facilities.

6 (Source: P.A. 97-800, eff. 7-13-12.)