



Sen. Patricia Van Pelt

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1 AMENDMENT TO SENATE BILL 238

2 AMENDMENT NO. _____. Amend Senate Bill 238 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the SAFE
5 Act.

6 Section 5. Legislative findings.

7 (a) The General Assembly finds that some communities of
8 this State are ravaged by violence and that a substantial and
9 disproportionate amount of serious crimes are committed by
10 persons who unlawfully possess firearms. In many of these
11 communities, there is high unemployment and poverty fueled by
12 incarceration and other barriers to employment after release.
13 Aggressive and tailored approaches to address these outcomes
14 are required.

15 (b) The General Assembly finds that violence should be
16 viewed as a public health crisis that requires identifying and

1 building on community assets leading to investment in job
2 creation, housing, employment training, child care, healthcare
3 and other services.

4 (c) To carry out this intent, the General Assembly declares
5 the following purposes of this Act:

6 (1) to protect communities from gun violence through
7 targeted intervention programs, including economic growth
8 and improving family violence prevention, community trauma
9 treatment rates, gun injury victim services, and public
10 health prevention activities;

11 (2) to substantially reduce both the total amount of
12 gun violence and concentrated poverty in this State;

13 (3) to intervene with persons who violate gun
14 possession laws in a risk-responsive manner that decreases
15 the likelihood of any future violent incidents and equips
16 those who have previously violated gun laws to live
17 responsibly and safely; and

18 (4) to promote employment infrastructure in community
19 areas with the highest concentrations of gun violence and
20 unemployment due to incarceration and resulting criminal
21 records.

22 (d) The ability of children, teenagers, and young adults to
23 participate freely in education, employment, and civic life
24 without any exposure to illegal weapons or gun violence,
25 facilitating their safe and economically stable future
26 prospects, shall be the central purpose of any initiatives

1 included in this Act.

2 Section 10. Definitions. In this Act:

3 "SAFE Zone" means a Safe and Full Employment Zone as
4 designated under Section 7.3 of the Illinois Criminal Justice
5 Information Authority Act.

6 Section 15. Population-based distribution. On and after
7 January 1, 2019, funding formulas based on population shall
8 include prisoners as residents based on the place where they
9 resided before incarceration or the place they intend to
10 return. SAFE Zones shall be prioritized for all State
11 reimbursement and formula distributions.

12 Section 105. The Illinois Criminal Justice Information Act
13 is amended by adding Sections 7.3, 7.3-2, and 7.3-5 as follows:

14 (20 ILCS 3930/7.3 new)

15 Sec. 7.3. Safe and full employment zones. Within 60 days
16 after the effective date of this amendatory Act of the 100th
17 General Assembly, the Authority shall identify those
18 geographic areas eligible to be designated by the Safe and Full
19 Employment Coordinating Board as a Safe and Full Employment
20 Zone ("SAFE Zone"), as outlined in subsection (c) of Section
21 7.3-2 of this Act.

22 (a) Qualifications for a SAFE Zone are as follows:

1 (1) An area of extremely high gun violence and economic
2 destabilization shall be qualified to become a SAFE Zone
3 where, based on analysis of concentrated geographic areas,
4 by census tract if possible, that area:

5 (A) contains high gunshot hospitalization and
6 mortality per capita; and

7 (B) contains a high rate of returning citizens
8 following incarceration at the Department of
9 Corrections.

10 The Authority shall send to the Legislative Audit Commission
11 and make publicly available its analysis and development of the
12 SAFE Zones and shall reevaluate and re-designate SAFE Zones
13 every 4 years.

14 (b) Prioritization of spending in SAFE Zones shall be as
15 follows:

16 (1) In the first full fiscal year after the effective
17 date of this amendatory Act of the 100th General Assembly,
18 the Department of Human Services, Department of Public
19 Health, Department of Juvenile Justice, Illinois Criminal
20 Justice Information Authority, Department of Commerce and
21 Economic Opportunity, Department of Healthcare and Family
22 Services, and other relevant State agencies as designated
23 by the Governor and the Safe and Full Employment
24 Coordinating Board as defined in Section 7.3-2 of this Act
25 shall give first priority, within the agency granting
26 authority, to programs providing services that are

1 effective in violence reduction and trauma recovery for
2 SAFE Zones. Federal, State, and local spending on job
3 creation, housing, employment training, child care,
4 healthcare and services to combat community disinvestment
5 that breeds violence shall be prioritized in SAFE Zones.
6 The Governor shall include and outline SAFE Zone spending
7 in his or her annual State budget submitted under Section
8 50-5 of the State Budget Law.

9 (2) The prioritization shall result in a shift to SAFE
10 Zones of no less than 5% nor more than 20% of current
11 programmatic funding in each of the first full 5 fiscal
12 years after the effective date of this amendatory Act of
13 the 100th General Assembly.

14 (c) The Authority may adopt rules to implement the SAFE
15 Zone provisions under this Act.

16 (20 ILCS 3930/7.3-2 new)

17 Sec. 7.3-2. Safe and Full Employment Coordinating Board.

18 (a) In this Section, "public health approach" means
19 addressing violence and violence prevention by treating the
20 individual and community symptoms and causes of violence
21 through rigorously researched methods. Treatment shall include
22 multi-tiered and interdisciplinary approaches involving
23 stakeholders from diverse sectors, including the people
24 impacted by violence, public agencies, and community-based
25 organizations.

1 (a-5) There is created a Safe and Full Employment
2 Coordinating Board. The Board shall be composed of the
3 following members:

4 (1) the Governor, or his or her designee, who shall
5 serve as chair;

6 (2) the Director of Corrections, or his or her
7 designee;

8 (3) the Director of Revenue, or his or her designee;

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

11 (5) the Director of Healthcare and Family Services, or
12 his or her designee;

13 (6) the Secretary of Human Services, or his or her
14 designee;

15 (7) the Director of Public Health, or his or her
16 designee;

17 (8) the Director of Commerce and Economic Opportunity,
18 or his or her designee;

19 (9) the Director of Employment Security, or his or her
20 designee;

21 (10) the Director of State Police, or his or her
22 designee;

23 (11) the Director of the Governor's Office of
24 Management and Budget, or his or her designee;

25 (12) the Director of the Illinois Criminal Justice
26 Information Authority, or his or her designee;

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

2 (14) a member of the Senate, designated by the
3 President of the Senate;

4 (15) a member of the House of Representatives,
5 designated by the Speaker of the House of Representatives;

6 (16) a member of the Senate, designated by the Minority
7 Leader of the Senate; and

8 (17) a member of the House of Representatives,
9 designated by the Minority Leader of the House of
10 Representatives.

11 (b) Within 30 days after SAFE Zones have been designated,
12 the following shall be added as members of the Board:

13 (1) the highest elected public officials of all
14 counties and municipal geographic jurisdictions in the
15 State which include a SAFE Zone;

16 (2) 6 providers from 6 geographically distinct areas of
17 the State, who receive funds to deliver services to treat
18 violence including, but not limited to, services such as
19 job placement and training, educational services, and
20 workforce development programming, appointed by the
21 Secretary of Human Services, in coordination with the
22 Illinois Criminal Justice Information Authority; and

23 (3) 2 persons who, within 24 months prior to being
24 designated, have received services from the providers
25 designated in paragraph (2) of this subsection (b), as
26 designated by those service providers.

1 (c) The Board shall meet quarterly and be staffed by the
2 Governor's Office of Management and Budget. Within 4 months
3 after the effective date of this amendatory Act of the 100th
4 General Assembly, the Board shall develop and implement a plan
5 for designating SAFE Zones under Section 7.3 of this Act and
6 the selection process for Local Economic Growth Councils under
7 Section 7.3-5 of this Act. Within 4 months from the date the
8 last Council plan is submitted and approved, the Board shall
9 issue a statewide plan to implement the re-prioritization of
10 funding under subsection (b) of Section 7.3 of this Act. The
11 plan shall follow a public health approach.

12 (d) The Board shall deliver an annual report to the General
13 Assembly and to the Governor and be posted on Governor's Office
14 and General Assembly's websites and provide to the public an
15 annual report on its progress. The report to the General
16 Assembly shall be filed with the Clerk of the House of
17 Representatives and the Secretary of the Senate in electronic
18 form only, in the manner that the Clerk and the Secretary shall
19 direct.

20 (e) The Board shall monitor and collect data on
21 intermediate and long-term positive outcome measures for its
22 statewide plan and include that information in the annual
23 report to the General Assembly, Governor, and the public
24 beginning on December 31, 2019.

25 (f) There shall be a formal evaluation of the SAFE Zone Act
26 implementation and outcomes every 4 years conducted by a public

1 university selected by the Safe and Full Employment
2 Coordinating Board. The evaluation shall reflect the outcomes
3 incorporated and measured in each Council plan and also
4 statewide positive outcomes to be measured for at least 4
5 years. The report shall be sent to the Governor and the General
6 Assembly and be posted on each website.

7 (g) The Board is subject to the Freedom of Information Act
8 and the Open Meetings Act.

9 (20 ILCS 3930/7.3-5 new)

10 Sec. 7.3-5. SAFE Zone Local Economic Growth Councils.

11 (a) The design of programs and budget requirements in SAFE
12 Zones shall be developed by Local Economic Growth Councils.
13 Each Local Economic Growth Council shall be supported by
14 technical assistance provided by the State agencies mandated to
15 provide services under Sections 7.3 and 7.3-2 of this Act and
16 by the Governor's Office of Management and Budget.

17 (b) The process for the selection of members of the Local
18 Economic Growth Councils shall be designed by the SAFE
19 Coordinating Board, to permit maximum community participation
20 and to result in Councils comprised of residents of the
21 community who reflect the assets and strengths of the SAFE
22 Zone.

23 (c) Each Local Economic Growth Council shall be established
24 within 4 months of the effective date of this amendatory Act of
25 the 100th General Assembly and be composed of a minimum of 20

1 members and no more than 25 members as representatives who live
2 within the SAFE Zone.

3 (d) Within 6 months after being established, each Local
4 Economic Growth Council shall establish a 2-year plan and
5 budget to address violence, reduce inappropriate
6 incarceration, and expand economic opportunity within the SAFE
7 Zone. The plan shall follow a public health approach and shall
8 include positive outcome measures for persons benefiting from
9 SAFE Zone investments, community asset outcomes, and include
10 ways to track those outcomes over at least 4 years. That plan
11 shall be reviewed and approved, or amended after agreement
12 between the Local Economic Growth Council and the Safe and Full
13 Employment Coordinating Board.

14 (e) Each Local Economic Growth Council is subject to the
15 Freedom of Information Act and the Open Meetings Act.

16 Section 110. The State Revenue Sharing Act is amended by
17 changing Section 2 as follows:

18 (30 ILCS 115/2) (from Ch. 85, par. 612)

19 Sec. 2. Allocation and Disbursement.

20 (a) As soon as may be after the first day of each month,
21 the Department of Revenue shall allocate among the several
22 municipalities and counties of this State the amount available
23 in the Local Government Distributive Fund and in the Income Tax
24 Surcharge Local Government Distributive Fund, determined as

1 provided in Sections 1 and 1a above. Except as provided in
2 Sections 13 and 13.1 of this Act, the Department shall then
3 certify such allocations to the State Comptroller, who shall
4 pay over to the several municipalities and counties the
5 respective amounts allocated to them. The amount of such Funds
6 allocable to each such municipality and county shall be in
7 proportion to the number of individual residents of such
8 municipality or county to the total population of the State,
9 determined in each case on the basis of the latest census of
10 the State, municipality or county conducted by the Federal
11 government and certified by the Secretary of State and for
12 annexations to municipalities, the latest Federal, State or
13 municipal census of the annexed area which has been certified
14 by the Department of Revenue. Allocations to the City of
15 Chicago under this Section are subject to Section 6 of the
16 Hotel Operators' Occupation Tax Act. For the purpose of this
17 Section, the number of individual residents of a county shall
18 be reduced by the number of individuals residing therein in
19 municipalities, but the number of individual residents of the
20 State, county and municipality shall reflect the latest census
21 of any of them. For the purpose of this Section, the number of
22 individual residents of a municipality or county shall include
23 the number of persons incarcerated in a penal institution who
24 resided in the municipality or county before incarceration, or,
25 if known, the municipality or county the prisoner intends to
26 return after release from the penal institution. The amounts

1 transferred into the Local Government Distributive Fund
2 pursuant to Section 9 of the Use Tax Act, Section 9 of the
3 Service Use Tax Act, Section 9 of the Service Occupation Tax
4 Act, and Section 3 of the Retailers' Occupation Tax Act, each
5 as now or hereafter amended, pursuant to the amendments of such
6 Sections by Public Act 85-1135, shall be distributed as
7 provided in said Sections.

8 (b) It is the intent of the General Assembly that
9 allocations made under this Section shall be made in a fair and
10 equitable manner. Accordingly, the clerk of any municipality to
11 which territory has been annexed, or from which territory has
12 been disconnected, shall notify the Department of Revenue in
13 writing of that annexation or disconnection and shall (1) state
14 the number of residents within the territory that was annexed
15 or disconnected, based on the last census conducted by the
16 federal, State, or municipal government and certified by the
17 Illinois Secretary of State, and (2) furnish therewith a
18 certified copy of the plat of annexation or, in the case of
19 disconnection, the ordinance, final judgment, or resolution of
20 disconnection together with an accurate depiction of the
21 territory disconnected. The county in which the annexed or
22 disconnected territory is located shall verify that the number
23 of residents stated on the written notice that is to be sent to
24 the Department of Revenue is true and accurate. The verified
25 statement of the county shall accompany the written notice.
26 However, if the county does not respond to the municipality's

1 request for verification within 30 days, this verification
2 requirement shall be waived. The written notice shall be
3 provided to the Department of Revenue (1) within 30 days after
4 the effective date of this amendatory Act of the 96th General
5 Assembly for disconnections occurring after January 1, 2007 and
6 before the effective date of this amendatory Act of the 96th
7 General Assembly or (2) within 30 days after the annexation or
8 disconnection for annexations or disconnections occurring on
9 or after the effective date of this amendatory Act of the 96th
10 General Assembly. For purposes of this Section, a disconnection
11 or annexation through court order is deemed to be effective 30
12 days after the entry of a final judgment order, unless stayed
13 pending appeal. Thereafter, the monthly allocation made to the
14 municipality and to any other municipality or county affected
15 by the annexation or disconnection shall be adjusted in
16 accordance with this Section to reflect the change in residency
17 of the residents of the territory that was annexed or
18 disconnected. The adjustment shall be made no later than 30
19 days after the Department of Revenue's receipt of the written
20 notice of annexation or disconnection described in this
21 Section.

22 (c) In this Section, "penal institution" has the same
23 meaning ascribed to it in Section 2-14 of the Criminal Code of
24 2012.

25 (Source: P.A. 96-1040, eff. 7-14-10.)

1 Section 115. The Unified Code of Corrections is amended by
2 changing Section 5-6-3.6 as follows:

3 (730 ILCS 5/5-6-3.6)

4 (Section scheduled to be repealed on January 1, 2023)

5 Sec. 5-6-3.6. First Time Weapon Offender Program.

6 (a) The General Assembly has sought to promote public
7 safety, reduce recidivism, and conserve valuable resources of
8 the criminal justice system through the creation of diversion
9 programs for non-violent offenders. This amendatory Act of the
10 100th General Assembly establishes a pilot program for
11 first-time, non-violent offenders charged with certain weapons
12 offenses. The General Assembly recognizes some persons,
13 particularly young adults in areas of high crime or poverty,
14 may have experienced trauma that contributes to poor decision
15 making skills, and the creation of a diversionary program poses
16 a greater benefit to the community and the person than
17 incarceration. Under this program, a court, with the consent of
18 the defendant and the State's Attorney, may sentence a
19 defendant charged with an unlawful use of weapons offense under
20 Section 24-1 of the Criminal Code of 2012 or aggravated
21 unlawful use of a weapon offense under Section 24-1.6 of the
22 Criminal Code of 2012, if punishable as a Class 4 felony or
23 lower, to a First Time Weapon Offender Program.

24 (b) A defendant is not eligible for this Program if:

25 (1) the offense was committed during the commission of

1 a violent offense as defined in subsection (h) of this
2 Section;

3 (2) he or she has previously been convicted or placed
4 on probation or conditional discharge for any violent
5 offense under the laws of this State, the laws of any other
6 state, or the laws of the United States;

7 (3) he or she had a prior successful completion of the
8 First Time Weapon Offender Program under this Section;

9 (4) he or she has previously been adjudicated a
10 delinquent minor for the commission of a violent offense;

11 (5) he or she is 21 years of age or older; or

12 (6) he or she has an existing order of protection
13 issued against him or her.

14 (b-5) In considering whether a defendant shall be sentenced
15 to the First Time Weapon Offender Program, the court shall
16 consider the following:

17 (1) the age, immaturity, or limited mental capacity of
18 the defendant;

19 (2) the nature and circumstances of the offense;

20 (3) whether participation in the Program is in the
21 interest of the defendant's rehabilitation, including any
22 employment or involvement in community, educational,
23 training, or vocational programs;

24 (4) whether the defendant suffers from trauma, as
25 supported by documentation or evaluation by a licensed
26 professional; and

1 (5) the potential risk to public safety.

2 (c) For an offense committed on or after the effective date
3 of this amendatory Act of the 100th General Assembly and before
4 January 1, 2023, whenever an eligible person pleads guilty to
5 an unlawful use of weapons offense under Section 24-1 of the
6 Criminal Code of 2012 or aggravated unlawful use of a weapon
7 offense under Section 24-1.6 of the Criminal Code of 2012,
8 which is punishable as a Class 4 felony or lower, the court,
9 with the consent of the defendant and the State's Attorney,
10 may, without entering a judgment, sentence the defendant to
11 complete the First Time Weapon Offender Program. When a
12 defendant is placed in the Program, the court shall defer
13 further proceedings in the case until the conclusion of the
14 period or until the filing of a petition alleging violation of
15 a term or condition of the Program. Upon violation of a term or
16 condition of the Program, the court may enter a judgment on its
17 original finding of guilt and proceed as otherwise provided by
18 law. Upon fulfillment of the terms and conditions of the
19 Program, the court shall discharge the person and dismiss the
20 proceedings against the person.

21 (d) The Program shall be at least 18 months and not to
22 exceed 24 months, as determined by the court at the
23 recommendation of the program administrator and the State's
24 Attorney.

25 (e) The conditions of the Program shall be that the
26 defendant:

1 (1) not violate any criminal statute of this State or
2 any other jurisdiction;

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

5 (3) obtain or attempt to obtain employment;

6 (4) attend educational courses designed to prepare the
7 defendant for obtaining a high school diploma or to work
8 toward passing high school equivalency testing or to work
9 toward completing a vocational training program;

10 (5) refrain from having in his or her body the presence
11 of any illicit drug prohibited by the Methamphetamine
12 Control and Community Protection Act, the Cannabis Control
13 Act, or the Illinois Controlled Substances Act, unless
14 prescribed by a physician, and submit samples of his or her
15 blood or urine or both for tests to determine the presence
16 of any illicit drug;

17 (6) perform a minimum of 50 hours of community service;

18 (7) attend and participate in any Program activities
19 deemed required by the Program administrator, including
20 but not limited to: counseling sessions, in-person and over
21 the phone check-ins, and educational classes; and

22 (8) pay all fines, assessments, fees, and costs.

23 (f) The Program may, in addition to other conditions,
24 require that the defendant:

25 (1) (blank) ~~wear an ankle bracelet with GPS tracking;~~

26 (2) undergo medical or psychiatric treatment, or

1 treatment or rehabilitation approved by the Department of
2 Human Services; and

3 (3) attend or reside in a facility established for the
4 instruction or residence of defendants on probation.

5 (g) There may be only one discharge and dismissal under
6 this Section. If a person is convicted of any offense which
7 occurred within 5 years subsequent to a discharge and dismissal
8 under this Section, the discharge and dismissal under this
9 Section shall be admissible in the sentencing proceeding for
10 that conviction as evidence in aggravation.

11 (g-5) The Program shall be implemented by the Safe and Full
12 Employment Coordinating Board established under Section 7.3-2
13 of the Illinois Criminal Justice Information Act.

14 (h) For purposes of this Section, "violent offense" means
15 any offense in which bodily harm was inflicted or force was
16 used against any person or threatened against any person; any
17 offense involving the possession of a firearm or dangerous
18 weapon; any offense involving sexual conduct, sexual
19 penetration, or sexual exploitation; violation of an order of
20 protection, stalking, hate crime, domestic battery, or any
21 offense of domestic violence.

22 (i) This Section is repealed on January 1, 2023.

23 (Source: P.A. 100-3, eff. 1-1-18.)

24 Section 999. Effective date. This Act takes effect upon
25 becoming law."