



Rep. Carol Ammons

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10100HB1115ham002

LRB101 03655 SLF 59436 a

1 AMENDMENT TO HOUSE BILL 1115

2 AMENDMENT NO. _____. Amend House Bill 1115, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Unified Code of Corrections is amended by
6 changing Section 5-8A-3 as follows:

7 (730 ILCS 5/5-8A-3) (from Ch. 38, par. 1005-8A-3)

8 Sec. 5-8A-3. Application.

9 (a) Except as provided in subsection (d), a person charged
10 with or convicted of an excluded offense may not be placed in
11 an electronic monitoring or home detention program, except for
12 bond pending trial or appeal or while on parole, aftercare
13 release, or mandatory supervised release.

14 (b) A person serving a sentence for a conviction of a Class
15 1 felony, other than an excluded offense, may be placed in an
16 electronic monitoring or home detention program for a period

1 not to exceed the last 90 days of incarceration.

2 (c) A person serving a sentence for a conviction of a Class
3 X felony, other than an excluded offense, may be placed in an
4 electronic monitoring or home detention program for a period
5 not to exceed the last 90 days of incarceration, provided that
6 the person was sentenced on or after August 11, 1993 (the
7 effective date of Public Act 88-311) and provided that the
8 court has not prohibited the program for the person in the
9 sentencing order.

10 (d) A person serving a sentence for conviction of an
11 offense other than for predatory criminal sexual assault of a
12 child, aggravated criminal sexual assault, criminal sexual
13 assault, aggravated criminal sexual abuse, or felony criminal
14 sexual abuse, may be placed in an electronic monitoring or home
15 detention program for a period not to exceed the last 12 months
16 of incarceration, provided that (i) the person is 55 years of
17 age or older; (ii) the person is serving a determinate
18 sentence; (iii) the person has served at least 25% of the
19 sentenced prison term; and (iv) placement in an electronic
20 monitoring or home detention program is approved by the
21 Prisoner Review Board or the Department of Juvenile Justice.

22 (e) A person serving a sentence for conviction of a Class
23 2, 3, or 4 felony offense which is not an excluded offense may
24 be placed in an electronic monitoring or home detention program
25 pursuant to Department administrative directives. These
26 directives shall encourage inmates to apply for electronic

1 detention to incentivize positive behavior and program
2 participation prior to and following their return to the
3 community, consistent with Section 5-8A-4.2 of this Code. These
4 directives shall not prohibit application solely for prior
5 mandatory supervised release violation history, outstanding
6 municipal warrants, current security classification, and prior
7 criminal history, though these factors may be considered when
8 reviewing individual applications in conjunction with
9 additional factors, such as the applicant's institution
10 behavior, program participation, and reentry plan.

11 (f) Applications for electronic monitoring or home
12 detention may include the following:

13 (1) pretrial or pre-adjudicatory detention;

14 (2) probation;

15 (3) conditional discharge;

16 (4) periodic imprisonment;

17 (5) ~~parole, aftercare release, or mandatory supervised~~
18 ~~release;~~

19 (5.5) parole or mandatory supervised release, but only
20 for individuals who:

21 (i) are subject to mandatory electronic monitoring
22 by Section 5-8A-6 or 5-8A-7;

23 (ii) were convicted for an offense before January
24 1, 2007 that would have otherwise qualified the accused
25 as a sexual predator under the Sex Offender
26 Registration Act, but only if expressly ordered by the

1 Prisoner Review Board;

2 (iii) were convicted for an offense, committed
3 before August 11, 2009, of criminal sexual assault,
4 aggravated criminal sexual assault, predatory criminal
5 sexual assault of a child, criminal sexual abuse,
6 aggravated criminal sexual abuse, or ritualized abuse
7 of a child when the victim was under 18 years of age at
8 the time of the commission of the offense and the
9 defendant used force or the threat of force in the
10 commission of the offense, but only if expressly
11 ordered by the Prisoner Review Board; or

12 (iv) are ordered to be placed on electronic
13 monitoring as part of a graduated sanctions program
14 when all other less restrictive alternative sanctions
15 have been exhausted. Individuals placed on electronic
16 monitoring as part of a graduated sanctions program
17 shall be provided with documentation stating the
18 nature of the violation for which they are being placed
19 on electronic monitoring, as well as the less
20 restrictive alternatives that have been attempted by
21 the Department to correct the violation. Individuals
22 placed on electronic monitoring as part of a graduated
23 sanctions program shall be electronically monitored
24 for no more than 60 days;

25 (6) work release;

26 (7) furlough; or

1 (8) post-trial incarceration.

2 (f-5) Individuals subject to electronic monitoring under
3 paragraph (5.5) of subsection (f) shall wear an approved
4 electronic monitoring device as defined in Section 5-8A-2 that
5 has Global Positioning System (GPS) capability for the duration
6 of the person's parole, mandatory supervised release term, or
7 extended mandatory supervised release term.

8 (g) A person convicted of an offense described in clause
9 (4) or (5) of subsection (d) of Section 5-8-1 of this Code
10 shall be placed in an electronic monitoring or home detention
11 program for at least the first 2 years of the person's
12 mandatory supervised release term.

13 (Source: P.A. 99-628, eff. 1-1-17; 99-797, eff. 8-12-16;
14 100-201, eff. 8-18-17; 100-431, eff. 8-25-17; 100-575, eff.
15 1-8-18.)".