



Rep. Justin Slaughter

**Filed: 3/20/2019**

10100HB2358ham001

LRB101 08355 SLF 57461 a

1 AMENDMENT TO HOUSE BILL 2358

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2358 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Crime Reduction Act of 2009 is  
5 amended by changing Section 10 as follows:

6 (730 ILCS 190/10)

7 Sec. 10. Evidence-Based Programming.

8 (a) Purpose. Research and practice have identified new  
9 strategies and policies that can result in a significant  
10 reduction in recidivism rates and the successful local  
11 reintegration of offenders. The purpose of this Section is to  
12 ensure that State and local agencies direct their resources to  
13 services and programming that have been demonstrated to be  
14 effective in reducing recidivism and reintegrating offenders  
15 into the locality.

16 (b) Evidence-based programming in local supervision.

1           (1) The Parole Division of the Department of  
2 Corrections and the Prisoner Review Board shall adopt  
3 policies, rules, and regulations that, within the first  
4 year of the adoption, validation, and utilization of the  
5 statewide, standardized risk assessment tool described in  
6 this Act, result in at least 25% of supervised individuals  
7 being supervised in accordance with evidence-based  
8 practices; within 3 years of the adoption, validation, and  
9 utilization of the statewide, standardized risk assessment  
10 tool result in at least 50% of supervised individuals being  
11 supervised in accordance with evidence-based practices;  
12 and within 5 years of the adoption, validation, and  
13 utilization of the statewide, standardized risk assessment  
14 tool result in at least 75% of supervised individuals being  
15 supervised in accordance with evidence-based practices.  
16 The policies, rules, and regulations shall:

17           (A) Provide for a standardized individual case  
18 plan that follows the offender through the criminal  
19 justice system (including in-prison if the supervised  
20 individual is in prison) that is:

21           (i) Based on the assets of the individual as  
22 well as his or her risks and needs identified  
23 through the assessment tool as described in this  
24 Act.

25           (ii) Comprised of treatment and supervision  
26 services appropriate to achieve the purpose of

1           this Act.

2           (iii) Consistently updated, based on program  
3 participation by the supervised individual and  
4 other behavior modification exhibited by the  
5 supervised individual.

6           (B) Concentrate resources and services on  
7 high-risk offenders.

8           (C) Provide for the use of evidence-based  
9 programming related to education, job training,  
10 cognitive behavioral therapy, and other programming  
11 designed to reduce criminal behavior.

12           (D) Establish a system of graduated responses.

13           (i) The system shall set forth a menu of  
14 presumptive responses for the most common types of  
15 supervision violations.

16           (ii) The system shall be guided by the model  
17 list of intermediate sanctions created by the  
18 Probation Services Division of the State of  
19 Illinois pursuant to subsection (1) of Section 15  
20 of the Probation and Probation Officers Act and the  
21 system of intermediate sanctions created by the  
22 Chief Judge of each circuit court pursuant to  
23 Section 5-6-1 of the Unified Code of Corrections.

24           (iii) The system of responses shall take into  
25 account factors such as the severity of the current  
26 violation; the supervised individual's risk level

1 as determined by a validated assessment tool  
2 described in this Act; the supervised individual's  
3 assets; his or her previous criminal record; and  
4 the number and severity of any previous  
5 supervision violations.

6 (iv) The system shall also define positive  
7 reinforcements that supervised individuals may  
8 receive for compliance with conditions of  
9 supervision.

10 (v) Response to violations should be swift and  
11 certain and should be imposed as soon as  
12 practicable but no longer than 3 working days of  
13 detection of the violation behavior.

14 (2) Conditions of local supervision (probation and  
15 mandatory supervised release). Conditions of local  
16 supervision whether imposed by a sentencing judge or the  
17 Prisoner Review Board shall be imposed in accordance with  
18 the offender's risks, assets, and needs as identified  
19 through the assessment tool described in this Act.

20 (3) The Department of Corrections, Prisoner Review  
21 Board, and other correctional entities referenced in the  
22 policies shall annually publish a report on their use of  
23 evidence-based practices to set conditions of local  
24 supervision and mandatory supervised release including:

25 (A) the factors that contribute to decisions on  
26 what conditions should be imposed, and the method by

1           which those factors are calculated and weighted in the  
2           overall decision of what conditions shall be imposed;  
3           and

4           (B) the text and content of any evidence-based  
5           assessments, questionnaires, or other methods used to  
6           set conditions of release.

7           (c) Evidence-based in-prison programming.

8           (1) The Department of Corrections shall adopt  
9           policies, rules, and regulations that, within the first  
10          year of the adoption, validation, and utilization of the  
11          statewide, standardized risk assessment tool described in  
12          this Act, result in at least 25% of incarcerated  
13          individuals receiving services and programming in  
14          accordance with evidence-based practices; within 3 years  
15          of the adoption, validation, and utilization of the  
16          statewide, standardized risk assessment tool result in at  
17          least 50% of incarcerated individuals receiving services  
18          and programming in accordance with evidence-based  
19          practices; and within 5 years of the adoption, validation,  
20          and utilization of the statewide, standardized risk  
21          assessment tool result in at least 75% of incarcerated  
22          individuals receiving services and programming in  
23          accordance with evidence-based practices. The policies,  
24          rules, and regulations shall:

25                  (A) Provide for the use and development of a case  
26          plan based on the risks, assets, and needs identified

1 through the assessment tool as described in this Act.  
2 The case plan should be used to determine in-prison  
3 programming; should be continuously updated based on  
4 program participation by the prisoner and other  
5 behavior modification exhibited by the prisoner; and  
6 should be used when creating the case plan described in  
7 subsection (b).

8 (B) Provide for the use of evidence-based  
9 programming related to education, job training,  
10 cognitive behavioral therapy and other evidence-based  
11 programming.

12 (C) Establish education programs based on a  
13 teacher to student ratio of no more than 1:30.

14 (D) Expand the use of drug prisons, modeled after  
15 the Sheridan Correctional Center, to provide  
16 sufficient drug treatment and other support services  
17 to non-violent inmates with a history of substance  
18 abuse.

19 (2) Participation and completion of programming by  
20 prisoners can impact earned time credit as determined under  
21 Section 3-6-3 of the Unified Code of Corrections.

22 (3) The Department of Corrections shall provide its  
23 employees with intensive and ongoing training and  
24 professional development services to support the  
25 implementation of evidence-based practices. The training  
26 and professional development services shall include

1 assessment techniques, case planning, cognitive behavioral  
2 training, risk reduction and intervention strategies,  
3 effective communication skills, substance abuse treatment  
4 education and other topics identified by the Department or  
5 its employees.

6 (d) The Parole Division of the Department of Corrections  
7 and the Prisoner Review Board shall provide their employees  
8 with intensive and ongoing training and professional  
9 development services to support the implementation of  
10 evidence-based practices. The training and professional  
11 development services shall include assessment techniques, case  
12 planning, cognitive behavioral training, risk reduction and  
13 intervention strategies, effective communication skills,  
14 substance abuse treatment education, and other topics  
15 identified by the agencies or their employees.

16 (e) The Department of Corrections, the Prisoner Review  
17 Board, and other correctional entities referenced in the  
18 policies, rules, and regulations of this Act shall design,  
19 implement, and make public a system to evaluate the  
20 effectiveness of evidence-based practices in increasing public  
21 safety and in successful reintegration of those under  
22 supervision into the locality. Annually, each agency shall  
23 submit to the Sentencing Policy Advisory Council a  
24 comprehensive report on the success of implementing  
25 evidence-based practices. The data compiled and analyzed by the  
26 Council shall be delivered annually to the Governor and the

1 General Assembly.

2 (f) The Department of Corrections, the Prisoner Review  
3 Board, and other correctional entities referenced in the  
4 policies, rules, and regulations of this Act shall release a  
5 report annually published on the Department of Corrections  
6 website that reports the following information pertaining to  
7 electronic monitoring, GPS monitoring, and programs imposed on  
8 individuals on parole and mandatory supervised release,  
9 including:

10 (1) the racial and ethnic breakdown of individuals on  
11 electronic monitoring and GPS monitoring programs;

12 (2) the committing charges of individuals subject to  
13 electronic monitoring and GPS monitoring, including class  
14 of offense and length of served sentence;

15 (3) the number of individuals subject to electronic  
16 monitoring, GPS monitoring, or both, in the following  
17 categories:

18 (A) the number of individuals subject to  
19 electronic monitoring as a condition of their release  
20 under Section 5-8A-6 of the Unified Code of  
21 Corrections;

22 (B) the number of individuals subject to  
23 electronic monitoring, GPS monitoring, or both, under  
24 Section 5-8A-7 of the Unified Code of Corrections;

25 (C) the number of individuals subject to  
26 electronic monitoring, GPS monitoring, or both, under



1 a decision of the Prisoner Review board at the time of  
2 their release; and

3 (D) the number of individuals subject to  
4 electronic monitoring as a sanction for violations of  
5 parole or mandatory supervised release;

6 (4) the distribution of the length of time individuals  
7 were subject to electronic monitoring, GPS monitoring, or  
8 both, in the following breakdown:

9 (A) less than 30 days;

10 (B) 30 to 90 days;

11 (C) 90 to 180 days;

12 (D) 180 to 365 days; or

13 (E) greater than 365 days;

14 (5) the number and category, and ultimate resolution  
15 of, disciplinary reports filed against individuals for  
16 violating the rules of the electronic monitoring or GPS  
17 monitoring program including, but not limited to:

18 (A) late return to residence after authorized  
19 movement;

20 (B) unauthorized leaving of the residence;

21 (C) presence of the individual in a prohibited  
22 area;

23 (D) failure to charge the battery or otherwise  
24 maintain the device; and

25 (E) strap tamper or destruction of the device;

26 (6) the number of individuals returned to prison due to

1 technical violations of electronic monitoring or GPS  
2 monitoring programs;

3 (7) the county of the residence address for individuals  
4 subject to electronic monitoring, GPS monitoring, or both,  
5 as a condition of their release;

6 (8) for counties with a population over 3,000,000, the  
7 zip codes of the residence addresses for individuals  
8 subject to electronic monitoring, GPS monitoring, or both,  
9 as a condition of their release; and

10 (9) the number of individuals on mandatory supervised  
11 release charged with a new felony separated by:

12 (A) the number of individuals charged with a new  
13 felony that allegedly occurred while the person was on  
14 electronic monitoring, GPS Monitoring, or both;

15 (B) the number of individuals charged with a new  
16 felony during mandatory supervised release who were  
17 never subject to electronic monitoring or GPS  
18 monitoring during their term of release; and

19 (C) the number of individuals charged with a new  
20 felony during mandatory supervised release that were  
21 subject to electronic or GPS monitoring for any period  
22 of time during their term of their release.

23 (Source: P.A. 96-761, eff. 1-1-10.)".