



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2400

by Rep. Arthur Turner

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-14-1.1 new

Amends the Unified Code of Corrections. Provides that a committed person who is at least 50 years of age and who has served at least 30 consecutive years of imprisonment in a Department of Corrections institution or facility may petition the Department for participation in the Pathway to Community Program, which is a 5-year pilot program within the Department of Corrections. Provides that a maximum of 15 males and a maximum of 15 females may be selected for the Program. Excludes from the Program persons convicted of first degree murder of a peace officer or firefighter and sexual predators. Establishes eligibility requirements for the Program. Provides that before a participant is selected for the Program, the petitioner shall successfully complete an atonement and restorative justice program prepared by the Department. Following completion of this program of atonement and restorative justice, the Department shall notify the victim and the family members of the victim of the petitioner's offense and to afford them the opportunity to participate in the Department's final selection process for the Pathway to Community Program. Up to \$1,000 of trauma-informed victim services or trauma-certified professional therapy shall be provided by the Department to family members of the victim of the petitioner's offense. Provides that optional participation by family members of the victim of petitioner's offense shall be provided by the Department at no cost to the family members of the victim. Provides that time served in the Program shall be credited toward time served on the sentence. Provides that the Program is terminated 6 years after the effective date of the amendatory Act.

LRB101 07237 RLC 52275 b

FISCAL NOTE ACT
MAY APPLY

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 1. This Act may be referred to as the Pathway to
5 Community Act.

6 Section 5. The Unified Code of Corrections is amended by
7 adding Section 3-14-1.1 as follows:

8 (730 ILCS 5/3-14-1.1 new)

9 Sec. 3-14-1.1. Pathway to Community Program.

10 (a) In this Section:

11 "Committed person" means a currently incarcerated
12 person, other than a committed person who has been
13 convicted of the first degree murder of a peace officer or
14 fire fighter or other than a sexual predator as defined in
15 Section 2 of the Sex Offender Registration Act, who (i) is
16 at least 50 years of age and (ii) has served at least 30
17 consecutive years of imprisonment in a facility or
18 institution of the Department of Corrections.

19 "Family member" means a spouse, parent, child, or
20 sibling.

21 "Program" means the Pathway to Community Program
22 created in this Section.

1 (b) There is created a 5-year pilot program, the Pathway to
2 Community Program, within the Department of Corrections. A
3 committed person may petition the Department of Corrections for
4 participation in the Pathway to Community Program as provided
5 in this Section. If a committed person files a petition, the
6 Department shall make an exhaustive effort to find and notify
7 the victim and the family members of the victim of the
8 petitioner's offense.

9 (c) The petition shall contain a statement by the
10 petitioner that he or she is qualified to participate in the
11 Program, together with the petitioner's plans for reentry,
12 including, but not limited to, information about where the
13 petitioner will live, how the petitioner will be supported
14 financially, and any plans for the petitioner's ongoing medical
15 care if necessary. The petition may also contain supporting
16 statements or documentation related to the factors listed in
17 paragraphs (1) through (7) of subsection (d) of this Section.

18 (d) The petition shall, in the first instance, be screened
19 by the Department of Corrections, which shall determine whether
20 to recommend that the petitioner be considered for
21 participation in the Program. In so doing, the Department shall
22 draw on information in the petition and on its own resources,
23 including its use of tools that assesses the petitioner's
24 risks, assets, and needs to determine whether the petitioner
25 may be released and, if so, under what specific conditions set
26 by the Department. Among other factors, in making this

1 determination the Department shall consider the following:

2 (1) the petitioner's successful participation in
3 programs designed to restore him or her to a useful and
4 productive life upon release (including educational
5 programs and programs designed to deal with substance abuse
6 or other issues) or, if the programs are not available,
7 information demonstrating that the petitioner has engaged
8 in self-education programs, correspondence courses, or
9 other self-improvement efforts;

10 (2) the genuine reform and changed behavior the
11 petitioner has demonstrated over a period of years;

12 (3) the petitioner's remorse for the consequences of
13 his or her criminal conduct;

14 (4) the petitioner's ability to socialize with others
15 in an acceptable manner;

16 (5) the petitioner's renunciation of criminal activity
17 and gang affiliation if the petitioner was a member of a
18 gang;

19 (6) an appropriate plan for living arrangements,
20 financial support, and any medical care that will be needed
21 when the petitioner returns to society; and

22 (7) input from the victim of the petitioner's offense
23 and from their family members.

24 (e) No more than 15 committed persons who are male and no
25 more than 15 committed persons who are female shall be selected
26 by the Department for participation in the Program. Before a

1 participant is selected for the Program, the petitioner shall
2 successfully complete an atonement and restorative justice
3 program prepared by the Department. Following completion of
4 this program of atonement and restorative justice, the
5 Department shall notify the victim and the family members of
6 the victim of the petitioner's offense and to afford them the
7 opportunity to participate in the Department's final selection
8 process for the Pathway to Community Program. Up to \$1,000 of
9 trauma-informed victim services or trauma-certified
10 professional therapy shall be provided by the Department to
11 family members of the victim of the petitioner's offense.
12 Insurance policies of the family members of the victim of the
13 petitioner's offense or family members financial resources
14 shall first be used to pay the costs of these services or
15 therapy. Optional participation by family members of the victim
16 of petitioner's offense shall be provided by the Department at
17 no cost to the family members of the victim.

18 (f) Time served in the Program shall be credited toward
19 time served on the sentence. The end date of the period of
20 mandatory supervised release shall remain the same as it would
21 have been had the petitioner not been given early supervised
22 release, and the petitioner shall remain under supervision of
23 the Department until that date, except that the Department may
24 enter an order releasing and discharging the petitioner from
25 mandatory supervised release if it determines that he or she is
26 likely to remain at liberty without committing another offense.

1 Discharge of the petitioner from mandatory supervised release
2 does not discharge the petitioner's sentence, if time to be
3 served remains; nor does it deprive the Department of
4 jurisdiction over the petitioner, if time to be served remains.

5 (g) Beginning on the effective date of this amendatory Act
6 of the 101st General Assembly, notwithstanding any other law to
7 the contrary, all persons serving sentences in the Department
8 who meet the requirements of subsection (b) of this Section are
9 eligible to petition to participate in the Program. The
10 Department shall establish a system to allow for the orderly
11 disposition of the applications of those presently
12 incarcerated as they become eligible.

13 (h) Each participant in the Program shall have a volunteer
14 sponsor and shall remain in the custody of the Department of
15 Corrections throughout his or her participation in the Program.

16 (i) After 5 years of participation in the Program, the
17 participant may petition the Governor for executive clemency
18 under Section 3-3-13 of this Code.

19 (j) The Department shall select a panel of independent
20 researchers to assess the effectiveness of the Program and to
21 make annual recommendations to the Governor and General
22 Assembly as to whether the Program should be extended.

23 (k) Notwithstanding any other provision of law to the
24 contrary, this Section shall control any release under this
25 Program.

26 (l) This Section is repealed after 6 years from the

1 effective date of this amendatory Act of the 101st General
2 Assembly.