



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB0064

Introduced 1/23/2019, by Sen. Patricia Van Pelt

SYNOPSIS AS INTRODUCED:

See Index

Amends the Unified Code of Corrections. Provides that a committed person who: (1) is at least 60 years of age; (2) has served at least 25 consecutive years of imprisonment in a facility or institution of the Department of Corrections; and (3) is not serving a sentence for a crime of violence as defined in the Crime Victims Compensation Act may petition the Department for participation in the Pathway to Community 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 make an exhaustive effort to find and notify 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. Provides that the Department shall select 50 participants for the Program from petitions submitted to it by the Department. Provides that 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. Insurance policies of the family members of the victim of the petitioner's offense or family members financial resources shall first be used to pay the costs of these services or therapy. 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. Makes other changes.

LRB101 07106 SLF 52143 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 who: (1) is at least 60 years of age; (2) has served
13 at least 25 consecutive years of imprisonment in a facility
14 or institution of the Department of Corrections; and (3) is
15 not serving a sentence for a crime of violence as defined
16 in Section 2 of the Crime Victims Compensation Act.

17 "Family member" means a spouse, parent, child, or
18 sibling.

19 "Program" means the Pathway to Community Program
20 created in this Section.

21 (b) A committed person may petition the Department of
22 Corrections for participation in the Pathway to Community

1 Program as provided in this Section. If a committed person
2 files a petition, the Department shall make an exhaustive
3 effort to find and notify the victim and the family members of
4 the victim of the petitioner's offense.

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

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

24 (1) the petitioner's successful participation in
25 programs designed to restore him or her to a useful and
26 productive life upon release (including educational

1 programs and programs designed to deal with substance abuse
2 or other issues) or, if the programs are not available,
3 information demonstrating that the petitioner has engaged
4 in self-education programs, correspondence courses, or
5 other self-improvement efforts;

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

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

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

12 (5) the petitioner's renunciation of criminal activity
13 and gang affiliation if the petitioner was a member of a
14 gang;

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

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

20 (e) Fifty participants shall be selected for the Program.
21 Before a participant is selected for the Program, the
22 petitioner shall successfully complete an atonement and
23 restorative justice program prepared by the Department.
24 Following completion of this program of atonement and
25 restorative justice, the Department shall notify the victim and
26 the family members of the victim of the petitioner's offense

1 and to afford them the opportunity to participate in the
2 Department's final selection process for the Pathway to
3 Community Program. Up to \$1,000 of trauma-informed victim
4 services or trauma-certified professional therapy shall be
5 provided by the Department to family members of the victim of
6 the petitioner's offense. Insurance policies of the family
7 members of the victim of the petitioner's offense or family
8 members financial resources shall first be used to pay the
9 costs of these services or therapy. Optional participation by
10 family members of the victim of petitioner's offense shall be
11 provided by the Department at no cost to the family members of
12 the victim.

13 (f) Time served in the Program shall be credited toward
14 time served on the sentence. The end date of the period of
15 mandatory supervised release shall remain the same as it would
16 have been had the petitioner not been given early supervised
17 release, and the petitioner shall remain under supervision of
18 the Department until that date, except that the Department may
19 enter an order releasing and discharging the petitioner from
20 mandatory supervised release if it determines that he or she is
21 likely to remain at liberty without committing another offense.
22 Discharge of the petitioner from mandatory supervised release
23 does not discharge the petitioner's sentence, if time to be
24 served remains; nor does it deprive the Department of
25 jurisdiction over the petitioner, if time to be served remains.

26 (g) Beginning on the effective date of this amendatory Act

1 of the 101st General Assembly, notwithstanding any other law to
2 the contrary, all persons serving sentences in the Department
3 who meet the requirements of subsection (b) are eligible to
4 petition to participate in the Program. The Department shall
5 establish a system to allow for the orderly disposition of the
6 applications of those presently incarcerated as they become
7 eligible.

8 (h) After 8 years of participation in the Program, the
9 participant may petition the Governor for executive clemency
10 under Section 3-3-13 of this Code.

11 (i) The Department shall select a panel of independent
12 researchers to assess the effectiveness of the Program and to
13 make annual recommendations to the Governor and General
14 Assembly as to whether the Program should be extended.

15 (j) Notwithstanding any other provision of law to the
16 contrary, this Section shall control any release under this
17 Program.

1

INDEX

2

Statutes amended in order of appearance

3

730 ILCS 5/3-14-1.1 new