



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1957

Introduced 2/15/2019, by Sen. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.891 new
730 ILCS 5/5-8-9 new

Amends the Unified Code of Corrections. Provides that on or before August 31, 2020, and on or before August 31 of the next 9 fiscal years thereafter, the Comptroller shall transfer from the General Revenue Fund to the Justice Reinvestment Fund 85% of the total savings calculated by the Sentencing Policy Advisory Council from costs savings from criminal justice reforms enacted into law. Provides that the Fund shall be jointly administered by the Department of Human Services and the Illinois Criminal Justice Information Authority, and each county shall be entitled to a proportionate share of the annual funds available from the Justice Reinvestment Fund provided it meets certain criteria. Provides that funds left unclaimed due to a qualifying county failing to submit an application or meet the specified criteria shall be reallocated to the counties that, based on the determination of the Department of Human Services and the Illinois Criminal Justice Information Authority, have been most effective in using their funds to improve public health and safety. Provides that counties receiving funds shall submit an annual report to the Department of Human Services and the Illinois Criminal Justice Information Authority detailing the uses of the funds and the impact they have had on public health and safety. Amends the State Finance Act to make conforming changes. Makes other changes.

LRB101 08003 SLF 53061 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. Purpose. From 1982 to 2013, Illinois'
5 incarcerated population nearly tripled, with much of the
6 expansion caused by the increased criminalization of public
7 health concerns such as the effects of poverty, mental illness,
8 and drug use, and the disproportionately aggressive
9 enforcement of criminal laws within communities of color. These
10 trends resulted in justice expenditures more than doubling, in
11 real dollars, during this period. The General Assembly hereby
12 declares it a priority to right-size our criminal justice
13 system and realign our spending priorities to maximize public
14 health and safety. Through the creation of the Justice
15 Reinvestment Fund in the State treasury, a substantial portion
16 of the savings realized from criminal justice reforms enacted
17 into law will be reinvested in addressing the root causes of
18 crime, violence, and recidivism. Among a wide range of positive
19 effects, this initiative will create substantially healthier
20 and safer communities across the State by:

21 (1) addressing the destabilizing effects that high
22 incarceration rates have had on families and communities;

23 (2) targeting the community conditions that perpetuate
24 the cycle of crime;

1 (3) providing formerly incarcerated persons a better
2 chance to succeed outside of prison; and

3 (4) providing support to victims.

4 Section 5. The State Finance Act is amended by adding
5 Section 5.891 as follows:

6 (30 ILCS 105/5.891 new)

7 Sec. 5.891. The Justice Reinvestment Fund.

8 Section 10. The Unified Code of Corrections is amended by
9 adding Section 5-8-9 as follows:

10 (730 ILCS 5/5-8-9 new)

11 Sec. 5-8-9. Justice Reinvestment Fund.

12 (a) On or before July 31, 2020, and on or before July 31 of
13 the next 9 fiscal years thereafter, the Sentencing Policy
14 Advisory Council shall calculate the savings that accrued to
15 the State during the preceding fiscal year, as compared to the
16 fiscal year ending June 30, 2019, due to criminal justice
17 reforms enacted into law. The savings calculation shall be
18 solely based on:

19 (1) the number of persons incarcerated in a Department
20 of Corrections facility during the fiscal year ending June
21 30, 2019 for the offenses that have been reclassified to a
22 lower classification of offense as a result of criminal

1 justice reform efforts enacted into law by the General
2 Assembly;

3 (2) the average length of stay in Department of
4 Corrections facilities for these offenses before they were
5 reclassified;

6 (3) the marginal cost per inmate per year; and

7 (4) any reduction in fixed costs, overhead costs, or
8 administrative costs.

9 In making the calculations required by this subsection (a),
10 the Sentencing Policy Advisory Council shall use actual data or
11 best available estimates when actual data is not available. The
12 State Comptroller shall certify the results of the calculation
13 no later than August 15 of each fiscal year.

14 (b) On or before August 31, 2020, and on or before August
15 31 of the next 9 fiscal years thereafter, the Comptroller shall
16 transfer from the General Revenue Fund to the Justice
17 Reinvestment Fund 85% of the total savings calculated under
18 subsection (a) minus any necessary deductions under
19 subsections (j) and (k).

20 (c) The Justice Reinvestment Fund is created as a special
21 fund in the State treasury. The Fund shall be jointly
22 administered by the Department of Human Services and the
23 Illinois Criminal Justice Information Authority, and each
24 county shall be entitled to a proportionate share of the annual
25 funds available from the Justice Reinvestment Fund provided it
26 meets the criteria described in subsection (d).

1 (d) To receive funds under this Section, counties must meet
2 the following criteria:

3 (1) They must submit an annual application in which
4 they specify how they will use the funds to improve public
5 health and safety through investments in evidence-based or
6 promising strategies in one or more of the following areas:

7 (A) living-wage job opportunities;

8 (B) training programs for jobs that pay a living
9 wage;

10 (C) drug treatment services;

11 (D) mental health services, including trauma
12 recovery services for crime victims;

13 (E) afterschool programs for children and youth;

14 (F) pre-K programs;

15 (G) summer and year-round jobs for youth;

16 (H) affordable housing opportunities;

17 (I) community economic development projects and
18 the creation or support of cooperative businesses; and

19 (J) alternatives to justice-system involvement
20 within schools and throughout the community,
21 including, but not limited, to restorative justice
22 programs and increased use of social workers,
23 psychologists, conflict mediators, mental health
24 counselors, and drug treatment counselors to address
25 low-level offenses.

26 The application must specify how the funds will be

1 directed toward one or more of the following:

2 (A) the neighborhoods in the county that have the
3 largest number of former residents in jail or prison;

4 (B) the neighborhoods in the county that have the
5 largest number of crime victims; and

6 (C) formerly incarcerated persons who are
7 re-entering the county from prison.

8 (e) If the criminal justice reforms enacted into law yield
9 savings calculated under subsection (a) results in a
10 down-sizing of the State prison system involving the discharge
11 of any Department of Corrections employees, the Department of
12 Human Services and the Illinois Criminal Justice Information
13 Authority may deduct funds from the Justice Reinvestment Fund
14 for purposes of assisting those discharged workers with
15 transitional expenses related to job training, community
16 economic development, education, and healthcare needs. The
17 funds used for this purpose shall not account for more than 1%
18 of the total funds deposited into the Justice Reinvestment Fund
19 each year.

20 (f) Funds allocated to counties under this Section may be
21 used by counties for planning and administrative costs
22 associated with implementing the provisions of criminal
23 justice reforms enacted into law that yield savings calculated
24 under subsection (a). Counties shall not use the funds to
25 supplant existing funds in the chosen programmatic areas.

26 (g) Counties receiving funds shall submit an annual report

1 to the Department of Human Services and the Illinois Criminal
2 Justice Information Authority detailing the uses of the funds
3 and the impact they have had on public health and safety. The
4 Department of Human Services and the Illinois Criminal Justice
5 Information Authority shall assist counties in the filing of
6 their annual reports by providing a template for the reports,
7 including a listing of public health and safety metrics that
8 correspond to each potential area of investment in this
9 subsection (g). On an annual basis, the Department of Human
10 Services and the Illinois Criminal Justice Information
11 Authority shall provide a summary report to the Governor and
12 the General Assembly that details the statewide impact of the
13 Justice Reinvestment Fund on public health and safety.

14 (h) Funds left unclaimed due to a qualifying county failing
15 to submit an application or meet the specified criteria shall
16 be reallocated to the counties that, based on the determination
17 of the Department of Human Services and the Illinois Criminal
18 Justice Information Authority, have been most effective in
19 using their funds to improve public health and safety.

20 (i) The Comptroller shall annually conduct a randomized
21 audit of up to 10% of the counties receiving grants to ensure
22 the funds are disbursed and expended in accordance with the
23 requirements specified in this Section. The Comptroller shall
24 report his or her findings to the General Assembly and the
25 public.

26 (j) Any costs incurred by the Comptroller and the

1 Sentencing Policy Advisory Council in connection with the
2 fulfillment of their duties described in this Section shall be
3 deducted from the Justice Reinvestment Fund before the funds
4 are disbursed under subsection (b).

5 (k) Any administrative costs incurred by the Department of
6 Human Services and the Illinois Criminal Justice Information
7 Authority in fulfilling its duties under this amendatory Act of
8 the 101st General Assembly shall be deducted from the available
9 pool of funds. The administrative costs shall not account for
10 more than 5% of the total funds deposited into the Justice
11 Reinvestment Fund each year.