

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 5. The Unified Code of Corrections is amended by
5 changing Section 5-8-1.1 as follows:

6 (730 ILCS 5/5-8-1.1) (from Ch. 38, par. 1005-8-1.1)

7 Sec. 5-8-1.1. Impact program ~~incarceration~~.

8 (a) The Department may establish and operate an impact
9 ~~incarceration~~ program for eligible offenders. If the court
10 finds under Section 5-4-1 that an offender sentenced to a term
11 of imprisonment for a felony may meet the eligibility
12 requirements of the Department, the court may in its
13 sentencing order approve the offender for placement in the
14 impact ~~incarceration~~ program conditioned upon his acceptance
15 in the program by the Department. Notwithstanding the
16 sentencing provisions of this Code, the sentencing order also
17 shall provide that if the Department accepts the offender in
18 the program and determines that the offender has successfully
19 completed the impact ~~incarceration~~ program, the sentence shall
20 be reduced to time considered served upon certification to the
21 court by the Department that the offender has successfully
22 completed the program. In the event the offender is not
23 accepted for placement in the impact ~~incarceration~~ program or

1 the offender does not successfully complete the program, his
2 term of imprisonment shall be as set forth by the court in its
3 sentencing order.

4 (b) In order to be eligible to participate in the impact
5 ~~incarceration~~ program, the committed person shall meet all of
6 the following requirements:

7 (1) The person must be not less than 17 years of age
8 nor more than 35 years of age.

9 (2) The person has not previously participated in an
10 ~~the~~ impact ~~incarceration~~ program and has not previously
11 served more than one prior sentence of imprisonment for a
12 felony in an adult correctional facility.

13 (3) The person has not been convicted of a Class X
14 felony, first or second degree murder, armed violence,
15 aggravated kidnapping, criminal sexual assault, aggravated
16 criminal sexual abuse or a subsequent conviction for
17 criminal sexual abuse, forcible detention, residential
18 arson, place of worship arson, or arson and has not been
19 convicted previously of any of those offenses.

20 (4) The person has been sentenced to a term of
21 imprisonment of 8 years or less.

22 (5) The person must be physically able to participate
23 in ~~strenuous~~ physical activities ~~or labor~~.

24 (6) The person must not have any mental disorder or
25 disability that would prevent participation in the impact
26 ~~incarceration~~ program.

1 (7) The person has consented in writing to
2 participation in the impact ~~incarceration~~ program and to
3 the terms and conditions thereof.

4 (8) The person was recommended and approved for
5 placement in the impact ~~incarceration~~ program in the
6 court's sentencing order.

7 The Department may ~~also~~ consider, among other matters,
8 whether the committed person has any outstanding detainers or
9 warrants, whether the committed person has a history of
10 escaping or absconding, whether participation in the impact
11 ~~incarceration~~ program may pose a risk to the safety or
12 security of any person and whether space is available.

13 (c) The impact ~~incarceration~~ program shall include, among
14 other matters, community service activities, cognitive
15 behavioral programming, life skills, reentry planning,
16 ~~mandatory physical training and labor, military formation and~~
17 ~~drills, regimented activities, uniformity of dress and~~
18 ~~appearance,~~ education and counseling, including drug
19 counseling where appropriate.

20 (d) Privileges including visitation, commissary, receipt
21 and retention of property and publications and access to
22 television, radio and a library may be suspended or
23 restricted, notwithstanding provisions to the contrary in this
24 Code.

25 (e) Committed persons participating in the impact
26 ~~incarceration~~ program shall adhere to all Department rules and

1 all requirements of the program. Committed persons shall be
2 informed of rules of behavior and conduct. Disciplinary
3 procedures required by this Code or by Department rule are not
4 applicable except in those instances in which the Department
5 seeks to revoke good time.

6 (f) Participation in the impact ~~incarceration~~ program
7 shall be for a period of one year to eighteen months ~~120 to 180~~
8 ~~days~~. The period of time a committed person shall serve in the
9 impact ~~incarceration~~ program shall not be reduced by the
10 accumulation of good time.

11 (g) The committed person shall serve a term of mandatory
12 supervised release as set forth in subsection (d) of Section
13 5-8-1.

14 (h) A committed person may be removed from the program for
15 a violation of the terms or conditions of the program or in the
16 event he is for any reason unable to participate. The
17 Department shall promulgate rules and regulations governing
18 conduct which could result in removal from the program, extend
19 the period of time a committed person must serve in the
20 program, or in a determination that the committed person has
21 not successfully completed the program. A committed person
22 shall not have the time required to successfully complete the
23 program extended beyond the maximum 18 month period of
24 participation identified in paragraph (f). Committed persons
25 shall have access to such rules, which shall provide that a
26 committed person shall receive notice and have the opportunity

1 to appear before and address one or more hearing officers. A
2 committed person may be transferred to any of the Department's
3 facilities prior to the hearing.

4 (i) The Department may terminate the impact ~~incarceration~~
5 program at any time.

6 (j) The Department shall report to the Governor and the
7 General Assembly on or before September 30th of each year on
8 the impact ~~incarceration~~ program, including the composition of
9 the program by the offenders, by county of commitment,
10 sentence, age, offense and race.

11 (k) The Department of Corrections shall consider the
12 affirmative action plan approved by the Department of Human
13 Rights in hiring staff at the impact ~~incarceration~~ facilities.

14 (l) The Department of Corrections shall advocate for the
15 impact program. The Department may identify candidates for
16 participation in the program that were not previously
17 recommended and formally submit the names to the State's
18 Attorney of the committing county.

19 (Source: P.A. 97-800, eff. 7-13-12.)