



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5786

Introduced 3/20/2024, by Rep. Rita Mayfield

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-8A-4

from Ch. 38, par. 1005-8A-4

Amends the Unified Code of Corrections. Provides that the rules promulgated by the supervising authority concerning electronic monitoring and home detention shall provide that travel to and from approved employment shall not be denied based solely on the transient or mobile nature of the employment, provided that the participant gives the supervising authority sufficient notice and the employer confirms the exact routes or locations, or both, of employment at least 24 hours in advance. Provides that travel to and from approved employment shall not be denied solely for failure to provide the supervising authority with timely notice, provided that the participant gives the supervising authority sufficient notice at least 24 hours in advance of travel.

LRB103 39936 RLC 71012 b

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 5-8A-4 as follows:

6 (730 ILCS 5/5-8A-4) (from Ch. 38, par. 1005-8A-4)

7 Sec. 5-8A-4. Program description. The supervising
8 authority may promulgate rules that prescribe reasonable
9 guidelines under which an electronic monitoring and home
10 detention program shall operate. When using electronic
11 monitoring for home detention these rules may include, but not
12 be limited to, the following:

13 (A) The participant may be instructed to remain within
14 the interior premises or within the property boundaries of
15 his or her residence at all times during the hours
16 designated by the supervising authority. Such instances of
17 approved absences from the home shall include, but are not
18 limited to, the following:

19 (1) working or employment approved by the court or
20 traveling to or from approved employment; travel to
21 and from approved employment shall not be denied based
22 solely on the transient or mobile nature of the
23 employment, provided that the participant gives the

1 supervising authority sufficient notice and the
2 employer confirms the exact routes or locations, or
3 both, of employment at least 24 hours in advance.

4 Travel to and from approved employment shall not be
5 denied solely for failure to provide the supervising
6 authority with timely notice, provided that the
7 participant gives the supervising authority sufficient
8 notice at least 24 hours in advance of travel;

9 (2) unemployed and seeking employment approved for
10 the participant by the court;

11 (3) undergoing medical, psychiatric, mental health
12 treatment, counseling, or other treatment programs
13 approved for the participant by the court;

14 (4) attending an educational institution or a
15 program approved for the participant by the court;

16 (5) attending a regularly scheduled religious
17 service at a place of worship;

18 (6) participating in community work release or
19 community service programs approved for the
20 participant by the supervising authority;

21 (7) for another compelling reason consistent with
22 the public interest, as approved by the supervising
23 authority; or

24 (8) purchasing groceries, food, or other basic
25 necessities.

26 (A-1) At a minimum, any person ordered to pretrial

1 home confinement with or without electronic monitoring
2 must be provided with movement spread out over no fewer
3 than two days per week, to participate in basic activities
4 such as those listed in paragraph (A). In this subdivision
5 (A-1), "days" means a reasonable time period during a
6 calendar day, as outlined by the court in the order
7 placing the person on home confinement.

8 (B) The participant shall admit any person or agent
9 designated by the supervising authority into his or her
10 residence at any time for purposes of verifying the
11 participant's compliance with the conditions of his or her
12 detention.

13 (C) The participant shall make the necessary
14 arrangements to allow for any person or agent designated
15 by the supervising authority to visit the participant's
16 place of education or employment at any time, based upon
17 the approval of the educational institution employer or
18 both, for the purpose of verifying the participant's
19 compliance with the conditions of his or her detention.

20 (D) The participant shall acknowledge and participate
21 with the approved electronic monitoring device as
22 designated by the supervising authority at any time for
23 the purpose of verifying the participant's compliance with
24 the conditions of his or her detention.

25 (E) The participant shall maintain the following:

26 (1) access to a working telephone;

1 (2) a monitoring device in the participant's home,
2 or on the participant's person, or both; and

3 (3) a monitoring device in the participant's home
4 and on the participant's person in the absence of a
5 telephone.

6 (F) The participant shall obtain approval from the
7 supervising authority before the participant changes
8 residence or the schedule described in subsection (A) of
9 this Section. Such approval shall not be unreasonably
10 withheld.

11 (G) The participant shall not commit another crime
12 during the period of home detention ordered by the Court.

13 (H) Notice to the participant that violation of the
14 order for home detention may subject the participant to
15 prosecution for the crime of escape as described in
16 Section 5-8A-4.1.

17 (I) The participant shall abide by other conditions as
18 set by the supervising authority.

19 (J) This Section takes effect January 1, 2022.

20 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
21 102-687, eff. 12-17-21; 102-1104, eff. 12-6-22.)