



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3717

Introduced 2/25/2009, by Rep. Constance A. Howard

SYNOPSIS AS INTRODUCED:

730 ILCS 130/3.1

from Ch. 75, par. 32.1

Amends the Counties Code and the County Jail Good Behavior Allowance Act. Provides that the Cook County Sheriff or his or her designee may revoke the good behavior allowance of an inmate who is sentenced to the Illinois Department of Corrections for misconduct committed by the inmate while in custody of the Cook County Sheriff. Provides that if an inmate while in custody of the Cook County Sheriff is convicted of assault or battery on a peace officer, correctional employee, or another inmate, or for bringing into or possessing contraband in the penal institution, or for criminal damage to property, his or her day for day good behavior allowance shall be revoked for each day such allowance was earned while the inmate was in custody of the Cook County Sheriff.

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CORRECTIONAL
BUDGET AND
IMPACT 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 5. The County Jail Good Behavior Allowance Act is
5 amended by changing Section 3.1 as follows:

6 (730 ILCS 130/3.1) (from Ch. 75, par. 32.1)

7 Sec. 3.1. (a) Within 3 months after the effective date of
8 this amendatory Act of 1986, the wardens who supervise
9 institutions under this Act shall meet and agree upon uniform
10 rules and regulations for behavior and conduct, penalties, and
11 the awarding, denying and revocation of good behavior
12 allowance, in such institutions; and such rules and regulations
13 shall be immediately promulgated and consistent with the
14 provisions of this Act. Interim rules shall be provided by each
15 warden consistent with the provision of this Act and shall be
16 effective until the promulgation of uniform rules. All
17 disciplinary action shall be consistent with the provisions of
18 this Act. Committed persons shall be informed of rules of
19 behavior and conduct, the penalties for violation thereof, and
20 the disciplinary procedure by which such penalties may be
21 imposed. Any rules, penalties and procedures shall be posted
22 and made available to the committed persons.

23 (b) Whenever a person is alleged to have violated a rule of

1 behavior, a written report of the infraction shall be filed
2 with the warden within 72 hours of the occurrence of the
3 infraction or the discovery of it, and such report shall be
4 placed in the file of the institution or facility. No
5 disciplinary proceeding shall be commenced more than 8 days
6 after the infraction or the discovery of it, unless the
7 committed person is unable or unavailable for any reason to
8 participate in the disciplinary proceeding.

9 (c) All or any of the good behavior allowance earned may be
10 revoked by the warden, unless he initiates the charge, and in
11 that case by the disciplinary board, for violations of rules of
12 behavior at any time prior to discharge from the institution,
13 consistent with the provisions of this Act.

14 (d) In disciplinary cases that may involve the loss of good
15 behavior allowance or eligibility to earn good behavior
16 allowance, the warden shall establish disciplinary procedures
17 consistent with the following principles:

18 (1) The warden may establish one or more disciplinary
19 boards, made up of one or more persons, to hear and determine
20 charges. Any person who initiates a disciplinary charge against
21 a committed person shall not serve on the disciplinary board
22 that will determine the disposition of the charge. In those
23 cases in which the charge was initiated by the warden, he shall
24 establish a disciplinary board which will have the authority to
25 impose any appropriate discipline.

26 (2) Any committed person charged with a violation of rules

1 of behavior shall be given notice of the charge, including a
2 statement of the misconduct alleged and of the rules this
3 conduct is alleged to violate, no less than 24 hours before the
4 disciplinary hearing.

5 (3) Any committed person charged with a violation of rules
6 is entitled to a hearing on that charge, at which time he shall
7 have an opportunity to appear before and address the warden or
8 disciplinary board deciding the charge.

9 (4) The person or persons determining the disposition of
10 the charge may also summon to testify any witnesses or other
11 persons with relevant knowledge of the incident. The person
12 charged may be permitted to question any person so summoned.

13 (5) If the charge is sustained, the person charged is
14 entitled to a written statement, within 14 days after the
15 hearing, of the decision by the warden or the disciplinary
16 board which determined the disposition of the charge, and the
17 statement shall include the basis for the decision and the
18 disciplinary action, if any, to be imposed.

19 (6) The warden may impose the discipline recommended by the
20 disciplinary board, or may reduce the discipline recommended;
21 however, no committed person may be penalized more than 30 days
22 of good behavior allowance for any one infraction.

23 (7) The warden, in appropriate cases, may restore good
24 behavior allowance that has been revoked, suspended or reduced.

25 (e) The Cook County Sheriff or his or her designee may
26 revoke the good behavior allowance specified in Section 3 of

1 this Act of an inmate who is sentenced to the Illinois
2 Department of Corrections for misconduct committed by the
3 inmate while in custody of the Cook County Sheriff. If an
4 inmate while in custody of the Cook County Sheriff is convicted
5 of assault or battery on a peace officer, correctional
6 employee, or another inmate, or for criminal damage to property
7 or for bringing into or possessing contraband in the penal
8 institution in violation of Section 31A-1.1 of the Criminal
9 Code of 1961, his or her day for day good behavior allowance
10 shall be revoked for each day such allowance was earned while
11 the inmate was in custody of the Cook County Sheriff.

12 (Source: P.A. 84-1411.)