



Executive Committee

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1 AMENDMENT TO SENATE BILL 1289

2 AMENDMENT NO. _____. Amend Senate Bill 1289 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Illinois Crime Reduction Act of 2009.

6 Section 5. Purpose and Definitions.

7 (a) Purpose. The General Assembly hereby declares that it
8 is the policy of Illinois to preserve public safety, reduce
9 crime, and make the most effective use of correctional
10 resources. Currently, the Illinois correctional system
11 overwhelmingly incarcerates people whose time in prison does
12 not result in improved behavior and who return to Illinois
13 communities in less than one year. It is therefore the purpose
14 of this Act to create an infrastructure to provide effective
15 resources and services to incarcerated individuals and
16 individuals supervised in the community; to hold offenders

1 accountable; to successfully rehabilitate offenders to prevent
2 future involvement with the criminal justice system; to measure
3 the overall effectiveness of the criminal justice system in
4 achieving this policy; and to create the Adult Redeploy
5 Illinois program for those who do not fall under the definition
6 of violent offenders.

7 (b) Definitions. As used in this Act, unless the context
8 clearly requires otherwise:

9 (1) "Assets" are an offender's qualities or resources,
10 such as family and other positive support systems,
11 educational achievement, and employment history, that
12 research has demonstrated will decrease the likelihood
13 that the offender will re-offend and increase the
14 likelihood that the offender will successfully reintegrate
15 into the community.

16 (2) "Case plan" means a consistently updated written
17 proposal that shall follow the offender through all phases
18 of the criminal justice system, that is based on the
19 offender's risks, assets, and needs as identified through
20 the assessment tool described in this Act, and that
21 outlines steps the offender shall take and the programs in
22 which the offender shall participate to maximize the
23 offender's ability to be rehabilitated.

24 (3) "Community supervision" includes supervision in
25 community-based, non-incarceration settings under such
26 conditions and reporting requirements as are imposed by the

1 court or the Prisoner Review Board.

2 (4) "Conditions of supervision" include conditions
3 described in Section 5-6-3.1 of the Unified Code of
4 Corrections.

5 (5) "Evidence-based practices" means policies,
6 procedures, programs, and practices that have been
7 demonstrated to reduce recidivism among incarcerated
8 individuals and individuals on community supervision.

9 (6) "Needs" include an offender's criminogenic
10 qualities, skills, and experiences that can be altered in
11 ways that research has demonstrated will minimize the
12 offender's chances of re-offending and maximize the
13 offender's chances of successfully reintegrating into the
14 community.

15 (7) "Risks" include the attributes of an offender that
16 are commonly considered to be those variables, such as age,
17 prior criminal history, history of joblessness, and lack of
18 education that research has demonstrated contribute to an
19 offender's likelihood of re-offending and impact an
20 offender's ability to successfully reintegrate into the
21 community.

22 (8) "Violent offender" means a person convicted of a
23 violent crime as defined in subsection (c) of Section 3 of
24 the Rights of Crime Victims and Witnesses Act.

25 Section 10. Evidence-Based Programming.

1 (a) Purpose. Research and practice have identified new
2 strategies and policies that can result in a significant
3 reduction in recidivism rates and the successful community
4 reintegration of offenders. The purpose of this Section is to
5 ensure that State and local agencies direct their resources to
6 services and programming that have been demonstrated to be
7 effective in reducing recidivism and reintegrating offenders
8 into the community.

9 (b) Evidence-based programming in community supervision.

10 (1) The Probation Services Division of the
11 Administrative Office of the Illinois Courts, the Parole
12 Division of the Department of Corrections, and the Prisoner
13 Review Board shall adopt policies, rules, and regulations
14 that, within the first year of the adoption, validation,
15 and utilization of the statewide, standardized risk
16 assessment tool described in this Act, result in at least
17 25% of supervised individuals being supervised in
18 accordance with evidence-based practices; within 3 years
19 of the adoption, validation, and utilization of the
20 statewide, standardized risk assessment tool result in at
21 least 50% of supervised individuals being supervised in
22 accordance with evidence-based practices; and within 5
23 years of the adoption, validation, and utilization of the
24 statewide, standardized risk assessment tool result in at
25 least 75% of supervised individuals being supervised in
26 accordance with evidence-based practices. The policies,

1 rules, and regulations shall:

2 (A) Provide for a consistent and common
3 individualized case plan that follows the offender
4 through the criminal justice system (including
5 in-prison if the supervised individual is in prison)
6 that is:

7 (i) Based on the assets of the individual as
8 well as his or her risks and needs identified
9 through the assessment tool as described in this
10 Act.

11 (ii) Comprised of treatment and supervision
12 services appropriate to achieve the purpose of
13 this Act.

14 (iii) Consistently updated, based on program
15 participation by the supervised individual and
16 other behavior modification exhibited by the
17 supervised individual.

18 (B) Concentrate resources and services on
19 high-risk offenders.

20 (C) Provide for the use of evidence-based
21 programming related to education, job training,
22 cognitive behavioral therapy, and other programming
23 designed to reduce criminal behavior.

24 (D) Establish a system of graduated responses.

25 (i) The system shall set forth a menu of
26 presumptive responses for the most common types of

1 supervision violations.

2 (ii) The system shall be guided by the model
3 list of intermediate sanctions created by the
4 Probation Services Division of the State of
5 Illinois pursuant to subsection (1) of Section 15
6 of the Probation and Probation Officers Act and the
7 system of intermediate sanctions created by the
8 Chief Judge of each circuit court pursuant to
9 Section 5-6-1 of the Unified Code of Corrections.

10 (iii) The system of responses shall take into
11 account factors such as the severity of the current
12 violation; the supervised individual's risk level
13 as determined by a validated assessment tool
14 described in this Act; the supervised individual's
15 assets; his or her previous criminal record; and
16 the number and severity of any previous
17 supervision violations.

18 (iv) The system shall also define positive
19 reinforcements that supervised individuals may
20 receive for compliance with conditions of
21 supervision.

22 (v) Response to violations should be swift and
23 certain and should be imposed as soon as
24 practicable but no longer than 3 working days of
25 detection of the violation behavior.

26 (2) Conditions of community supervision (probation and

1 mandatory supervised release). Conditions of community
2 supervision whether imposed by a sentencing judge or the
3 Prisoner Review Board shall be imposed in accordance with
4 the offender's risks, assets, and needs as identified
5 through the assessment tool described in this Act.

6 (c) Evidence-based in-prison programming.

7 (1) The Department of Corrections shall adopt
8 policies, rules, and regulations that, within the first
9 year of the adoption, validation, and utilization of the
10 statewide, standardized risk assessment tool described in
11 this Act, result in at least 25% of incarcerated
12 individuals receiving services and programming in
13 accordance with evidence-based practices; within 3 years
14 of the adoption, validation, and utilization of the
15 statewide, standardized risk assessment tool result in at
16 least 50% of incarcerated individuals receiving services
17 and programming in accordance with evidence-based
18 practices; and within 5 years of the adoption, validation,
19 and utilization of the statewide, standardized risk
20 assessment tool result in at least 75% of incarcerated
21 individuals receiving services and programming in
22 accordance with evidence-based practices. The policies,
23 rules, and regulations shall:

24 (A) Provide for the use and development of a case
25 plan based on the risks, assets, and needs identified
26 through the assessment tool as described in this Act.

1 The case plan should be used to determine in-prison
2 programming; should be continuously updated based on
3 program participation by the prisoner and other
4 behavior modification exhibited by the prisoner; and
5 should be used when creating the case plan described in
6 subsection (b).

7 (B) Provide for the use of evidence-based
8 programming related to education, job training,
9 cognitive behavioral therapy and other evidence-based
10 programming.

11 (C) Establish education programs based on a
12 teacher to student ratio of no more than 1:30.

13 (D) Expand the use of drug prisons, modeled after
14 the Sheridan Correctional Center, to provide
15 sufficient drug treatment and other support services
16 to non-violent inmates with a history of substance
17 abuse.

18 (2) Participation and completion of programming by
19 prisoners can impact earned time credit as determined under
20 Section 3-6-3 of the Unified Code of Corrections.

21 (3) The Department of Corrections shall provide its
22 employees with intensive and on-going training and
23 professional development services to support the
24 implementation of evidence-based practices. The training
25 and professional development services shall include
26 assessment techniques, case planning, cognitive behavioral

1 training, risk reduction and intervention strategies,
2 effective communication skills, substance abuse treatment
3 education and other topics identified by the Department or
4 its employees.

5 (d) The Probation Services Division of the Administrative
6 Office of the Illinois Courts, the Parole Division of the
7 Department of Corrections, and the Prisoner Review Board shall
8 provide their employees with intensive and on-going training
9 and professional development services to support the
10 implementation of evidence-based practices. The training and
11 professional development services shall include assessment
12 techniques, case planning, cognitive behavioral training, risk
13 reduction and intervention strategies, effective communication
14 skills, substance abuse treatment education, and other topics
15 identified by the agencies or their employees.

16 (e) The Department of Corrections, the Probation Services
17 Division of the Administrative Office of the Illinois Courts,
18 the Prisoner Review Board, and other correctional entities
19 referenced in the policies, rules, and regulations of this Act
20 shall design, implement, and make public a system to evaluate
21 the effectiveness of evidence-based practices in increasing
22 public safety and in successful reintegration of those under
23 supervision into the community. Annually, each agency shall
24 submit to the Sentencing Policy Advisory Council a
25 comprehensive report on the success of implementing
26 evidence-based practices. The data compiled and analyzed by the

1 Council shall be delivered annually to the Governor and the
2 General Assembly.

3 Section 15. Adoption, validation, and utilization of an
4 assessment tool.

5 (a) Purpose. In order to determine appropriate punishment
6 or services which will protect public safety, it is necessary
7 for the State and local jurisdictions to adopt a common
8 assessment tool. Supervision and correctional programs are
9 most effective at reducing future crime when they accurately
10 assess offender risks, assets, and needs, and use these
11 assessment results to assign supervision levels and target
12 programs to criminogenic needs.

13 (b) After review of the plan issued by the Task Force
14 described in subsection (c), the Probation Services Division of
15 the Administrative Office of the Illinois Courts, the
16 Department of Corrections, the Parole Division of the
17 Department of Corrections, and the Prisoner Review Board shall
18 adopt policies, rules, and regulations that within 3 years of
19 the effective date of this Act result in the adoption,
20 validation, and utilization of a statewide, standardized risk
21 assessment tool across the Illinois criminal justice system.

22 (c) The Governor's Office shall convene a Risks, Assets,
23 and Needs Assessment Task Force to develop plans for the
24 adoption, validation, and utilization of such an assessment
25 tool. The Task Force shall include, but not be limited to,

1 designees from the Department of Corrections who are
2 responsible for and familiar with Probation Services who are
3 responsible for and familiar with probation services and
4 pre-trial services; a designee from the Cook County Pre-Trial
5 Services Division; a representative from a county probation
6 office, designated by the Administrative Office of the Illinois
7 Courts; and designees from the Attorney General's Office, the
8 Prisoner Review Board, the Illinois Criminal Justice
9 Information Authority, the Sentencing Policy Advisory Council,
10 the Cook County State's Attorney, a State's Attorney selected
11 by the President of the Illinois State's Attorneys Association,
12 the Cook County Public Defender, the State Appellate Defender,
13 and a representative of the defense bar appointed by the Chief
14 Justice of the Illinois Supreme Court.

15 (d) The Task Force's plans shall be released within one
16 year of the effective date of this Act and shall at a minimum
17 include:

18 (1) A computerized method and design to allow each of
19 the Illinois agencies which are part of the criminal
20 justice system to share the results of the assessment.

21 (2) A selection of a common validated tool to be used
22 across the system.

23 (3) A description of the different points in the system
24 at which the tool shall be used.

25 (4) An implementation plan, including training and the
26 selection of pilot sites to test the tool.

1 (5) How often and in what intervals offenders will be
2 reassessed.

3 (6) How the results can be legally shared with
4 non-governmental organizations that provide treatment and
5 services to those under community supervision.

6 Section 20. Adult Redeploy Illinois.

7 (a) Purpose. When offenders are accurately assessed for
8 risk, assets, and needs, it is possible to identify which
9 people should be sent to prison and which people can be
10 effectively supervised in the community. By providing
11 financial incentives to counties or judicial circuits to create
12 effective community-level evidence-based services, it is
13 possible to reduce crime and recidivism at a lower cost to
14 taxpayers. Based on this model, this Act hereby creates the
15 Adult Redeploy Illinois program for offenders who do not fall
16 under the definition of violent offenders in order to increase
17 public safety and encourage the successful community
18 supervision of eligible offenders and their reintegration into
19 the community.

20 (b) The Adult Redeploy Illinois program shall reallocate
21 State funds from the adult correctional system to local
22 jurisdictions that successfully establish a process to assess
23 offenders and provide a continuum of local, community-based
24 sanctions and treatment alternatives for offenders who would be
25 incarcerated in a State facility if those local services and

1 sanctions did not exist. The allotment of funds shall be based
2 on a formula that rewards local jurisdictions for the
3 establishment or expansion of local community supervision
4 programs and requires them to pay the amount determined in
5 subsection (e) if incarceration targets as defined in
6 subsection (e) are not met.

7 (c) Each county or circuit participating in the Adult
8 Redeploy Illinois program shall create a local plan describing
9 how it will protect public safety and reduce the county or
10 circuit's utilization of incarceration in State facilities or
11 local county jails by the creation or expansion of
12 individualized services or programs.

13 (d) Based on the local plan, a county or circuit shall
14 enter into an agreement with the Adult Redeploy Oversight Board
15 described in subsection (e) to reduce the number of commitments
16 to State correctional facilities from that county or circuit,
17 excluding violent offenders. The agreement shall include a
18 pledge from the county or circuit to reduce their commitments
19 by 25% of the level of commitments from the average number of
20 commitments for the past 3 years. In return, the county or
21 circuit shall receive, based upon a formula described in
22 subsection (e), funds to redeploy for local programming for
23 offenders who would otherwise be incarcerated. The county or
24 circuit shall also be penalized, as described in subsection
25 (e), for failure to reach the goal of reduced commitments
26 stipulated in the agreement.

1 (e) Adult Redeploy Illinois Oversight Board; members;
2 responsibilities.

3 (1) The Secretary of Human Services and the Director of
4 Corrections shall within 3 months after the effective date
5 of this Act convene and act as co-chairs of an oversight
6 board to oversee the Adult Redeploy Program. The Board
7 shall include, but not be limited to, designees from the
8 Prisoner Review Board, Administrative Office of the
9 Illinois Courts, Office of the Attorney General, Illinois
10 Criminal Justice Information Authority, and Sentencing
11 Policy Advisory Council; the Cook County State's Attorney;
12 a State's Attorney selected by the President of the
13 Illinois State's Attorneys Association; the State
14 Appellate Defender; the Cook County Public Defender; a
15 representative of the defense bar appointed by the Chief
16 Justice of the Illinois Supreme Court; a representative of
17 probation appointed by the Chief Justice of the Illinois
18 Supreme Court; 3 judges appointed by the Chief Justice of
19 the Illinois Supreme Court; and 4 representatives from
20 non-governmental organizations, including service
21 providers.

22 (2) The Oversight Board shall within one year after the
23 effective date of this Act:

24 (A) Develop a process to solicit applications from
25 and identify jurisdictions to be included in the Adult
26 Redeploy Illinois program.

1 (B) Define categories of membership for local
2 entities to participate in the creation and oversight
3 of the local Adult Redeploy Illinois program.

4 (C) Develop a formula for the allotment of funds to
5 local jurisdictions for local and community-based
6 services in lieu of commitment to the Department of
7 Corrections and a penalty amount for failure to reach
8 the goal of reduced commitments stipulated in the
9 plans.

10 (D) Develop a standard format for the local plan to
11 be submitted by the local entity created in each county
12 or circuit.

13 (E) Identify and secure resources sufficient to
14 support the administration and evaluation of Adult
15 Redeploy Illinois.

16 (F) Develop a process to support on-going
17 monitoring and evaluation of Adult Redeploy Illinois.

18 (G) Review local plans and proposed agreements and
19 approve the distribution of resources.

20 (H) Develop a performance measurement system that
21 includes but is not limited to the following key
22 performance indicators: recidivism, rate of
23 revocations, employment rates, education achievement,
24 successful completion of substance abuse treatment
25 programs, and payment of victim restitution. Each
26 county or circuit shall include the performance

1 measurement system in its local plan and provide data
2 annually to evaluate its success.

3 (I) Report annually the results of the performance
4 measurements on a timely basis to the Governor and
5 General Assembly.".