



Rep. William D. Burns

Filed: 5/20/2009

09600SB1289ham004

LRB096 03761 RLC 27211 a

1 AMENDMENT TO SENATE BILL 1289

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

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

7 Section 5. Purpose and Definitions.

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

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

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

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

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

25 (3) "Conditions of supervision" include conditions
26 described in Section 5-6-3.1 of the Unified Code of

1 Corrections.

2 (4) "Evidence-based practices" means policies,
3 procedures, programs, and practices that have been
4 demonstrated to reduce recidivism among incarcerated
5 individuals and individuals on local supervision.

6 (5) "Local supervision" includes supervision in
7 local-based, non-incarceration settings under such
8 conditions and reporting requirements as are imposed by the
9 court or the Prisoner Review Board.

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

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

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

1 Section 10. Evidence-Based Programming.

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

10 (b) Evidence-based programming in local supervision.

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

1 (A) Provide for a standardized individual case
2 plan that follows the offender through the criminal
3 justice system (including in-prison if the supervised
4 individual is in prison) that is:

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

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

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

16 (B) Concentrate resources and services on
17 high-risk offenders.

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

22 (D) Establish a system of graduated responses.

23 (i) The system shall set forth a menu of
24 presumptive responses for the most common types of
25 supervision violations.

26 (ii) The system shall be guided by the model

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

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

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

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

24 (1.5) The Probation Services Division of the
25 Administrative Office of the Illinois Courts is strongly
26 encouraged to adopt policies, rules, and regulations that,

1 within the first year of the adoption, validation, and
2 utilization of the statewide, standardized risk assessment
3 tool described in this Act, result in at least 25% of
4 supervised individuals being supervised in accordance with
5 evidence-based practices; within 3 years of the adoption,
6 validation, and utilization of the statewide, standardized
7 risk assessment tool result in at least 50% of supervised
8 individuals being supervised in accordance with
9 evidence-based practices; and within 5 years of the
10 adoption, validation, and utilization of the statewide,
11 standardized risk assessment tool result in at least 75% of
12 supervised individuals being supervised in accordance with
13 evidence-based practices. The policies, rules, and
14 regulations are strongly encouraged to:

15 (A) Provide for a standardized individual case
16 plan that follows the offender through the criminal
17 justice system (including in-prison if the supervised
18 individual is in prison) that is:

19 (i) Based on the assets of the individual as
20 well as his or her risks and needs identified
21 through the assessment tool as described in this
22 Act.

23 (ii) Comprised of treatment and supervision
24 services appropriate to achieve the purpose of
25 this Act.

26 (iii) Consistently updated, based on program

1 participation by the supervised individual and
2 other behavior modification exhibited by the
3 supervised individual.

4 (B) Concentrate resources and services on
5 high-risk offenders.

6 (C) Provide for the use of evidence-based
7 programming related to education, job training,
8 cognitive behavioral therapy, and other programming
9 designed to reduce criminal behavior.

10 (D) Establish a system of graduated responses.

11 (i) The system is strongly encouraged to set
12 forth a menu of presumptive responses for the most
13 common types of supervision violations.

14 (ii) The system is strongly encouraged to be
15 guided by the model list of intermediate sanctions
16 created by the Probation Services Division of the
17 State of Illinois pursuant to subsection (1) of
18 Section 15 of the Probation and Probation Officers
19 Act and the system of intermediate sanctions
20 created by the Chief Judge of each circuit court
21 pursuant to Section 5-6-1 of the Unified Code of
22 Corrections.

23 (iii) The system of responses is strongly
24 encouraged to take into account factors such as the
25 severity of the current violation; the supervised
26 individual's risk level as determined by a

1 validated assessment tool described in this Act;
2 the supervised individual's assets; his or her
3 previous criminal record; and the number and
4 severity of any previous supervision violations.

5 (iv) The system is strongly encouraged to also
6 define positive reinforcements that supervised
7 individuals may receive for compliance with
8 conditions of supervision.

9 (v) Response to violations should be swift and
10 certain and should be imposed as soon as
11 practicable but no longer than 3 working days of
12 detection of the violation behavior.

13 (2) Conditions of local supervision (probation and
14 mandatory supervised release). Conditions of local
15 supervision whether imposed by a sentencing judge or the
16 Prisoner Review Board shall be imposed in accordance with
17 the offender's risks, assets, and needs as identified
18 through the assessment tool described in this Act.

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

20 (1) The Department of Corrections shall adopt
21 policies, rules, and regulations that, within the first
22 year of the adoption, validation, and utilization of the
23 statewide, standardized risk assessment tool described in
24 this Act, result in at least 25% of incarcerated
25 individuals receiving services and programming in
26 accordance with evidence-based practices; within 3 years

1 of the adoption, validation, and utilization of the
2 statewide, standardized risk assessment tool result in at
3 least 50% of incarcerated individuals receiving services
4 and programming in accordance with evidence-based
5 practices; and within 5 years of the adoption, validation,
6 and utilization of the statewide, standardized risk
7 assessment tool result in at least 75% of incarcerated
8 individuals receiving services and programming in
9 accordance with evidence-based practices. The policies,
10 rules, and regulations shall:

11 (A) Provide for the use and development of a case
12 plan based on the risks, assets, and needs identified
13 through the assessment tool as described in this Act.
14 The case plan should be used to determine in-prison
15 programming; should be continuously updated based on
16 program participation by the prisoner and other
17 behavior modification exhibited by the prisoner; and
18 should be used when creating the case plan described in
19 subsection (b).

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

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

26 (D) Expand the use of drug prisons, modeled after

1 the Sheridan Correctional Center, to provide
2 sufficient drug treatment and other support services
3 to non-violent inmates with a history of substance
4 abuse.

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

8 (3) The Department of Corrections shall provide its
9 employees with intensive and on-going training and
10 professional development services to support the
11 implementation of evidence-based practices. The training
12 and professional development services shall include
13 assessment techniques, case planning, cognitive behavioral
14 training, risk reduction and intervention strategies,
15 effective communication skills, substance abuse treatment
16 education and other topics identified by the Department or
17 its employees.

18 (d) The Parole Division of the Department of Corrections
19 and the Prisoner Review Board shall provide their employees
20 with intensive and on-going training and professional
21 development services to support the implementation of
22 evidence-based practices. The training and professional
23 development services shall include assessment techniques, case
24 planning, cognitive behavioral training, risk reduction and
25 intervention strategies, effective communication skills,
26 substance abuse treatment education, and other topics

1 identified by the agencies or their employees.

2 (d-5) The Probation Services Division of the
3 Administrative Office of the Illinois Courts is strongly
4 encouraged to provide their employees and county adult
5 probation officers with intensive and on-going training and
6 professional development services to support the
7 implementation of evidence-based practices. The training and
8 professional development services are strongly encouraged to
9 include assessment techniques, case planning, cognitive
10 behavioral training, risk reduction and intervention
11 strategies, effective communication skills, substance abuse
12 treatment education, and other topics identified by the
13 agencies or their employees.

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

26 (f) The Probation Services Division of the Administrative

1 Office of the Illinois Courts is strongly encouraged to design,
2 implement, and make public a system to evaluate the
3 effectiveness of evidence-based practices in increasing public
4 safety and in successful reintegration of those under
5 supervision into the locality. Annually, the Division is
6 strongly encouraged to submit to the Sentencing Policy Advisory
7 Council a comprehensive report on the success of implementing
8 evidence-based practices. The data compiled and analyzed by the
9 Council shall be delivered annually to the Governor and the
10 General Assembly.

11 Section 15. Adoption, validation, and utilization of an
12 assessment tool.

13 (a) Purpose. In order to determine appropriate punishment
14 or services which will protect public safety, it is necessary
15 for the State and local jurisdictions to adopt a common
16 assessment tool. Supervision and correctional programs are
17 most effective at reducing future crime when they accurately
18 assess offender risks, assets, and needs, and use these
19 assessment results to assign supervision levels and target
20 programs to criminogenic needs.

21 (b) After review of the plan issued by the Task Force
22 described in subsection (c), the Department of Corrections, the
23 Parole Division of the Department of Corrections, and the
24 Prisoner Review Board shall adopt policies, rules, and
25 regulations that within 3 years of the effective date of this

1 Act result in the adoption, validation, and utilization of a
2 statewide, standardized risk assessment tool across the
3 Illinois criminal justice system.

4 (b-5) After review of the plan issued by the Task Force
5 described in subsection (c), the Probation Services Division of
6 the Administrative Office of the Illinois Courts is strongly
7 encouraged to adopt policies, rules, and regulations that
8 within 3 years of the effective date of this Act result in the
9 adoption, validation, and utilization of a statewide,
10 standardized risk assessment tool across the Illinois criminal
11 justice system.

12 (c) The Governor's Office shall convene a Risks, Assets,
13 and Needs Assessment Task Force to develop plans for the
14 adoption, validation, and utilization of such an assessment
15 tool. The Task Force shall include, but not be limited to,
16 designees from the Department of Corrections who are
17 responsible for parole services, designees from the Probation
18 Division of the Administrative Office of the Illinois Courts
19 who are responsible for and familiar with Probation Services
20 who are responsible for and familiar with probation services
21 and pre-trial services; a designee from the Cook County Adult
22 Probation; a representative from a county probation office,
23 designated by the Administrative Office of the Illinois Courts;
24 and designees from the Attorney General's Office, the Prisoner
25 Review Board, the Illinois Criminal Justice Information
26 Authority, the Sentencing Policy Advisory Council, the Cook

1 County State's Attorney, a State's Attorney selected by the
2 President of the Illinois State's Attorneys Association, the
3 Cook County Public Defender, the State Appellate Defender, and
4 a representative of the defense bar appointed by the Chief
5 Justice of the Illinois Supreme Court.

6 (c-5) The Department of Human Services shall provide
7 administrative support for the Task Force.

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

11 (1) A computerized method and design to allow each of
12 the State and local agencies and branches of government
13 which are part of the criminal justice system to share the
14 results of the assessment. The recommendations for the
15 automated system shall include cost estimates, a
16 timetable, a plan to pay for the system and for sharing
17 data across agencies and branches of government.

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

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

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

24 (5) How often and in what intervals offenders will be
25 reassessed.

26 (6) How the results can be legally shared with

1 non-governmental organizations that provide treatment and
2 services to those under local supervision.

3 Section 20. Adult Redeploy Illinois.

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

16 (b) The Adult Redeploy Illinois program shall reallocate
17 State funds to local jurisdictions that successfully establish
18 a process to assess offenders and provide a continuum of
19 locally-based sanctions and treatment alternatives for
20 offenders who would be incarcerated in a State facility if
21 those local services and sanctions did not exist. The allotment
22 of funds shall be based on a formula that rewards local
23 jurisdictions for the establishment or expansion of local
24 supervision programs and requires them to pay the amount
25 determined in subsection (e) if incarceration targets as

1 defined in subsection (e) are not met.

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

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

24 (e) Adult Redeploy Illinois Oversight Board; members;
25 responsibilities.

26 (1) The Secretary of Human Services and the Director of

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

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

21 (A) Develop a process to solicit applications from
22 and identify jurisdictions to be included in the Adult
23 Redeploy Illinois program.

24 (B) Define categories of membership for local
25 entities to participate in the creation and oversight
26 of the local Adult Redeploy Illinois program.

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

7 (D) Develop a standard format for the local plan to
8 be submitted by the local entity created in each county
9 or circuit.

10 (E) Identify and secure resources sufficient to
11 support the administration and evaluation of Adult
12 Redeploy Illinois.

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

15 (G) Review local plans and proposed agreements and
16 approve the distribution of resources.

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

26 (I) Report annually the results of the performance

1 measurements on a timely basis to the Governor and
2 General Assembly."