



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5920

Introduced 2/16/2012, by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-8-1.2

Amends the Unified Code of Corrections setting forth requirements a person must meet in order to be eligible to be sentenced to a county impact incarceration program by the court. Deletes a requirement that: the person has been found in violation of probation for an offense that is a Class 2, 3, or 4 felony that is not a forcible felony or a violent crime who otherwise could be sentenced to a term of incarceration; or the person is convicted of an offense that is a Class 2, 3, or 4 felony that is not a forcible felony or a violent crime and has previously served a sentence of probation for any felony offense and otherwise could be sentenced to a term of incarceration.

LRB097 13316 RLC 57831 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 5-8-1.2 as follows:

6 (730 ILCS 5/5-8-1.2)

7 Sec. 5-8-1.2. County impact incarceration.

8 (a) Legislative intent. It is the finding of the General
9 Assembly that certain non-violent offenders eligible for
10 sentences of incarceration may benefit from the rehabilitative
11 aspects of a county impact incarceration program. It is the
12 intent of the General Assembly that such programs be
13 implemented as provided by this Section. This Section shall not
14 be construed to allow violent offenders to participate in a
15 county impact incarceration program.

16 (b) Under the direction of the Sheriff and with the
17 approval of the County Board of Commissioners, the Sheriff, in
18 any county with more than 3,000,000 inhabitants, may establish
19 and operate a county impact incarceration program for eligible
20 offenders. If the court finds under Section 5-4-1 that an
21 offender convicted of a felony meets the eligibility
22 requirements of the Sheriff's county impact incarceration
23 program, the court may sentence the offender to the county

1 impact incarceration program. The Sheriff shall be responsible
2 for monitoring all offenders who are sentenced to the county
3 impact incarceration program, including the mandatory period
4 of monitored release following the 120 to 180 days of impact
5 incarceration. Offenders assigned to the county impact
6 incarceration program under an intergovernmental agreement
7 between the county and the Illinois Department of Corrections
8 are exempt from the provisions of this mandatory period of
9 monitored release. In the event the offender is not accepted
10 for placement in the county impact incarceration program, the
11 court shall proceed to sentence the offender to any other
12 disposition authorized by this Code. If the offender does not
13 successfully complete the program, the offender's failure to do
14 so shall constitute a violation of the sentence to the county
15 impact incarceration program.

16 (c) In order to be eligible to be sentenced to a county
17 impact incarceration program by the court, the person shall
18 meet all of the following requirements:

19 (1) the person must be not less than 17 years of age
20 nor more than 35 years of age;

21 (2) The person has not previously participated in the
22 impact incarceration program and has not previously served
23 more than one prior sentence of imprisonment for a felony
24 in an adult correctional facility;

25 (3) The person has not been convicted of a Class X
26 felony, first or second degree murder, armed violence,

1 aggravated kidnapping, criminal sexual assault, aggravated
2 criminal sexual abuse or a subsequent conviction for
3 criminal sexual abuse, forcible detention, or arson and has
4 not been convicted previously of any of those offenses.

5 (4) (Blank). ~~The person has been found in violation of~~
6 ~~probation for an offense that is a Class 2, 3, or 4 felony~~
7 ~~that is not a forcible felony as defined in Section 2-8 of~~
8 ~~the Criminal Code of 1961 or a violent crime as defined in~~
9 ~~subsection (c) of Section 3 of the Rights of Crime Victims~~
10 ~~and Witnesses Act who otherwise could be sentenced to a~~
11 ~~term of incarceration; or the person is convicted of an~~
12 ~~offense that is a Class 2, 3, or 4 felony that is not a~~
13 ~~forcible felony as defined in Section 2-8 of the Criminal~~
14 ~~Code of 1961 or a violent crime as defined in subsection~~
15 ~~(c) of Section 3 of the Rights of Crime Victims and~~
16 ~~Witnesses Act who has previously served a sentence of~~
17 ~~probation for any felony offense and who otherwise could be~~
18 ~~sentenced to a term of incarceration.~~

19 (5) The person must be physically able to participate
20 in strenuous physical activities or labor.

21 (6) The person must not have any mental disorder or
22 disability that would prevent participation in a county
23 impact incarceration program.

24 (7) The person was recommended and approved for
25 placement in the county impact incarceration program by the
26 Sheriff and consented in writing to participation in the

1 county impact incarceration program and to the terms and
2 conditions of the program. The Sheriff may consider, among
3 other matters, whether the person has any outstanding
4 detainers or warrants, whether the person has a history of
5 escaping or absconding, whether participation in the
6 county impact incarceration program may pose a risk to the
7 safety or security of any person and whether space is
8 available.

9 (c) The county impact incarceration program shall include,
10 among other matters, mandatory physical training and labor,
11 military formation and drills, regimented activities,
12 uniformity of dress and appearance, education and counseling,
13 including drug counseling where appropriate.

14 (d) Privileges including visitation, commissary, receipt
15 and retention of property and publications and access to
16 television, radio, and a library may be suspended or
17 restricted, notwithstanding provisions to the contrary in this
18 Code.

19 (e) The Sheriff shall issue written rules and requirements
20 for the program. Persons shall be informed of rules of behavior
21 and conduct. Persons participating in the county impact
22 incarceration program shall adhere to all rules and all
23 requirements of the program.

24 (f) Participation in the county impact incarceration
25 program shall be for a period of 120 to 180 days followed by a
26 mandatory term of monitored release for at least 8 months and

1 no more than 12 months supervised by the Sheriff. The period of
2 time a person shall serve in the impact incarceration program
3 shall not be reduced by the accumulation of good time. The
4 court may also sentence the person to a period of probation to
5 commence at the successful completion of the county impact
6 incarceration program.

7 (g) If the person successfully completes the county impact
8 incarceration program, the Sheriff shall certify the person's
9 successful completion of the program to the court and to the
10 county's State's Attorney. Upon successful completion of the
11 county impact incarceration program and mandatory term of
12 monitored release and if there is an additional period of
13 probation given, the person shall at that time begin his or her
14 probationary sentence under the supervision of the Adult
15 Probation Department.

16 (h) A person may be removed from the county impact
17 incarceration program for a violation of the terms or
18 conditions of the program or in the event he or she is for any
19 reason unable to participate. The failure to complete the
20 program for any reason, including the 8 to 12 month monitored
21 release period, shall be deemed a violation of the county
22 impact incarceration sentence. The Sheriff shall give notice to
23 the State's Attorney of the person's failure to complete the
24 program. The Sheriff shall file a petition for violation of the
25 county impact incarceration sentence with the court and the
26 State's Attorney may proceed on the petition under Section

1 5-6-4 of this Code. The Sheriff shall promulgate rules and
2 regulations governing conduct which could result in removal
3 from the program or in a determination that the person has not
4 successfully completed the program.

5 The mandatory conditions of every county impact
6 incarceration sentence shall include that the person either
7 while in the program or during the period of monitored release:

8 (1) not violate any criminal statute of any
9 jurisdiction;

10 (2) report or appear in person before any such person
11 or agency as directed by the court or the Sheriff;

12 (3) refrain from possessing a firearm or other
13 dangerous weapon;

14 (4) not leave the State without the consent of the
15 court or, in circumstances in which the reason for the
16 absence is of such an emergency nature that prior consent
17 by the court is not possible, without the prior
18 notification and approval of the Sheriff; and

19 (5) permit representatives of the Sheriff to visit at
20 the person's home or elsewhere to the extent necessary for
21 the Sheriff to monitor compliance with the program. Persons
22 shall have access to such rules, which shall provide that a
23 person shall receive notice of any such violation.

24 (i) The Sheriff may terminate the county impact
25 incarceration program at any time.

26 (j) The Sheriff shall report to the county board on or

1 before September 30th of each year on the county impact
2 incarceration program, including the composition of the
3 program by the offenders, by county of commitment, sentence,
4 age, offense, and race.

5 (Source: P.A. 89-587, eff. 7-31-96.)