



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2819

Introduced 1/18/2012, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-2-2	from Ch. 38, par. 1003-2-2
730 ILCS 5/3-2-5	from Ch. 38, par. 1003-2-5
730 ILCS 5/3-5-3	from Ch. 38, par. 1003-5-3
730 ILCS 5/5-8-1.1	from Ch. 38, par. 1005-8-1.1
730 ILCS 5/5-8-1.3	
730 ILCS 5/5-5-4.3 rep.	

Amends the Unified Code of Corrections. Eliminates various reports that the Department of Corrections must submit to the Governor and General Assembly. Provides that reports about the pilot residential and treatment program for women shall be required only if the program is operational. Repeals provision requiring the Department of Corrections to publish an annual report available to trial and appellate court judges for their use in imposing or reviewing sentences under the Code and to other interested parties upon a showing of need. Effective immediately.

LRB097 14650 RLC 59538 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning corrections.

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 Sections 3-2-2, 3-2-5, 3-5-3, 5-8-1.1, and 5-8-1.3 as
6 follows:

7 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

8 Sec. 3-2-2. Powers and Duties of the Department.

9 (1) In addition to the powers, duties and responsibilities
10 which are otherwise provided by law, the Department shall have
11 the following powers:

12 (a) To accept persons committed to it by the courts of
13 this State for care, custody, treatment and
14 rehabilitation, and to accept federal prisoners and aliens
15 over whom the Office of the Federal Detention Trustee is
16 authorized to exercise the federal detention function for
17 limited purposes and periods of time.

18 (b) To develop and maintain reception and evaluation
19 units for purposes of analyzing the custody and
20 rehabilitation needs of persons committed to it and to
21 assign such persons to institutions and programs under its
22 control or transfer them to other appropriate agencies. In
23 consultation with the Department of Alcoholism and

1 Substance Abuse (now the Department of Human Services), the
2 Department of Corrections shall develop a master plan for
3 the screening and evaluation of persons committed to its
4 custody who have alcohol or drug abuse problems, and for
5 making appropriate treatment available to such persons;
6 the Department shall report to the General Assembly on such
7 plan not later than April 1, 1987. The maintenance and
8 implementation of such plan shall be contingent upon the
9 availability of funds.

10 (b-1) To create and implement, on January 1, 2002, a
11 pilot program to establish the effectiveness of
12 pupillometer technology (the measurement of the pupil's
13 reaction to light) as an alternative to a urine test for
14 purposes of screening and evaluating persons committed to
15 its custody who have alcohol or drug problems. The pilot
16 program shall require the pupillometer technology to be
17 used in at least one Department of Corrections facility.
18 The Director may expand the pilot program to include an
19 additional facility or facilities as he or she deems
20 appropriate. A minimum of 4,000 tests shall be included in
21 the pilot program. The Department must report to the
22 General Assembly on the effectiveness of the program by
23 January 1, 2003.

24 (b-5) To develop, in consultation with the Department
25 of State Police, a program for tracking and evaluating each
26 inmate from commitment through release for recording his or

1 her gang affiliations, activities, or ranks.

2 (c) To maintain and administer all State correctional
3 institutions and facilities under its control and to
4 establish new ones as needed. Pursuant to its power to
5 establish new institutions and facilities, the Department
6 may, with the written approval of the Governor, authorize
7 the Department of Central Management Services to enter into
8 an agreement of the type described in subsection (d) of
9 Section 405-300 of the Department of Central Management
10 Services Law (20 ILCS 405/405-300). The Department shall
11 designate those institutions which shall constitute the
12 State Penitentiary System.

13 Pursuant to its power to establish new institutions and
14 facilities, the Department may authorize the Department of
15 Central Management Services to accept bids from counties
16 and municipalities for the construction, remodeling or
17 conversion of a structure to be leased to the Department of
18 Corrections for the purposes of its serving as a
19 correctional institution or facility. Such construction,
20 remodeling or conversion may be financed with revenue bonds
21 issued pursuant to the Industrial Building Revenue Bond Act
22 by the municipality or county. The lease specified in a bid
23 shall be for a term of not less than the time needed to
24 retire any revenue bonds used to finance the project, but
25 not to exceed 40 years. The lease may grant to the State
26 the option to purchase the structure outright.

1 Upon receipt of the bids, the Department may certify
2 one or more of the bids and shall submit any such bids to
3 the General Assembly for approval. Upon approval of a bid
4 by a constitutional majority of both houses of the General
5 Assembly, pursuant to joint resolution, the Department of
6 Central Management Services may enter into an agreement
7 with the county or municipality pursuant to such bid.

8 (c-5) To build and maintain regional juvenile
9 detention centers and to charge a per diem to the counties
10 as established by the Department to defray the costs of
11 housing each minor in a center. In this subsection (c-5),
12 "juvenile detention center" means a facility to house
13 minors during pendency of trial who have been transferred
14 from proceedings under the Juvenile Court Act of 1987 to
15 prosecutions under the criminal laws of this State in
16 accordance with Section 5-805 of the Juvenile Court Act of
17 1987, whether the transfer was by operation of law or
18 permissive under that Section. The Department shall
19 designate the counties to be served by each regional
20 juvenile detention center.

21 (d) To develop and maintain programs of control,
22 rehabilitation and employment of committed persons within
23 its institutions.

24 (d-5) To provide a pre-release job preparation program
25 for inmates at Illinois adult correctional centers.

26 (e) To establish a system of supervision and guidance

1 of committed persons in the community.

2 (f) To establish in cooperation with the Department of
3 Transportation to supply a sufficient number of prisoners
4 for use by the Department of Transportation to clean up the
5 trash and garbage along State, county, township, or
6 municipal highways as designated by the Department of
7 Transportation. The Department of Corrections, at the
8 request of the Department of Transportation, shall furnish
9 such prisoners at least annually for a period to be agreed
10 upon between the Director of Corrections and the Director
11 of Transportation. The prisoners used on this program shall
12 be selected by the Director of Corrections on whatever
13 basis he deems proper in consideration of their term,
14 behavior and earned eligibility to participate in such
15 program - where they will be outside of the prison facility
16 but still in the custody of the Department of Corrections.
17 Prisoners convicted of first degree murder, or a Class X
18 felony, or armed violence, or aggravated kidnapping, or
19 criminal sexual assault, aggravated criminal sexual abuse
20 or a subsequent conviction for criminal sexual abuse, or
21 forcible detention, or arson, or a prisoner adjudged a
22 Habitual Criminal shall not be eligible for selection to
23 participate in such program. The prisoners shall remain as
24 prisoners in the custody of the Department of Corrections
25 and such Department shall furnish whatever security is
26 necessary. The Department of Transportation shall furnish

1 trucks and equipment for the highway cleanup program and
2 personnel to supervise and direct the program. Neither the
3 Department of Corrections nor the Department of
4 Transportation shall replace any regular employee with a
5 prisoner.

6 (g) To maintain records of persons committed to it and
7 to establish programs of research, statistics and
8 planning.

9 (h) To investigate the grievances of any person
10 committed to the Department, to inquire into any alleged
11 misconduct by employees or committed persons, and to
12 investigate the assets of committed persons to implement
13 Section 3-7-6 of this Code; and for these purposes it may
14 issue subpoenas and compel the attendance of witnesses and
15 the production of writings and papers, and may examine
16 under oath any witnesses who may appear before it; to also
17 investigate alleged violations of a parolee's or
18 releasee's conditions of parole or release; and for this
19 purpose it may issue subpoenas and compel the attendance of
20 witnesses and the production of documents only if there is
21 reason to believe that such procedures would provide
22 evidence that such violations have occurred.

23 If any person fails to obey a subpoena issued under
24 this subsection, the Director may apply to any circuit
25 court to secure compliance with the subpoena. The failure
26 to comply with the order of the court issued in response

1 thereto shall be punishable as contempt of court.

2 (i) To appoint and remove the chief administrative
3 officers, and administer programs of training and
4 development of personnel of the Department. Personnel
5 assigned by the Department to be responsible for the
6 custody and control of committed persons or to investigate
7 the alleged misconduct of committed persons or employees or
8 alleged violations of a parolee's or releasee's conditions
9 of parole shall be conservators of the peace for those
10 purposes, and shall have the full power of peace officers
11 outside of the facilities of the Department in the
12 protection, arrest, retaking and reconfining of committed
13 persons or where the exercise of such power is necessary to
14 the investigation of such misconduct or violations.

15 (j) To cooperate with other departments and agencies
16 and with local communities for the development of standards
17 and programs for better correctional services in this
18 State.

19 (k) To administer all moneys and properties of the
20 Department.

21 (l) To report annually to the Governor on the committed
22 persons, institutions and programs of the Department.

23 (l-5) (Blank). ~~In a confidential annual report to the~~
24 ~~Governor, the Department shall identify all inmate gangs by~~
25 ~~specifying each current gang's name, population and allied~~
26 ~~gangs. The Department shall further specify the number of~~

1 ~~top leaders identified by the Department for each gang~~
2 ~~during the past year, and the measures taken by the~~
3 ~~Department to segregate each leader from his or her gang~~
4 ~~and allied gangs. The Department shall further report the~~
5 ~~current status of leaders identified and segregated in~~
6 ~~previous years. All leaders described in the report shall~~
7 ~~be identified by inmate number or other designation to~~
8 ~~enable tracking, auditing, and verification without~~
9 ~~revealing the names of the leaders. Because this report~~
10 ~~contains law enforcement intelligence information~~
11 ~~collected by the Department, the report is confidential and~~
12 ~~not subject to public disclosure.~~

13 (m) To make all rules and regulations and exercise all
14 powers and duties vested by law in the Department.

15 (n) To establish rules and regulations for
16 administering a system of good conduct credits,
17 established in accordance with Section 3-6-3, subject to
18 review by the Prisoner Review Board.

19 (o) To administer the distribution of funds from the
20 State Treasury to reimburse counties where State penal
21 institutions are located for the payment of assistant
22 state's attorneys' salaries under Section 4-2001 of the
23 Counties Code.

24 (p) To exchange information with the Department of
25 Human Services and the Department of Healthcare and Family
26 Services for the purpose of verifying living arrangements

1 and for other purposes directly connected with the
2 administration of this Code and the Illinois Public Aid
3 Code.

4 (q) To establish a diversion program.

5 The program shall provide a structured environment for
6 selected technical parole or mandatory supervised release
7 violators and committed persons who have violated the rules
8 governing their conduct while in work release. This program
9 shall not apply to those persons who have committed a new
10 offense while serving on parole or mandatory supervised
11 release or while committed to work release.

12 Elements of the program shall include, but shall not be
13 limited to, the following:

14 (1) The staff of a diversion facility shall provide
15 supervision in accordance with required objectives set
16 by the facility.

17 (2) Participants shall be required to maintain
18 employment.

19 (3) Each participant shall pay for room and board
20 at the facility on a sliding-scale basis according to
21 the participant's income.

22 (4) Each participant shall:

23 (A) provide restitution to victims in
24 accordance with any court order;

25 (B) provide financial support to his
26 dependents; and

1 (C) make appropriate payments toward any other
2 court-ordered obligations.

3 (5) Each participant shall complete community
4 service in addition to employment.

5 (6) Participants shall take part in such
6 counseling, educational and other programs as the
7 Department may deem appropriate.

8 (7) Participants shall submit to drug and alcohol
9 screening.

10 (8) The Department shall promulgate rules
11 governing the administration of the program.

12 (r) To enter into intergovernmental cooperation
13 agreements under which persons in the custody of the
14 Department may participate in a county impact
15 incarceration program established under Section 3-6038 or
16 3-15003.5 of the Counties Code.

17 (r-5) (Blank).

18 (r-10) To systematically and routinely identify with
19 respect to each streetgang active within the correctional
20 system: (1) each active gang; (2) every existing inter-gang
21 affiliation or alliance; and (3) the current leaders in
22 each gang. The Department shall promptly segregate leaders
23 from inmates who belong to their gangs and allied gangs.
24 "Segregate" means no physical contact and, to the extent
25 possible under the conditions and space available at the
26 correctional facility, prohibition of visual and sound

1 communication. For the purposes of this paragraph (r-10),
2 "leaders" means persons who:

3 (i) are members of a criminal streetgang;

4 (ii) with respect to other individuals within the
5 streetgang, occupy a position of organizer,
6 supervisor, or other position of management or
7 leadership; and

8 (iii) are actively and personally engaged in
9 directing, ordering, authorizing, or requesting
10 commission of criminal acts by others, which are
11 punishable as a felony, in furtherance of streetgang
12 related activity both within and outside of the
13 Department of Corrections.

14 "Streetgang", "gang", and "streetgang related" have the
15 meanings ascribed to them in Section 10 of the Illinois
16 Streetgang Terrorism Omnibus Prevention Act.

17 (s) To operate a super-maximum security institution,
18 in order to manage and supervise inmates who are disruptive
19 or dangerous and provide for the safety and security of the
20 staff and the other inmates.

21 (t) To monitor any unprivileged conversation or any
22 unprivileged communication, whether in person or by mail,
23 telephone, or other means, between an inmate who, before
24 commitment to the Department, was a member of an organized
25 gang and any other person without the need to show cause or
26 satisfy any other requirement of law before beginning the

1 monitoring, except as constitutionally required. The
2 monitoring may be by video, voice, or other method of
3 recording or by any other means. As used in this
4 subdivision (1)(t), "organized gang" has the meaning
5 ascribed to it in Section 10 of the Illinois Streetgang
6 Terrorism Omnibus Prevention Act.

7 As used in this subdivision (1)(t), "unprivileged
8 conversation" or "unprivileged communication" means a
9 conversation or communication that is not protected by any
10 privilege recognized by law or by decision, rule, or order
11 of the Illinois Supreme Court.

12 (u) To establish a Women's and Children's Pre-release
13 Community Supervision Program for the purpose of providing
14 housing and services to eligible female inmates, as
15 determined by the Department, and their newborn and young
16 children.

17 (u-5) To issue an order, whenever a person committed to
18 the Department absconds or absents himself or herself,
19 without authority to do so, from any facility or program to
20 which he or she is assigned. The order shall be certified
21 by the Director, the Supervisor of the Apprehension Unit,
22 or any person duly designated by the Director, with the
23 seal of the Department affixed. The order shall be directed
24 to all sheriffs, coroners, and police officers, or to any
25 particular person named in the order. Any order issued
26 pursuant to this subdivision (1) (u-5) shall be sufficient

1 warrant for the officer or person named in the order to
2 arrest and deliver the committed person to the proper
3 correctional officials and shall be executed the same as
4 criminal process.

5 (v) To do all other acts necessary to carry out the
6 provisions of this Chapter.

7 (2) The Department of Corrections shall by January 1, 1998,
8 consider building and operating a correctional facility within
9 100 miles of a county of over 2,000,000 inhabitants, especially
10 a facility designed to house juvenile participants in the
11 impact incarceration program.

12 (3) When the Department lets bids for contracts for medical
13 services to be provided to persons committed to Department
14 facilities by a health maintenance organization, medical
15 service corporation, or other health care provider, the bid may
16 only be let to a health care provider that has obtained an
17 irrevocable letter of credit or performance bond issued by a
18 company whose bonds are rated AAA by a bond rating
19 organization.

20 (4) When the Department lets bids for contracts for food or
21 commissary services to be provided to Department facilities,
22 the bid may only be let to a food or commissary services
23 provider that has obtained an irrevocable letter of credit or
24 performance bond issued by a company whose bonds are rated AAA
25 by a bond rating organization.

26 (Source: P.A. 96-1265, eff. 7-26-10.)

1 (730 ILCS 5/3-2-5) (from Ch. 38, par. 1003-2-5)
2 Sec. 3-2-5. Organization of the Department of Corrections
3 and the Department of Juvenile Justice.

4 (a) There shall be an Adult Division within the Department
5 which shall be administered by an Assistant Director appointed
6 by the Governor under The Civil Administrative Code of
7 Illinois. The Assistant Director shall be under the direction
8 of the Director. The Adult Division shall be responsible for
9 all persons committed or transferred to the Department under
10 Sections 3-10-7 or 5-8-6 of this Code.

11 (b) There shall be a Department of Juvenile Justice which
12 shall be administered by a Director appointed by the Governor
13 under the Civil Administrative Code of Illinois. The Department
14 of Juvenile Justice shall be responsible for all persons under
15 17 years of age when sentenced to imprisonment and committed to
16 the Department under subsection (c) of Section 5-8-6 of this
17 Code, Section 5-10 of the Juvenile Court Act, or Section 5-750
18 of the Juvenile Court Act of 1987. Persons under 17 years of
19 age committed to the Department of Juvenile Justice pursuant to
20 this Code shall be sight and sound separate from adult
21 offenders committed to the Department of Corrections.

22 (c) The Department shall create a gang intelligence unit
23 under the supervision of the Director. The unit shall be
24 specifically designed to gather information regarding the
25 inmate gang population, monitor the activities of gangs, and

1 prevent the furtherance of gang activities through the
2 development and implementation of policies aimed at deterring
3 gang activity. The Director shall appoint a Corrections
4 Intelligence Coordinator.

5 All information collected and maintained by the unit shall
6 be highly confidential, and access to that information shall be
7 restricted by the Department. The information shall be used to
8 control and limit the activities of gangs within correctional
9 institutions under the jurisdiction of the Illinois Department
10 of Corrections and may be shared with other law enforcement
11 agencies in order to curb gang activities outside of
12 correctional institutions under the jurisdiction of the
13 Department and to assist in the investigations and prosecutions
14 of gang activity. The Department shall establish and promulgate
15 rules governing the release of information to outside law
16 enforcement agencies. Due to the highly sensitive nature of the
17 information, the information is exempt from requests for
18 disclosure under the Freedom of Information Act as the
19 information contained is highly confidential and may be harmful
20 if disclosed.

21 ~~The Department shall file an annual report with the General~~
22 ~~Assembly on the profile of the inmate population associated~~
23 ~~with gangs, gang-related activity within correctional~~
24 ~~institutions under the jurisdiction of the Department, and an~~
25 ~~overall status of the unit as it relates to its function and~~
26 ~~performance.~~

1 (Source: P.A. 94-696, eff. 6-1-06.)

2 (730 ILCS 5/3-5-3) (from Ch. 38, par. 1003-5-3)

3 Sec. 3-5-3. Annual and other Reports.

4 (a) The Director shall make an annual report to the
5 Governor and General Assembly ~~under Section 5-650 of the~~
6 ~~Departments of State Government Law (20 ILCS 5/5-650),~~
7 concerning ~~the state and condition of all~~ persons committed to
8 the Department, its institutions, facilities and programs, of
9 all moneys expended and received, and on what accounts expended
10 and received. ~~The report may also include an abstract of all~~
11 ~~reports made to the Department by individual institutions,~~
12 ~~facilities or programs during the preceding year.~~

13 (b) (Blank). ~~The Director shall make an annual report to~~
14 ~~the Governor and to the State Legislature on any inadequacies~~
15 ~~in the institutions, facilities or programs of the Department~~
16 ~~and also such amendments to the laws of the State which in his~~
17 ~~judgment are necessary in order to best advance the purposes of~~
18 ~~this Code.~~

19 (c) The Director may require such reports from division
20 administrators, chief administrative officers and other
21 personnel as he deems necessary for the administration of the
22 Department.

23 (d) (Blank). ~~The Department of Corrections shall, by~~
24 ~~January 1, 1990, January 1, 1991, and every 2 years thereafter,~~
25 ~~transmit to the Governor and the General Assembly a 5 year long~~

1 ~~range planning document for adult female offenders under the~~
2 ~~Department's supervision. The document shall detail how the~~
3 ~~Department plans to meet the housing, educational/training,~~
4 ~~Correctional Industries and programming needs of the~~
5 ~~escalating adult female offender population.~~

6 (Source: P.A. 91-239, eff. 1-1-00.)

7 (730 ILCS 5/5-8-1.1) (from Ch. 38, par. 1005-8-1.1)

8 Sec. 5-8-1.1. Impact incarceration.

9 (a) The Department may establish and operate an impact
10 incarceration program for eligible offenders. If the court
11 finds under Section 5-4-1 that an offender sentenced to a term
12 of imprisonment for a felony may meet the eligibility
13 requirements of the Department, the court may in its sentencing
14 order approve the offender for placement in the impact
15 incarceration program conditioned upon his acceptance in the
16 program by the Department. Notwithstanding the sentencing
17 provisions of this Code, the sentencing order also shall
18 provide that if the Department accepts the offender in the
19 program and determines that the offender has successfully
20 completed the impact incarceration program, the sentence shall
21 be reduced to time considered served upon certification to the
22 court by the Department that the offender has successfully
23 completed the program. In the event the offender is not
24 accepted for placement in the impact incarceration program or
25 the offender does not successfully complete the program, his

1 term of imprisonment shall be as set forth by the court in its
2 sentencing order.

3 (b) In order to be eligible to participate in the impact
4 incarceration program, the committed person shall meet all of
5 the following requirements:

6 (1) The person must be not less than 17 years of age
7 nor more than 35 years of age.

8 (2) The person has not previously participated in the
9 impact incarceration program and has not previously served
10 more than one prior sentence of imprisonment for a felony
11 in an adult correctional facility.

12 (3) The person has not been convicted of a Class X
13 felony, first or second degree murder, armed violence,
14 aggravated kidnapping, criminal sexual assault, aggravated
15 criminal sexual abuse or a subsequent conviction for
16 criminal sexual abuse, forcible detention, residential
17 arson, place of worship arson, or arson and has not been
18 convicted previously of any of those offenses.

19 (4) The person has been sentenced to a term of
20 imprisonment of 8 years or less.

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

23 (6) The person must not have any mental disorder or
24 disability that would prevent participation in the impact
25 incarceration program.

26 (7) The person has consented in writing to

1 participation in the impact incarceration program and to
2 the terms and conditions thereof.

3 (8) The person was recommended and approved for
4 placement in the impact incarceration program in the
5 court's sentencing order.

6 The Department may also consider, among other matters,
7 whether the committed person has any outstanding detainers or
8 warrants, whether the committed person has a history of
9 escaping or absconding, whether participation in the impact
10 incarceration program may pose a risk to the safety or security
11 of any person and whether space is available.

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

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

21 (e) Committed persons participating in the impact
22 incarceration program shall adhere to all Department rules and
23 all requirements of the program. Committed persons shall be
24 informed of rules of behavior and conduct. Disciplinary
25 procedures required by this Code or by Department rule are not
26 applicable except in those instances in which the Department

1 seeks to revoke good time.

2 (f) Participation in the impact incarceration program
3 shall be for a period of 120 to 180 days. The period of time a
4 committed person shall serve in the impact incarceration
5 program shall not be reduced by the accumulation of good time.

6 (g) The committed person shall serve a term of mandatory
7 supervised release as set forth in subsection (d) of Section
8 5-8-1.

9 (h) A committed person may be removed from the program for
10 a violation of the terms or conditions of the program or in the
11 event he is for any reason unable to participate. The
12 Department shall promulgate rules and regulations governing
13 conduct which could result in removal from the program or in a
14 determination that the committed person has not successfully
15 completed the program. Committed persons shall have access to
16 such rules, which shall provide that a committed person shall
17 receive notice and have the opportunity to appear before and
18 address one or more hearing officers. A committed person may be
19 transferred to any of the Department's facilities prior to the
20 hearing.

21 (i) The Department may terminate the impact incarceration
22 program at any time.

23 (j) The Department shall report to the Governor and the
24 General Assembly on or before September 30th of each year on
25 the impact incarceration program, including the composition of
26 the program by the offenders, by county of commitment,

1 sentence, age, offense and race.

2 (k) The Department of Corrections shall consider the
3 affirmative action plan approved by the Department of Human
4 Rights in hiring staff at the impact incarceration facilities.
5 ~~The Department shall report to the Director of Human Rights on~~
6 ~~or before April 1 of the year on the sex, race and national~~
7 ~~origin of persons employed at each impact incarceration~~
8 ~~facility.~~

9 (Source: P.A. 93-169, eff. 7-10-03.)

10 (730 ILCS 5/5-8-1.3)

11 Sec. 5-8-1.3. Pilot residential and transition treatment
12 program for women.

13 (a) The General Assembly recognizes:

14 (1) that drug-offending women with children who have
15 been in and out of the criminal justice system for years
16 are a serious problem;

17 (2) that the intergenerational cycle of women
18 continuously being part of the criminal justice system
19 needs to be broken;

20 (3) that the effects of drug offending women with
21 children disrupts family harmony and creates an atmosphere
22 that is not conducive to healthy childhood development;

23 (4) that there is a need for an effective residential
24 community supervision model to provide help to women to
25 become drug free, recover from trauma, focus on healthy

1 mother-child relationships, and establish economic
2 independence and long-term support;

3 (5) that certain non-violent women offenders with
4 children eligible for sentences of incarceration, may
5 benefit from the rehabilitative aspects of gender
6 responsive treatment programs and services. This Section
7 shall not be construed to allow violent offenders to
8 participate in a treatment program.

9 (b) Under the direction of the sheriff and with the
10 approval of the county board of commissioners, the sheriff, in
11 any county with more than 3,000,000 inhabitants, may operate a
12 residential and transition treatment program for women
13 established by the Illinois Department of Corrections if
14 funding has been provided by federal, local or private
15 entities. If the court finds during the sentencing hearing
16 conducted under Section 5-4-1 that a woman convicted of a
17 felony meets the eligibility requirements of the sheriff's
18 residential and transition treatment program for women, the
19 court may refer the offender to the sheriff's residential and
20 transition treatment program for women for consideration as a
21 participant as an alternative to incarceration in the
22 penitentiary. The sheriff shall be responsible for supervising
23 all women who are placed in the residential and transition
24 treatment program for women for the 12-month period. In the
25 event that the woman is not accepted for placement in the
26 sheriff's residential and transition treatment program for

1 women, the court shall proceed to sentence the woman to any
2 other disposition authorized by this Code. If the woman does
3 not successfully complete the residential and transition
4 treatment program for women, the woman's failure to do so shall
5 constitute a violation of the sentence to the residential and
6 transition treatment program for women.

7 (c) In order to be eligible to be a participant in the
8 pilot residential and transition treatment program for women,
9 the participant shall meet all of the following conditions:

10 (1) The woman has not been convicted of a violent crime
11 as defined in subsection (c) of Section 3 of the Rights of
12 Crime Victims and Witnesses Act, a Class X felony, first or
13 second degree murder, armed violence, aggravated
14 kidnapping, criminal sexual assault, aggravated criminal
15 sexual abuse or a subsequent conviction for criminal sexual
16 abuse, forcible detention, or arson and has not been
17 previously convicted of any of those offenses.

18 (2) The woman must undergo an initial assessment
19 evaluation to determine the treatment and program plan.

20 (3) The woman was recommended and accepted for
21 placement in the pilot residential and transition
22 treatment program for women by the Department of
23 Corrections and has consented in writing to participation
24 in the program under the terms and conditions of the
25 program. The Department of Corrections may consider
26 whether space is available.

1 (d) The program may include a substance abuse treatment
2 program designed for women offenders, mental health, trauma,
3 and medical treatment; parenting skills and family
4 relationship counseling, preparation for a GED or vocational
5 certificate; life skills program; job readiness and job skill
6 training, and a community transition development plan.

7 (e) With the approval of the Department of Corrections, the
8 sheriff shall issue requirements for the program and inform the
9 participants who shall sign an agreement to adhere to all rules
10 and all requirements for the pilot residential and transition
11 treatment program.

12 (f) Participation in the pilot residential and transition
13 treatment program for women shall be for a period not to exceed
14 12 months. The period may not be reduced by accumulation of
15 good time.

16 (g) If the woman successfully completes the pilot
17 residential and transition treatment program for women, the
18 sheriff shall notify the Department of Corrections, the court,
19 and the State's Attorney of the county of the woman's
20 successful completion.

21 (h) A woman may be removed from the pilot residential and
22 transition treatment program for women for violation of the
23 terms and conditions of the program or in the event she is
24 unable to participate. The failure to complete the program
25 shall be deemed a violation of the conditions of the program.
26 The sheriff shall give notice to the Department of Corrections,

1 the court, and the State's Attorney of the woman's failure to
2 complete the program. The Department of Corrections or its
3 designee shall file a petition alleging that the woman has
4 violated the conditions of the program with the court. The
5 State's Attorney may proceed on the petition under Section
6 5-4-1 of this Code.

7 (i) The conditions of the pilot residential and transition
8 treatment program for women shall include that the woman while
9 in the program:

10 (1) not violate any criminal statute of any
11 jurisdiction;

12 (2) report or appear in person before any person or
13 agency as directed by the court, the sheriff, or Department
14 of Corrections;

15 (3) refrain from possessing a firearm or other
16 dangerous weapon;

17 (4) consent to drug testing;

18 (5) not leave the State without the consent of the
19 court or, in circumstances in which reason for the absence
20 is of such an emergency nature that prior consent by the
21 court is not possible, without prior notification and
22 approval of the Department of Corrections;

23 (6) upon placement in the program, must agree to follow
24 all requirements of the program.

25 (j) The Department of Corrections or the sheriff may
26 terminate the program at any time by mutual agreement or with

1 30 days prior written notice by either the Department of
2 Corrections or the sheriff.

3 (k) The Department of Corrections may enter into a joint
4 contract with a county with more than 3,000,000 inhabitants to
5 establish and operate a pilot residential and treatment program
6 for women.

7 (l) The Director of the Department of Corrections shall
8 have the authority to develop rules to establish and operate a
9 pilot residential and treatment program for women that shall
10 include criteria for selection of the participants of the
11 program in conjunction and approval by the sentencing court.
12 Violent crime offenders are not eligible to participate in the
13 program.

14 (m) The Department shall report to the Governor and the
15 General Assembly before September 30th of each year on the
16 pilot residential and treatment program for women, including
17 the composition of the program by offenders, sentence, age,
18 offense, and race. Reporting is only required if the pilot
19 residential and treatment program for women is operational.

20 (n) The Department of Corrections or the sheriff may
21 terminate the program with 30 days prior written notice.

22 (o) A county with more than 3,000,000 inhabitants is
23 authorized to apply for funding from federal, local or private
24 entities to create a Residential and Treatment Program for
25 Women. This sentencing option may not go into effect until the
26 funding is secured for the program and the program has been

1 established.

2 (Source: P.A. 95-331, eff. 8-21-07.)

3 (730 ILCS 5/5-5-4.3 rep.)

4 Section 10. The Unified Code of Corrections is amended by
5 repealing Section 5-5-4.3.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.