



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB2401

by Rep. Kelly M. Cassidy

#### SYNOPSIS AS INTRODUCED:

730 ILCS 110/16.1

Amends the Probation and Probation Officers Act. Provides that in a county with a population exceeding 2,000,000, the Redeploy Illinois Oversight Board may authorize the Department of Human Services to enter into an agreement with that county to reduce the number of commitments by the same percentage as is required by this Section of other counties, and with all of the same requirements of the Act, including reporting and evaluation, except that the agreement may encompass a clearly identifiable geographical subdivision of that county. Provides that the geographical subdivision may include, but is not limited to, a police district or group of police districts, a geographical area making up a court calendar or group of court calendars, a municipal district or group of municipal districts, or a municipality or group of municipalities.

LRB098 07734 RLC 37812 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 Probation and Probation Officers Act is  
5 amended by changing Section 16.1 as follows:

6 (730 ILCS 110/16.1)

7 Sec. 16.1. Redeploy Illinois Program.

8 (a) The purpose of this Section is to encourage the  
9 deinstitutionalization of juvenile offenders by establishing  
10 projects in counties or groups of counties that reallocate  
11 State funds from juvenile correctional confinement to local  
12 jurisdictions, which will establish a continuum of local,  
13 community-based sanctions and treatment alternatives for  
14 juvenile offenders who would be incarcerated if those local  
15 services and sanctions did not exist. It is also intended to  
16 offer alternatives, when appropriate, to avoid commitment to  
17 the Department of Juvenile Justice, to direct child welfare  
18 services for minors charged with a criminal offense or  
19 adjudicated delinquent under Section 5 of the Children and  
20 Family Services Act. The allotment of funds will be based on a  
21 formula that rewards local jurisdictions for the establishment  
22 or expansion of local alternatives to incarceration, and  
23 requires them to pay for utilization of incarceration as a

1 sanction. In addition, there shall be an allocation of  
2 resources (amount to be determined annually by the Redeploy  
3 Illinois Oversight Board) set aside at the beginning of each  
4 fiscal year to be made available for any county or groups of  
5 counties which need resources only occasionally for services to  
6 avoid commitment to the Department of Juvenile Justice for a  
7 limited number of youth. This redeployment of funds shall be  
8 made in a manner consistent with the Juvenile Court Act of 1987  
9 and the following purposes and policies:

10 (1) The juvenile justice system should protect the  
11 community, impose accountability to victims and  
12 communities for violations of law, and equip juvenile  
13 offenders with competencies to live responsibly and  
14 productively.

15 (2) Juveniles should be treated in the least  
16 restrictive manner possible while maintaining the safety  
17 of the community.

18 (3) A continuum of services and sanctions from least  
19 restrictive to most restrictive should be available in  
20 every community.

21 (4) There should be local responsibility and authority  
22 for planning, organizing, and coordinating service  
23 resources in the community. People in the community can  
24 best choose a range of services which reflect community  
25 values and meet the needs of their own youth.

26 (5) Juveniles who pose a threat to the community or

1 themselves need special care, including secure settings.  
2 Such services as detention, long-term incarceration, or  
3 residential treatment are too costly to provide in each  
4 community and should be coordinated and provided on a  
5 regional or Statewide basis.

6 (6) The roles of State and local government in creating  
7 and maintaining services to youth in the juvenile justice  
8 system should be clearly defined. The role of the State is  
9 to fund services, set standards of care, train service  
10 providers, and monitor the integration and coordination of  
11 services. The role of local government should be to oversee  
12 the provision of services.

13 (b) Each county or circuit participating in the Redeploy  
14 Illinois program must create a local plan demonstrating how it  
15 will reduce the county or circuit's utilization of secure  
16 confinement of juvenile offenders in the Illinois Department of  
17 Juvenile Justice or county detention centers by the creation or  
18 expansion of individualized services or programs that may  
19 include but are not limited to the following:

20 (1) Assessment and evaluation services to provide the  
21 juvenile justice system with accurate individualized case  
22 information on each juvenile offender including mental  
23 health, substance abuse, educational, and family  
24 information;

25 (2) Direct services to individual juvenile offenders  
26 including educational, vocational, mental health,

1 substance abuse, supervision, and service coordination;  
2 and

3 (3) Programs that seek to restore the offender to the  
4 community, such as victim offender panels, teen courts,  
5 competency building, enhanced accountability measures,  
6 restitution, and community service. The local plan must be  
7 directed in such a manner as to emphasize an individualized  
8 approach to providing services to juvenile offenders in an  
9 integrated community based system including probation as  
10 the broker of services. The plan must also detail the  
11 reduction in utilization of secure confinement. The local  
12 plan shall be limited to services and shall not include  
13 costs for:

- 14 (i) capital expenditures;  
15 (ii) renovations or remodeling;  
16 (iii) personnel costs for probation.

17 The local plan shall be submitted to the Department of  
18 Human Services.

19 (c) A county or group of counties may develop an agreement  
20 with the Department of Human Services to reduce their number of  
21 commitments of juvenile offenders, excluding minors sentenced  
22 based upon a finding of guilt of first degree murder or an  
23 offense which is a Class X forcible felony as defined in the  
24 Criminal Code of 2012 ~~1961~~, to the Department of Juvenile  
25 Justice, and then use the savings to develop local programming  
26 for youth who would otherwise have been committed to the

1 Department of Juvenile Justice. A county or group of counties  
2 shall agree to limit their commitments to 75% of the level of  
3 commitments from the average number of juvenile commitments for  
4 the past 3 years, and will receive the savings to redeploy for  
5 local programming for juveniles who would otherwise be held in  
6 confinement. For any county or group of counties with a  
7 decrease of juvenile commitments of at least 25%, based on the  
8 average reductions of the prior 3 years, which are chosen to  
9 participate or continue as sites, the Redeploy Illinois  
10 Oversight Board has the authority to reduce the required  
11 percentage of future commitments to achieve the purpose of this  
12 Section. The agreement shall set forth the following:

13 (1) a Statement of the number and type of juvenile  
14 offenders from the county who were held in secure  
15 confinement by the Illinois Department of Juvenile Justice  
16 or in county detention the previous year, and an  
17 explanation of which, and how many, of these offenders  
18 might be served through the proposed Redeploy Illinois  
19 Program for which the funds shall be used;

20 (2) a Statement of the service needs of currently  
21 confined juveniles;

22 (3) a Statement of the type of services and programs to  
23 provide for the individual needs of the juvenile offenders,  
24 and the research or evidence base that qualifies those  
25 services and programs as proven or promising practices;

26 (4) a budget indicating the costs of each service or

1 program to be funded under the plan;

2 (5) a summary of contracts and service agreements  
3 indicating the treatment goals and number of juvenile  
4 offenders to be served by each service provider; and

5 (6) a Statement indicating that the Redeploy Illinois  
6 Program will not duplicate existing services and programs.  
7 Funds for this plan shall not supplant existing county  
8 funded programs.

9 In a county with a population exceeding 2,000,000, the  
10 Redeploy Illinois Oversight Board may authorize the Department  
11 of Human Services to enter into an agreement with that county  
12 to reduce the number of commitments by the same percentage as  
13 is required by this Section of other counties, and with all of  
14 the same requirements of this Act, including reporting and  
15 evaluation, except that the agreement may encompass a clearly  
16 identifiable geographical subdivision of that county. The  
17 geographical subdivision may include, but is not limited to, a  
18 police district or group of police districts, a geographical  
19 area making up a court calendar or group of court calendars, a  
20 municipal district or group of municipal districts, or a  
21 municipality or group of municipalities.

22 (d) (Blank).

23 (d-5) A county or group of counties that does not have an  
24 approved Redeploy Illinois program, as described in subsection  
25 (b), and that has committed fewer than 10 Redeploy eligible  
26 youth to the Department of Juvenile Justice on average over the

1 previous 3 years, may develop an individualized agreement with  
2 the Department of Human Services through the Redeploy Illinois  
3 program to provide services to youth to avoid commitment to the  
4 Department of Juvenile Justice. The agreement shall set forth  
5 the following:

6 (1) a statement of the number and type of juvenile  
7 offenders from the county who were at risk under any of the  
8 categories listed above during the 3 previous years, and an  
9 explanation of which of these offenders would be served  
10 through the proposed Redeploy Illinois program for which  
11 the funds shall be used, or through individualized  
12 contracts with existing Redeploy programs in neighboring  
13 counties;

14 (2) a statement of the service needs;

15 (3) a statement of the type of services and programs to  
16 provide for the individual needs of the juvenile offenders,  
17 and the research or evidence that qualifies those services  
18 and programs as proven or promising practices;

19 (4) a budget indicating the costs of each service or  
20 program to be funded under the plan;

21 (5) a summary of contracts and service agreements  
22 indicating the treatment goals and number of juvenile  
23 offenders to be served by each service provider; and

24 (6) a statement indicating that the Redeploy Illinois  
25 program will not duplicate existing services and programs.  
26 Funds for this plan shall not supplant existing county



1 funded programs.

2 (e) The Department of Human Services shall be responsible  
3 for the following:

4 (1) Reviewing each Redeploy Illinois Program plan for  
5 compliance with standards established for such plans. A  
6 plan may be approved as submitted, approved with  
7 modifications, or rejected. No plan shall be considered for  
8 approval if the circuit or county is not in full compliance  
9 with all regulations, standards and guidelines pertaining  
10 to the delivery of basic probation services as established  
11 by the Supreme Court.

12 (2) Monitoring on a continual basis and evaluating  
13 annually both the program and its fiscal activities in all  
14 counties receiving an allocation under the Redeploy  
15 Illinois Program. Any program or service that has not met  
16 the goals and objectives of its contract or service  
17 agreement shall be subject to denial for funding in  
18 subsequent years. The Department of Human Services shall  
19 evaluate the effectiveness of the Redeploy Illinois  
20 Program in each circuit or county. In determining the  
21 future funding for the Redeploy Illinois Program under this  
22 Act, the evaluation shall include, as a primary indicator  
23 of success, a decreased number of confinement days for the  
24 county's juvenile offenders.

25 (f) Any Redeploy Illinois Program allocations not applied  
26 for and approved by the Department of Human Services shall be

1 available for redistribution to approved plans for the  
2 remainder of that fiscal year. Any county that invests local  
3 moneys in the Redeploy Illinois Program shall be given first  
4 consideration for any redistribution of allocations.  
5 Jurisdictions participating in Redeploy Illinois that exceed  
6 their agreed upon level of commitments to the Department of  
7 Juvenile Justice shall reimburse the Department of Corrections  
8 for each commitment above the agreed upon level.

9 (g) Implementation of Redeploy Illinois.

10 (1) Oversight of Redeploy Illinois.

11 (i) Redeploy Illinois Oversight Board. The  
12 Department of Human Services shall convene an  
13 oversight board to oversee the Redeploy Illinois  
14 Program. The Board shall include, but not be limited  
15 to, designees from the Department of Juvenile Justice,  
16 the Administrative Office of Illinois Courts, the  
17 Illinois Juvenile Justice Commission, the Illinois  
18 Criminal Justice Information Authority, the Department  
19 of Children and Family Services, the State Board of  
20 Education, the Cook County State's Attorney, and a  
21 State's Attorney selected by the President of the  
22 Illinois State's Attorney's Association, the Cook  
23 County Public Defender, a representative of the  
24 defense bar appointed by the Chief Justice of the  
25 Illinois Supreme Court, a representative of probation  
26 appointed by the Chief Justice of the Illinois Supreme

1 Court, and judicial representation appointed by the  
2 Chief Justice of the Illinois Supreme Court. Up to an  
3 additional 9 members may be appointed by the Secretary  
4 of Human Services from recommendations by the  
5 Oversight Board; these appointees shall possess a  
6 knowledge of juvenile justice issues and reflect the  
7 collaborative public/private relationship of Redeploy  
8 programs.

9 (ii) Responsibilities of the Redeploy Illinois  
10 Oversight Board. The Oversight Board shall:

11 (A) Identify jurisdictions to be included in  
12 the program of Redeploy Illinois.

13 (B) Develop a formula for reimbursement of  
14 local jurisdictions for local and community-based  
15 services utilized in lieu of commitment to the  
16 Department of Juvenile Justice, as well as for any  
17 charges for local jurisdictions for commitments  
18 above the agreed upon limit in the approved plan.

19 (C) Identify resources sufficient to support  
20 the administration and evaluation of Redeploy  
21 Illinois.

22 (D) Develop a process and identify resources  
23 to support on-going monitoring and evaluation of  
24 Redeploy Illinois.

25 (E) Develop a process and identify resources  
26 to support training on Redeploy Illinois.

1 (E-5) Review proposed individualized  
2 agreements and approve where appropriate the  
3 distribution of resources.

4 (F) Report to the Governor and the General  
5 Assembly on an annual basis on the progress of  
6 Redeploy Illinois.

7 (iii) Length of Planning Phase. The planning phase  
8 may last up to, but may in no event last longer than,  
9 July 1, 2004.

10 (2) (Blank).

11 (3) There shall be created the Redeploy County Review  
12 Committee composed of the designees of the Secretary of  
13 Human Services and the Directors of Juvenile Justice, of  
14 Children and Family Services, and of the Governor's Office  
15 of Management and Budget who shall constitute a  
16 subcommittee of the Redeploy Illinois Oversight Board.

17 (h) Responsibilities of the County Review Committee. The  
18 County Review Committee shall:

19 (1) Review individualized agreements from counties  
20 requesting resources on an occasional basis for services  
21 for youth described in subsection (d-5).

22 (2) Report its decisions to the Redeploy Illinois  
23 Oversight Board at regularly scheduled meetings.

24 (3) Monitor the effectiveness of the resources in  
25 meeting the mandates of the Redeploy Illinois program set  
26 forth in this Section so these results might be included in

1 the Report described in clause (g) (1) (ii) (F).

2 (4) During the third quarter, assess the amount of  
3 remaining funds available and necessary to complete the  
4 fiscal year so that any unused funds may be distributed as  
5 defined in subsection (f).

6 (5) Ensure that the number of youth from any applicant  
7 county receiving individualized resources will not exceed  
8 the previous three-year average of Redeploy eligible  
9 recipients and that counties are in conformity with all  
10 other elements of this law.

11 (i) Implementation of this Section is subject to  
12 appropriation.

13 (j) Rulemaking authority to implement this amendatory Act  
14 of the 95th General Assembly, if any, is conditioned on the  
15 rules being adopted in accordance with all provisions of and  
16 procedures and rules implementing the Illinois Administrative  
17 Procedure Act; any purported rule not so adopted, for whatever  
18 reason, is unauthorized.

19 (Source: P.A. 94-696, eff. 6-1-06; 94-1032, eff. 1-1-07;  
20 95-1050, eff. 1-1-10.)