

HB4118



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4118

by Rep. Michael J. Madigan

SYNOPSIS AS INTRODUCED:

730 ILCS 115/1

from Ch. 38, par. 204a-1

Amends the Probation Community Service Act. Makes a technical change in a Section concerning community service programs.

LRB098 15674 RLC 50705 b

A BILL FOR

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 Community Service Act is amended
5 by changing Section 1 as follows:

6 (730 ILCS 115/1) (from Ch. 38, par. 204a-1)

7 Sec. 1. (a) "Public or Community Service" means
8 uncompensated labor for a not-for-profit organization or
9 public body whose purpose is to enhance physical, or mental
10 stability of the ~~the~~ offender, environmental quality or the
11 social welfare and which agrees to accept public or community
12 service from offenders and to report on the progress of the
13 offender and the public or community service to the court or to
14 the authorized diversion program that has referred the offender
15 for public or community service.

16 (b) "Site" means a not-for-profit organization, public
17 body, church, charitable organization, or individual agreeing
18 to accept community service from offenders and to report on the
19 progress of ordered or required public or community service to
20 the court or to the authorized diversion program that has
21 referred the offender for public or community service.

22 (c) The county boards of the several counties in this State
23 are authorized to establish and operate agencies to develop and

1 supervise programs of public or community service for those
2 persons placed by the court on probation, conditional
3 discharge, or supervision.

4 (d) The programs shall be developed in cooperation with the
5 circuit courts for the respective counties developing such
6 programs and shall conform with any law restricting the use of
7 public or community service.

8 (e) Neither the State, any local government, probation
9 department, public or community service program or site, nor
10 any official, volunteer, or employee thereof acting in the
11 course of their official duties shall be liable for any injury
12 or loss a person might receive while performing public or
13 community service as ordered either (1) by the court or (2) by
14 any duly authorized station or probation adjustment, teen
15 court, community mediation, or other administrative diversion
16 program authorized by the Juvenile Court Act of 1987 for a
17 violation of a penal statute of this State or a local
18 government ordinance (whether penal, civil, or quasi-criminal)
19 or for a traffic offense, nor shall they be liable for any
20 tortious acts of any person performing public or community
21 service, except for wilful, wanton misconduct or gross
22 negligence on the part of such governmental unit, probation
23 department, or public or community service program or site or
24 on the part of the official, volunteer, or employee.

25 (f) No person assigned to a public or community service
26 program shall be considered an employee for any purpose, nor

1 shall the county board be obligated to provide any compensation
2 to such person.

3 (Source: P.A. 91-820, eff. 6-13-00.)