

# SB3364



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB3364

Introduced 2/14/2014, by Sen. William E. Brady

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-8-1.2

Amends the Unified Code of Corrections. Provides that a person may not participate in a county impact incarceration program unless the sentencing judge, State's Attorney, and Sheriff certify in writing that the person sentenced to the program meets the eligibility requirements set forth in the statute establishing the program. Effective immediately.

LRB098 15136 RLC 50111 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 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) The person has been found in violation of probation  
6 for an offense that is a Class 2, 3, or 4 felony that is not  
7 a forcible felony as defined in Section 2-8 of the Criminal  
8 Code of 2012 or a violent crime as defined in subsection  
9 (c) of Section 3 of the Rights of Crime Victims and  
10 Witnesses Act who otherwise could be sentenced to a term of  
11 incarceration; or the person is convicted of an offense  
12 that is a Class 2, 3, or 4 felony that is not a forcible  
13 felony as defined in Section 2-8 of the Criminal Code of  
14 2012 or a violent crime as defined in subsection (c) of  
15 Section 3 of the Rights of Crime Victims and Witnesses Act  
16 who has previously served a sentence of probation for any  
17 felony offense and who otherwise could be sentenced to a  
18 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-1) A person may not participate in a county impact  
10 incarceration program unless the sentencing judge, State's  
11 Attorney, and Sheriff certify in writing that the person  
12 sentenced to the program meets the eligibility requirements set  
13 forth in subsection (c) of this Section.

14 (c-5) ~~(e)~~ The county impact incarceration program shall  
15 include, among other matters, mandatory physical training and  
16 labor, military formation and drills, regimented activities,  
17 uniformity of dress and appearance, education and counseling,  
18 including drug counseling where appropriate.

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

24 (e) The Sheriff shall issue written rules and requirements  
25 for the program. Persons shall be informed of rules of behavior  
26 and conduct. Persons participating in the county impact

1 incarceration program shall adhere to all rules and all  
2 requirements of the program.

3 (f) Participation in the county impact incarceration  
4 program shall be for a period of 120 to 180 days followed by a  
5 mandatory term of monitored release for at least 8 months and  
6 no more than 12 months supervised by the Sheriff. The period of  
7 time a person shall serve in the impact incarceration program  
8 shall not be reduced by the accumulation of good time. The  
9 court may also sentence the person to a period of probation to  
10 commence at the successful completion of the county impact  
11 incarceration program.

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

21 (h) A person may be removed from the county impact  
22 incarceration program for a violation of the terms or  
23 conditions of the program or in the event he or she is for any  
24 reason unable to participate. The failure to complete the  
25 program for any reason, including the 8 to 12 month monitored  
26 release period, shall be deemed a violation of the county

1 impact incarceration sentence. The Sheriff shall give notice to  
2 the State's Attorney of the person's failure to complete the  
3 program. The Sheriff shall file a petition for violation of the  
4 county impact incarceration sentence with the court and the  
5 State's Attorney may proceed on the petition under Section  
6 5-6-4 of this Code. The Sheriff shall promulgate rules and  
7 regulations governing conduct which could result in removal  
8 from the program or in a determination that the person has not  
9 successfully completed the program.

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

13 (1) not violate any criminal statute of any  
14 jurisdiction;

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

17 (3) refrain from possessing a firearm or other  
18 dangerous weapon;

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

24 (5) permit representatives of the Sheriff to visit at  
25 the person's home or elsewhere to the extent necessary for  
26 the Sheriff to monitor compliance with the program. Persons

1 shall have access to such rules, which shall provide that a  
2 person shall receive notice of any such violation.

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

5 (j) The Sheriff shall report to the county board on or  
6 before September 30th of each year on the county impact  
7 incarceration program, including the composition of the  
8 program by the offenders, by county of commitment, sentence,  
9 age, offense, and race.

10 (Source: P.A. 97-1150, eff. 1-25-13.)

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.