

HB3767



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3767

by Rep. Sue Scherer

SYNOPSIS AS INTRODUCED:

730 ILCS 110/16.1
730 ILCS 190/20

Amends the Probation and Probation Officers Act and the Illinois Crime Reduction Act of 2009. Provides that a minimum of 10% of the statewide Juvenile and Adult Redeploy Illinois Program funds shall be reallocated to jurisdictions located in the 10 postal zip codes outside Cook County with the highest average annual violent crime rate for the prior 3 calendar years.

LRB099 08030 RLC 28174 b

FISCAL NOTE ACT
MAY APPLY

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 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. A minimum of 10% of the statewide
8 Redeploy Illinois Program funds shall be reallocated to
9 jurisdictions located in the 10 postal zip codes outside Cook
10 County with the highest average annual violent crime rate for
11 the prior 3 calendar years as determined by the Redeploy
12 Illinois Oversight Board created in subsection (g) of this
13 Section. This redeployment of funds shall be made in a manner
14 consistent with the Juvenile Court Act of 1987 and the
15 following purposes and policies:

16 (1) The juvenile justice system should protect the
17 community, impose accountability to victims and
18 communities for violations of law, and equip juvenile
19 offenders with competencies to live responsibly and
20 productively.

21 (2) Juveniles should be treated in the least
22 restrictive manner possible while maintaining the safety
23 of the community.

24 (3) A continuum of services and sanctions from least
25 restrictive to most restrictive should be available in
26 every community.

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

6 (5) Juveniles who pose a threat to the community or
7 themselves need special care, including secure settings.
8 Such services as detention, long-term incarceration, or
9 residential treatment are too costly to provide in each
10 community and should be coordinated and provided on a
11 regional or Statewide basis.

12 (6) The roles of State and local government in creating
13 and maintaining services to youth in the juvenile justice
14 system should be clearly defined. The role of the State is
15 to fund services, set standards of care, train service
16 providers, and monitor the integration and coordination of
17 services. The role of local government should be to oversee
18 the provision of services.

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

26 (1) Assessment and evaluation services to provide the

1 juvenile justice system with accurate individualized case
2 information on each juvenile offender including mental
3 health, substance abuse, educational, and family
4 information;

5 (2) Direct services to individual juvenile offenders
6 including educational, vocational, mental health,
7 substance abuse, supervision, and service coordination;
8 and

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

- 20 (i) capital expenditures;
21 (ii) renovations or remodeling;
22 (iii) personnel costs for probation.

23 The local plan shall be submitted to the Department of
24 Human Services.

25 (c) A county or group of counties may develop an agreement
26 with the Department of Human Services to reduce their number of

1 commitments of juvenile offenders, excluding minors sentenced
2 based upon a finding of guilt of first degree murder or an
3 offense which is a Class X forcible felony as defined in the
4 Criminal Code of 2012, to the Department of Juvenile Justice,
5 and then use the savings to develop local programming for youth
6 who would otherwise have been committed to the Department of
7 Juvenile Justice. A county or group of counties shall agree to
8 limit their commitments to 75% of the level of commitments from
9 the average number of juvenile commitments for the past 3
10 years, and will receive the savings to redeploy for local
11 programming for juveniles who would otherwise be held in
12 confinement. For any county or group of counties with a
13 decrease of juvenile commitments of at least 25%, based on the
14 average reductions of the prior 3 years, which are chosen to
15 participate or continue as sites, the Redeploy Illinois
16 Oversight Board has the authority to reduce the required
17 percentage of future commitments to achieve the purpose of this
18 Section. The agreement shall set forth the following:

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

26 (2) a Statement of the service needs of currently

1 confined juveniles;

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

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

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

11 (6) a Statement indicating that the Redeploy Illinois
12 Program will not duplicate existing services and programs.
13 Funds for this plan shall not supplant existing county
14 funded programs.

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

1 municipality or group of municipalities.

2 (d) (Blank).

3 (d-5) A county or group of counties that does not have an
4 approved Redeploy Illinois program, as described in subsection
5 (b), and that has committed fewer than 10 Redeploy eligible
6 youth to the Department of Juvenile Justice on average over the
7 previous 3 years, may develop an individualized agreement with
8 the Department of Human Services through the Redeploy Illinois
9 program to provide services to youth to avoid commitment to the
10 Department of Juvenile Justice. The agreement shall set forth
11 the following:

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

20 (2) a statement of the service needs;

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

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

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

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

8 (e) The Department of Human Services shall be responsible
9 for the following:

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

18 (2) Monitoring on a continual basis and evaluating
19 annually both the program and its fiscal activities in all
20 counties receiving an allocation under the Redeploy
21 Illinois Program. Any program or service that has not met
22 the goals and objectives of its contract or service
23 agreement shall be subject to denial for funding in
24 subsequent years. The Department of Human Services shall
25 evaluate the effectiveness of the Redeploy Illinois
26 Program in each circuit or county. In determining the

1 future funding for the Redeploy Illinois Program under this
2 Act, the evaluation shall include, as a primary indicator
3 of success, a decreased number of confinement days for the
4 county's juvenile offenders.

5 (f) Any Redeploy Illinois Program allocations not applied
6 for and approved by the Department of Human Services shall be
7 available for redistribution to approved plans for the
8 remainder of that fiscal year. Any county that invests local
9 moneys in the Redeploy Illinois Program shall be given first
10 consideration for any redistribution of allocations.
11 Jurisdictions participating in Redeploy Illinois that exceed
12 their agreed upon level of commitments to the Department of
13 Juvenile Justice shall reimburse the Department of Corrections
14 for each commitment above the agreed upon level.

15 (g) Implementation of Redeploy Illinois.

16 (1) Oversight of Redeploy Illinois.

17 (i) Redeploy Illinois Oversight Board. The
18 Department of Human Services shall convene an
19 oversight board to oversee the Redeploy Illinois
20 Program. The Board shall include, but not be limited
21 to, designees from the Department of Juvenile Justice,
22 the Administrative Office of Illinois Courts, the
23 Illinois Juvenile Justice Commission, the Illinois
24 Criminal Justice Information Authority, the Department
25 of Children and Family Services, the State Board of
26 Education, the Cook County State's Attorney, and a

1 State's Attorney selected by the President of the
2 Illinois State's Attorney's Association, the Cook
3 County Public Defender, a representative of the
4 defense bar appointed by the Chief Justice of the
5 Illinois Supreme Court, a representative of probation
6 appointed by the Chief Justice of the Illinois Supreme
7 Court, and judicial representation appointed by the
8 Chief Justice of the Illinois Supreme Court. Up to an
9 additional 9 members may be appointed by the Secretary
10 of Human Services from recommendations by the
11 Oversight Board; these appointees shall possess a
12 knowledge of juvenile justice issues and reflect the
13 collaborative public/private relationship of Redeploy
14 programs.

15 (ii) Responsibilities of the Redeploy Illinois
16 Oversight Board. The Oversight Board shall:

17 (A) Identify jurisdictions to be included in
18 the program of Redeploy Illinois.

19 (B) Develop a formula for reimbursement of
20 local jurisdictions for local and community-based
21 services utilized in lieu of commitment to the
22 Department of Juvenile Justice, as well as for any
23 charges for local jurisdictions for commitments
24 above the agreed upon limit in the approved plan.

25 (C) Identify resources sufficient to support
26 the administration and evaluation of Redeploy

1 Illinois.

2 (D) Develop a process and identify resources
3 to support on-going monitoring and evaluation of
4 Redeploy Illinois.

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

7 (E-5) Review proposed individualized
8 agreements and approve where appropriate the
9 distribution of resources.

10 (F) Report to the Governor and the General
11 Assembly on an annual basis on the progress of
12 Redeploy Illinois.

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

16 (2) (Blank).

17 (3) There shall be created the Redeploy County Review
18 Committee composed of the designees of the Secretary of
19 Human Services and the Directors of Juvenile Justice, of
20 Children and Family Services, and of the Governor's Office
21 of Management and Budget who shall constitute a
22 subcommittee of the Redeploy Illinois Oversight Board.

23 (h) Responsibilities of the County Review Committee. The
24 County Review Committee shall:

25 (1) Review individualized agreements from counties
26 requesting resources on an occasional basis for services

1 for youth described in subsection (d-5).

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

4 (3) Monitor the effectiveness of the resources in
5 meeting the mandates of the Redeploy Illinois program set
6 forth in this Section so these results might be included in
7 the Report described in clause (g) (1) (ii) (F).

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

12 (5) Ensure that the number of youth from any applicant
13 county receiving individualized resources will not exceed
14 the previous three-year average of Redeploy eligible
15 recipients and that counties are in conformity with all
16 other elements of this law.

17 (i) Implementation of this Section is subject to
18 appropriation.

19 (j) Rulemaking authority to implement this amendatory Act
20 of the 95th General Assembly, if any, is conditioned on the
21 rules being adopted in accordance with all provisions of and
22 procedures and rules implementing the Illinois Administrative
23 Procedure Act; any purported rule not so adopted, for whatever
24 reason, is unauthorized.

25 (Source: P.A. 97-1150, eff. 1-25-13; 98-60, eff. 1-1-14.)

1 Section 10. The Illinois Crime Reduction Act of 2009 is
2 amended by changing Section 20 as follows:

3 (730 ILCS 190/20)

4 Sec. 20. Adult Redeploy Illinois.

5 (a) Purpose. When offenders are accurately assessed for
6 risk, assets, and needs, it is possible to identify which
7 people should be sent to prison and which people can be
8 effectively supervised in the locality. By providing financial
9 incentives to counties or judicial circuits to create effective
10 local-level evidence-based services, it is possible to reduce
11 crime and recidivism at a lower cost to taxpayers. Based on
12 this model, this Act hereby creates the Adult Redeploy Illinois
13 program for offenders who do not fall under the definition of
14 violent offenders in order to increase public safety and
15 encourage the successful local supervision of eligible
16 offenders and their reintegration into the locality.

17 (b) The Adult Redeploy Illinois program shall reallocate
18 State funds to local jurisdictions that successfully establish
19 a process to assess offenders and provide a continuum of
20 locally based sanctions and treatment alternatives for
21 offenders who would be incarcerated in a State facility if
22 those local services and sanctions did not exist. The allotment
23 of funds shall be based on a formula that rewards local
24 jurisdictions for the establishment or expansion of local
25 supervision programs and requires them to pay the amount

1 determined in subsection (e) if incarceration targets as
2 defined in subsection (e) are not met. A minimum of 10% of the
3 statewide Adult Redeploy funds shall be reallocated to
4 jurisdictions located in the 10 postal zip codes outside Cook
5 County with the highest average annual violent crime rate for
6 the prior 3 calendar years as determined by the Adult Redeploy
7 Illinois Oversight Board created under subsection (e) of this
8 Section.

9 (c) Each county or circuit participating in the Adult
10 Redeploy Illinois program shall create a local plan describing
11 how it will protect public safety and reduce the county or
12 circuit's utilization of incarceration in State facilities or
13 local county jails by the creation or expansion of
14 individualized services or programs.

15 (d) Based on the local plan, a county or circuit shall
16 enter into an agreement with the Adult Redeploy Oversight Board
17 described in subsection (e) to reduce the number of commitments
18 to State correctional facilities from that county or circuit,
19 excluding violent offenders. The agreement shall include a
20 pledge from the county or circuit to reduce their commitments
21 by 25% of the level of commitments from the average number of
22 commitments for the past 3 years of eligible non-violent
23 offenders. In return, the county or circuit shall receive,
24 based upon a formula described in subsection (e), funds to
25 redeploy for local programming for offenders who would
26 otherwise be incarcerated such as management and supervision,

1 electronic monitoring, and drug testing. The county or circuit
2 shall also be penalized, as described in subsection (e), for
3 failure to reach the goal of reduced commitments stipulated in
4 the agreement.

5 (e) Adult Redeploy Illinois Oversight Board; members;
6 responsibilities.

7 (1) The Secretary of Human Services and the Director of
8 Corrections shall within 3 months after the effective date
9 of this Act convene and act as co-chairs of an oversight
10 board to oversee the Adult Redeploy Program. The Board
11 shall include, but not be limited to, designees from the
12 Prisoner Review Board, Office of the Attorney General,
13 Illinois Criminal Justice Information Authority, and
14 Sentencing Policy Advisory Council; the Cook County
15 State's Attorney; a State's Attorney selected by the
16 President of the Illinois State's Attorneys Association;
17 the State Appellate Defender; the Cook County Public
18 Defender; a representative of Cook County Adult Probation,
19 a representative of DuPage County Adult Probation; a
20 representative of Sangamon County Adult Probation; and 4
21 representatives from non-governmental organizations,
22 including service providers.

23 (2) The Oversight Board shall within one year after the
24 effective date of this Act:

25 (A) Develop a process to solicit applications from
26 and identify jurisdictions to be included in the Adult

1 Redeploy Illinois program.

2 (B) Define categories of membership for local
3 entities to participate in the creation and oversight
4 of the local Adult Redeploy Illinois program.

5 (C) Develop a formula for the allotment of funds to
6 local jurisdictions for local and community-based
7 services in lieu of commitment to the Department of
8 Corrections and a penalty amount for failure to reach
9 the goal of reduced commitments stipulated in the
10 plans.

11 (D) Develop a standard format for the local plan to
12 be submitted by the local entity created in each county
13 or circuit.

14 (E) Identify and secure resources sufficient to
15 support the administration and evaluation of Adult
16 Redeploy Illinois.

17 (F) Develop a process to support ongoing
18 monitoring and evaluation of Adult Redeploy Illinois.

19 (G) Review local plans and proposed agreements and
20 approve the distribution of resources.

21 (H) Develop a performance measurement system that
22 includes but is not limited to the following key
23 performance indicators: recidivism, rate of
24 revocations, employment rates, education achievement,
25 successful completion of substance abuse treatment
26 programs, and payment of victim restitution. Each

1 county or circuit shall include the performance
2 measurement system in its local plan and provide data
3 annually to evaluate its success.

4 (I) Report annually the results of the performance
5 measurements on a timely basis to the Governor and
6 General Assembly.

7 (Source: P.A. 96-761, eff. 1-1-10.)