

1 AN ACT concerning impact incarceration.

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  
9 General Assembly that certain non-violent offenders who are  
10 eligible for sentences of incarceration may benefit from the  
11 rehabilitative aspects of a county impact incarceration  
12 program. It is the intent of the General Assembly that such  
13 programs be implemented as provided by this Section. This  
14 Section shall not be construed to allow violent offenders to  
15 participate in a 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,  
18 in any county with more than 3,000,000 inhabitants, may  
19 establish and operate a county impact incarceration program  
20 for eligible offenders. If the court finds under Section  
21 5-4-1 that an offender convicted of a felony meets the  
22 eligibility requirements of the Sheriff's county impact  
23 incarceration program, the court may sentence the offender to  
24 the county impact incarceration program. The Sheriff shall  
25 be responsible for monitoring all offenders who are sentenced  
26 to the county impact incarceration program, including the  
27 mandatory period of monitored release following the 120 to  
28 180 days of impact incarceration. Offenders assigned to the  
29 county impact incarceration program under an  
30 intergovernmental agreement between the county and the  
31 Illinois Department of Corrections are exempt from the

1 provisions of this mandatory period of monitored release. In  
2 the event the offender is not accepted for placement in the  
3 county impact incarceration program, the court shall proceed  
4 to sentence the offender to any other disposition authorized  
5 by this Code. If the offender does not successfully complete  
6 the program, the offender's failure to do so shall constitute  
7 a violation of the sentence to the county impact  
8 incarceration program.

9 (c) In order to be eligible to be sentenced to a county  
10 impact incarceration program by the court, the person shall  
11 meet all of the following requirements:

12 (1) the person must be not less than 17 years of  
13 age nor more than 35 years of age;

14 (2) The person has not previously participated in  
15 the impact incarceration program and has not previously  
16 served more than one prior sentence of imprisonment for a  
17 felony in an adult correctional facility;

18 (3) The person has not been convicted of a Class X  
19 felony, first or second degree murder, armed violence,  
20 aggravated kidnapping, criminal sexual assault,  
21 aggravated criminal sexual abuse or a subsequent  
22 conviction for criminal sexual abuse, forcible detention,  
23 or arson and has not been convicted previously of any of  
24 those offenses.

25 (4) The person has been found in violation of  
26 probation for an offense that is a Class 2, 3, or 4  
27 felony that is not a forcible felony as defined in  
28 Section 2-8 of the Criminal Code of 1961 or a violent  
29 crime as defined in subsection (c) of Section 3 of the  
30 Rights of Crime Victims and Witnesses Act who otherwise  
31 could be sentenced to a term of incarceration; or the  
32 person is convicted of an offense that is a Class 2, 3,  
33 or 4 felony that is not a forcible felony as defined in  
34 Section 2-8 of the Criminal Code of 1961 or a violent

1 crime as defined in subsection (c) of Section 3 of the  
2 Rights of Crime Victims and Witnesses Act who has  
3 previously served a sentence of probation for any felony  
4 offense and who otherwise could be sentenced to a term of  
5 incarceration.

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

8 (6) The person must not have any mental disorder or  
9 disability that would prevent participation in a county  
10 impact incarceration program.

11 (7) The person was recommended and approved for  
12 placement in the county impact incarceration program by  
13 the Sheriff and consented in writing to participation in  
14 the county impact incarceration program and to the terms  
15 and conditions of the program. The Sheriff may consider,  
16 among other matters, whether the person has any  
17 outstanding detainers or warrants, whether the person has  
18 a history of escaping or absconding, whether  
19 participation in the county impact incarceration program  
20 may pose a risk to the safety or security of any person  
21 and whether space is available.

22 (c) The county impact incarceration program shall  
23 include, among other matters, mandatory physical training and  
24 labor, military formation and drills, regimented activities,  
25 uniformity of dress and appearance, education and counseling,  
26 including drug counseling where appropriate.

27 (d) Privileges including visitation, commissary, receipt  
28 and retention of property and publications and access to  
29 television, radio, and a library may be suspended or  
30 restricted, notwithstanding provisions to the contrary in  
31 this Code.

32 (e) The Sheriff shall issue written rules and  
33 requirements for the program. Persons shall be informed of  
34 rules of behavior and conduct. Persons participating in the

1 county impact incarceration program shall adhere to all rules  
2 and all 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  
5 a mandatory term of monitored release for at least 8 months  
6 and no more than 12 months supervised by the Sheriff. The  
7 period of time a person shall serve in the impact  
8 incarceration program shall not be reduced by the  
9 accumulation of good time. The court may also sentence the  
10 person to a period of probation to commence at the successful  
11 completion of the county impact incarceration program.

12 (g) If the person successfully completes the county  
13 impact incarceration program, the Sheriff shall certify the  
14 person's successful completion of the program to the court  
15 and to the county's State's Attorney. Upon successful  
16 completion of the county impact incarceration program and  
17 mandatory term of monitored release and if there is an  
18 additional period of probation given, the person shall at  
19 that time begin his or her probationary sentence under the  
20 supervision of the Adult 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  
24 any reason unable to participate. The failure to complete  
25 the program for any reason, including the 8 to 12 month  
26 monitored release period, shall be deemed a violation of the  
27 county impact incarceration sentence. The Sheriff shall give  
28 notice to the State's Attorney of the person's failure to  
29 complete the program. The Sheriff shall file a petition for  
30 violation of the county impact incarceration sentence with  
31 the court and the State's Attorney may proceed on the  
32 petition under Section 5-6-4 of this Code. The Sheriff shall  
33 promulgate rules and regulations governing conduct which  
34 could result in removal from the program or in a

1 determination that the person has not successfully completed  
2 the program.

3 The mandatory conditions of every county impact  
4 incarceration sentence shall include that the person either  
5 while in the program or during the period of monitored  
6 release:

7 (1) not violate any criminal statute of any  
8 jurisdiction;

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

11 (3) refrain from possessing a firearm or other  
12 dangerous weapon;

13 (4) not leave the State without the consent of the  
14 court or, in circumstances in which the reason for the  
15 absence is of such an emergency nature that prior consent  
16 by the court is not possible, without the prior  
17 notification and approval of the Sheriff; and

18 (5) permit representatives of the Sheriff to visit  
19 at the person's home or elsewhere to the extent necessary  
20 for the Sheriff to monitor compliance with the program.  
21 Persons shall have access to such rules, which shall  
22 provide that a person shall receive notice of any such  
23 violation.

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

26 (j) The Sheriff shall report to the county board on or  
27 before September 30th of each year on the county impact  
28 incarceration program, including the composition of the  
29 program by the offenders, by county of commitment, sentence,  
30 age, offense, and race.

31 (Source: P.A. 89-587, eff. 7-31-96.)