



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4556

by Rep. Sara Wojcicki Jimenez

SYNOPSIS AS INTRODUCED:

725 ILCS 205/5
725 ILCS 205/8

from Ch. 38, par. 105-5
from Ch. 38, par. 105-8

Amends the Sexually Dangerous Persons Act. Provides that litigation costs, including expert fees and the cost of representation by counsel for an indigent respondent for any purpose under the Act, including a trial or a hearing, shall be paid by the county in which the proceeding is brought. Provides that the Director of Corrections, as guardian, shall only be responsible for costs of providing care and treatment of sexually dangerous persons while he or she is committed in a facility of the Department of Corrections. Provides that if a sexually dangerous person is released subject to conditions ordered by a court, the Director shall not be responsible for any costs of the sexually dangerous person, including, but not limited to, care, treatment, medical expenses, living expenses, and supplemental income and rent. Provides that the Director shall still provide supervision over the sexually dangerous person through parole agents if ordered.

LRB100 16733 SLF 31873 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 Sexually Dangerous Persons Act is amended by
5 changing Sections 5 and 8 as follows:

6 (725 ILCS 205/5) (from Ch. 38, par. 105-5)

7 Sec. 5. The respondent in any proceedings under this Act
8 shall have the right to demand a trial by jury and to be
9 represented by counsel. Litigation costs, including expert
10 fees and the ~~The~~ cost of representation by counsel for an
11 indigent respondent for any purpose under this Act, including a
12 trial or a hearing under Section 5, 9, or 10 of this Act, shall
13 be paid by the county in which the proceeding is brought. At
14 the hearing on the petition it shall be competent to introduce
15 evidence of the commission by the respondent of any number of
16 crimes together with whatever punishments, if any, were
17 inflicted.

18 (Source: P.A. 98-88, eff. 7-15-13.)

19 (725 ILCS 205/8) (from Ch. 38, par. 105-8)

20 Sec. 8. If the respondent is found to be a sexually
21 dangerous person then the court shall appoint the Director of
22 Corrections guardian of the person found to be sexually

1 dangerous and such person shall stand committed to the custody
2 of such guardian. The Director of Corrections as guardian shall
3 keep safely the person so committed until the person has
4 recovered and is released as hereinafter provided. The Director
5 of Corrections as guardian shall provide care and treatment for
6 the person committed to him designed to effect recovery. Any
7 treatment provided under this Section shall be in conformance
8 with the standards promulgated by the Sex Offender Management
9 Board Act and conducted by a treatment provider licensed under
10 the Sex Offender Evaluation and Treatment Provider Act. The
11 Director may place that ward in any facility in the Department
12 of Corrections or portion thereof set aside for the care and
13 treatment of sexually dangerous persons. The Department of
14 Corrections may also request another state Department or Agency
15 to examine such person and upon such request, such Department
16 or Agency shall make such examination and the Department of
17 Corrections may, with the consent of the chief executive
18 officer of such other Department or Agency, thereupon place
19 such person in the care and treatment of such other Department
20 or Agency. The Director of Corrections, as guardian, shall only
21 be responsible for costs of providing care and treatment of
22 sexually dangerous persons while he or she is committed in a
23 facility of the Department of Corrections. If a sexually
24 dangerous person is released subject to conditions ordered by a
25 court under subsection (e) of Section 9 of this Act, the
26 Director shall not be responsible for any costs of the sexually

1 dangerous person, including, but not limited to, care,
2 treatment, medical expenses, living expenses, and supplemental
3 income and rent. The Director shall still provide supervision
4 over the sexually dangerous person through parole agents if
5 ordered.

6 (Source: P.A. 97-1098, eff. 7-1-14 (see Section 5 of P.A.
7 98-612 for the effective date of P.A. 97-1098).)