

SB3388



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3388

Introduced 2/16/2018, by Sen. James F. Clayborne, Jr.

SYNOPSIS AS INTRODUCED:

730 ILCS 190/5
730 ILCS 190/20

Amends the Illinois Crime Reduction Act of 2009. Adds definition of "offender" and deletes definition of "violent offender". Provides that an offender who is charged with or convicted of a probation-eligible offense (rather than a non-violent offender) may participate in the Adult Redeploy Illinois program.

LRB100 20812 RLC 36303 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 Illinois Crime Reduction Act of 2009 is
5 amended by changing Sections 5 and 20 as follows:

6 (730 ILCS 190/5)

7 Sec. 5. Purpose and Definitions.

8 (a) Purpose. The General Assembly hereby declares that it
9 is the policy of Illinois to preserve public safety, reduce
10 crime, and make the most effective use of correctional
11 resources. Currently, the Illinois correctional system
12 overwhelmingly incarcerates people whose time in prison does
13 not result in improved behavior and who return to Illinois
14 communities in less than one year. It is therefore the purpose
15 of this Act to create an infrastructure to provide effective
16 resources and services to incarcerated individuals and
17 individuals supervised in the locality; to hold offenders
18 accountable; to successfully rehabilitate offenders to prevent
19 future involvement with the criminal justice system; to measure
20 the overall effectiveness of the criminal justice system in
21 achieving this policy; and to create the Adult Redeploy
22 Illinois program ~~for those who do not fall under the definition~~
23 ~~of violent offenders.~~

1 (b) Definitions. As used in this Act, unless the context
2 clearly requires otherwise:

3 (1) "Assets" are an offender's qualities or resources,
4 such as family and other positive support systems,
5 educational achievement, and employment history, that
6 research has demonstrated will decrease the likelihood
7 that the offender will re-offend and increase the
8 likelihood that the offender will successfully reintegrate
9 into the locality.

10 (2) "Case plan" means a consistently updated written
11 proposal that shall follow the offender through all phases
12 of the criminal justice system, that is based on the
13 offender's risks, assets, and needs as identified through
14 the assessment tool described in this Act, and that
15 outlines steps the offender shall take and the programs in
16 which the offender shall participate to maximize the
17 offender's ability to be rehabilitated.

18 (3) "Conditions of supervision" include conditions
19 described in Section 5-6-3.1 of the Unified Code of
20 Corrections.

21 (4) "Evidence-based practices" means policies,
22 procedures, programs, and practices that have been
23 demonstrated to reduce recidivism among incarcerated
24 individuals and individuals on local supervision.

25 (5) "Local supervision" includes supervision in
26 local-based, non-incarceration settings under such

1 conditions and reporting requirements as are imposed by the
2 court or the Prisoner Review Board.

3 (6) "Needs" include an offender's criminogenic
4 qualities, skills, and experiences that can be altered in
5 ways that research has demonstrated will minimize the
6 offender's chances of re-offending and maximize the
7 offender's chances of successfully reintegrating into the
8 locality.

9 (6.5) "Offender" means a person charged with or
10 convicted of a probation-eligible offense.

11 (7) "Risks" include the attributes of an offender that
12 are commonly considered to be those variables, such as age,
13 prior criminal history, history of joblessness, and lack of
14 education that research has demonstrated contribute to an
15 offender's likelihood of re-offending and impact an
16 offender's ability to successfully reintegrate into the
17 locality.

18 (8) (Blank). ~~"Violent offender" means a person~~
19 ~~convicted of a violent crime as defined in subsection (c)~~
20 ~~of Section 3 of the Rights of Crime Victims and Witnesses~~
21 ~~Act.~~

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

23 (730 ILCS 190/20)

24 Sec. 20. Adult Redeploy Illinois.

25 (a) Purpose. When offenders are accurately assessed for

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

12 (b) The Adult Redeploy Illinois program shall reallocate
13 State funds to local jurisdictions that successfully establish
14 a process to assess offenders and provide a continuum of
15 locally based sanctions and treatment alternatives for
16 offenders who would be incarcerated in a State facility if
17 those local services and sanctions did not exist. The allotment
18 of funds shall be based on a formula that rewards local
19 jurisdictions for the establishment or expansion of local
20 supervision programs and requires them to pay the amount
21 determined in subsection (e) if incarceration targets as
22 defined in subsection (e) are not met.

23 (c) Each county or circuit participating in the Adult
24 Redeploy Illinois program shall create a local plan describing
25 how it will protect public safety and reduce the county or
26 circuit's utilization of incarceration in State facilities or

1 local county jails by the creation or expansion of
2 individualized services or programs.

3 (d) Based on the local plan, a county or circuit shall
4 enter into an agreement with the Adult Redeploy Oversight Board
5 described in subsection (e) to reduce the number of commitments
6 of probation-eligible offenders to State correctional
7 facilities from that county or circuit, ~~excluding violent~~
8 ~~offenders~~. The agreement shall include a pledge from the county
9 or circuit to reduce their commitments by 25% of the level of
10 commitments from the average number of commitments for the past
11 3 years of eligible ~~non-violent~~ offenders. In return, the
12 county or circuit shall receive, based upon a formula described
13 in subsection (e), funds to redeploy for local programming for
14 offenders who would otherwise be incarcerated such as
15 management and supervision, electronic monitoring, and drug
16 testing. The county or circuit shall also be penalized, as
17 described in subsection (e), for failure to reach the goal of
18 reduced commitments stipulated in the agreement.

19 (e) Adult Redeploy Illinois Oversight Board; members;
20 responsibilities.

21 (1) The Secretary of Human Services and the Director of
22 Corrections shall within 3 months after the effective date
23 of this Act convene and act as co-chairs of an oversight
24 board to oversee the Adult Redeploy Program. The Board
25 shall include, but not be limited to, designees from the
26 Prisoner Review Board, Office of the Attorney General,

1 Illinois Criminal Justice Information Authority, and
2 Sentencing Policy Advisory Council; the Cook County
3 State's Attorney; a State's Attorney selected by the
4 President of the Illinois State's Attorneys Association;
5 the State Appellate Defender; the Cook County Public
6 Defender; a representative of Cook County Adult Probation,
7 a representative of DuPage County Adult Probation; a
8 representative of Sangamon County Adult Probation; and 4
9 representatives from non-governmental organizations,
10 including service providers.

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

13 (A) Develop a process to solicit applications from
14 and identify jurisdictions to be included in the Adult
15 Redeploy Illinois program.

16 (B) Define categories of membership for local
17 entities to participate in the creation and oversight
18 of the local Adult Redeploy Illinois program.

19 (C) Develop a formula for the allotment of funds to
20 local jurisdictions for local and community-based
21 services in lieu of commitment to the Department of
22 Corrections and a penalty amount for failure to reach
23 the goal of reduced commitments stipulated in the
24 plans.

25 (D) Develop a standard format for the local plan to
26 be submitted by the local entity created in each county

1 or circuit.

2 (E) Identify and secure resources sufficient to
3 support the administration and evaluation of Adult
4 Redeploy Illinois.

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

7 (G) Review local plans and proposed agreements and
8 approve the distribution of resources.

9 (H) Develop a performance measurement system that
10 includes but is not limited to the following key
11 performance indicators: recidivism, rate of
12 revocations, employment rates, education achievement,
13 successful completion of substance abuse treatment
14 programs, and payment of victim restitution. Each
15 county or circuit shall include the performance
16 measurement system in its local plan and provide data
17 annually to evaluate its success.

18 (I) Report annually the results of the performance
19 measurements on a timely basis to the Governor and
20 General Assembly.

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