



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB4216

Introduced 5/18/2015, by Rep. La Shawn K. Ford

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-8-1.2

Amends the Unified Code of Corrections. Provides that in any county with more than 3,000,000 inhabitants that has established and operates a county impact incarceration program, an offender charged with a felony (currently, only those convicted of a felony) that meets eligibility requirements may be ordered by the court to participate in the county impact incarceration program. Provides that persons who are charged with eligible offenses may be ordered by the court to participate in the county impact incarceration program for the period of 120 to 180 days. Provides that if the offender is convicted of the eligible offense, the court may sentence the offender to the remaining days required to complete a total participation period of 120 to 180 days and the mandatory term of monitored release.

LRB099 12350 RLC 35479 b

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. If the court finds a person  
2 charged with a felony meets the eligibility requirements of the  
3 Sheriff's county impact incarceration program, the court may  
4 order the person's participation in the county impact  
5 incarceration program. The Sheriff shall be responsible for  
6 monitoring all offenders who are sentenced to or ordered to the  
7 county impact incarceration program, including the mandatory  
8 period of monitored release following the 120 to 180 days of  
9 impact incarceration. Offenders assigned to the county impact  
10 incarceration program under an intergovernmental agreement  
11 between the county and the Illinois Department of Corrections  
12 are exempt from the provisions of this mandatory period of  
13 monitored release. In the event the convicted offender is not  
14 accepted for placement in the county impact incarceration  
15 program, the court shall proceed to sentence the offender to  
16 any other disposition authorized by this Code. If the offender  
17 does not successfully complete the program, the offender's  
18 failure to do so shall constitute a violation of the sentence  
19 or order to the county impact incarceration program.

20 (c) In order to be eligible to be sentenced to or ordered  
21 to a county impact incarceration program by the court, the  
22 person shall meet all of the following requirements:

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

25 (2) The person has not previously participated in the  
26 impact incarceration program and has not previously served

1 more than one prior sentence of imprisonment for a felony  
2 in an adult correctional facility;

3 (3) The person has not been convicted of a Class X  
4 felony, first or second degree murder, armed violence,  
5 aggravated kidnapping, criminal sexual assault, aggravated  
6 criminal sexual abuse or a subsequent conviction for  
7 criminal sexual abuse, forcible detention, or arson and has  
8 not been convicted previously of any of those offenses.

9 (4) The person has been found in violation of probation  
10 for an offense that is a Class 2, 3, or 4 felony that is not  
11 a forcible felony as defined in Section 2-8 of the Criminal  
12 Code of 2012 or a violent crime as defined in subsection  
13 (c) of Section 3 of the Rights of Crime Victims and  
14 Witnesses Act who otherwise could be sentenced to a term of  
15 incarceration; or the person is convicted of an offense  
16 that is a Class 2, 3, or 4 felony that is not a forcible  
17 felony as defined in Section 2-8 of the Criminal Code of  
18 2012 or a violent crime as defined in subsection (c) of  
19 Section 3 of the Rights of Crime Victims and Witnesses Act  
20 who has previously served a sentence of probation for any  
21 felony offense and who otherwise could be sentenced to a  
22 term of incarceration.

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

25 (6) The person must not have any mental disorder or  
26 disability that would prevent participation in a county

1 impact incarceration program.

2 (7) The person was recommended and approved for  
3 placement in the county impact incarceration program by the  
4 Sheriff and consented in writing to participation in the  
5 county impact incarceration program and to the terms and  
6 conditions of the program. The Sheriff may consider, among  
7 other matters, whether the person has any outstanding  
8 detainers or warrants, whether the person has a history of  
9 escaping or absconding, whether participation in the  
10 county impact incarceration program may pose a risk to the  
11 safety or security of any person and whether space is  
12 available.

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

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

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

1 requirements of the program.

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

11 (f-1) Persons who are charged with eligible offenses may be  
12 ordered by the court to participate in the county impact  
13 incarceration program for the period of 120 to 180 days. If the  
14 offender is convicted of the eligible offense, the court may  
15 sentence the offender to the remaining days required to  
16 complete a total participation period of 120 to 180 days and  
17 the mandatory term of monitored release.

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

1 (h) A person may be removed from the county impact  
2 incarceration program for a violation of the terms or  
3 conditions of the program or in the event he or she is for any  
4 reason unable to participate. The failure to complete the  
5 program for any reason, including the 8 to 12 month monitored  
6 release period, shall be deemed a violation of the county  
7 impact incarceration sentence. The Sheriff shall give notice to  
8 the State's Attorney of the person's failure to complete the  
9 program. The Sheriff shall file a petition for violation of the  
10 county impact incarceration sentence with the court and the  
11 State's Attorney may proceed on the petition under Section  
12 5-6-4 of this Code. The Sheriff shall promulgate rules and  
13 regulations governing conduct which could result in removal  
14 from the program or in a determination that the person has not  
15 successfully completed the program.

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

19 (1) not violate any criminal statute of any  
20 jurisdiction;

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

23 (3) refrain from possessing a firearm or other  
24 dangerous weapon;

25 (4) not leave the State without the consent of the  
26 court or, in circumstances in which the reason for the

1 absence is of such an emergency nature that prior consent  
2 by the court is not possible, without the prior  
3 notification and approval of the Sheriff; and

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

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

11 (j) The Sheriff shall report to the county board on or  
12 before September 30th of each year on the county impact  
13 incarceration program, including the composition of the  
14 program by the offenders, by county of commitment, sentence,  
15 age, offense, and race.

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