

104TH GENERAL ASSEMBLY**State of Illinois****2025 and 2026****HB1174**

Introduced 1/9/2025, by Rep. Rita Mayfield

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-8A-4

from Ch. 38, par. 1005-8A-4

Amends the Unified Code of Corrections. Provides that the rules promulgated by the supervising authority concerning electronic monitoring and home detention shall provide that travel to and from approved employment shall not be denied based solely on the transient or mobile nature of the employment, provided that the participant gives the supervising authority sufficient notice and the employer confirms the exact routes or locations, or both, of employment at least 24 hours in advance. Provides that travel to and from approved employment shall not be denied solely for failure to provide the supervising authority with timely notice, provided that the participant gives the supervising authority sufficient notice at least 24 hours in advance of travel.

LRB104 04974 RLC 15001 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 5-8A-4 as follows:

6 (730 ILCS 5/5-8A-4) (from Ch. 38, par. 1005-8A-4)

7 Sec. 5-8A-4. Program description. The supervising
8 authority may promulgate rules that prescribe reasonable
9 guidelines under which an electronic monitoring and home
10 detention program shall operate. When using electronic
11 monitoring for home detention these rules may include, but not
12 be limited to, the following:

13 (A) The participant may be instructed to remain within
14 the interior premises or within the property boundaries of
15 his or her residence at all times during the hours
16 designated by the supervising authority. Such instances of
17 approved absences from the home shall include, but are not
18 limited to, the following:

19 (1) working or employment approved by the court or
20 traveling to or from approved employment; travel to
21 and from approved employment shall not be denied based
22 solely on the transient or mobile nature of the
23 employment, provided that the participant gives the

1 supervising authority sufficient notice and the
2 employer confirms the exact routes or locations, or
3 both, of employment at least 24 hours in advance.

4 Travel to and from approved employment shall not
5 be denied solely for failure to provide the
6 supervising authority with timely notice, provided
7 that the participant gives the supervising authority
8 sufficient notice at least 24 hours in advance of
9 travel;

10 (2) unemployed and seeking employment approved for
11 the participant by the court;

12 (3) undergoing medical, psychiatric, mental health
13 treatment, counseling, or other treatment programs
14 approved for the participant by the court;

15 (4) attending an educational institution or a
16 program approved for the participant by the court;

17 (5) attending a regularly scheduled religious
18 service at a place of worship;

19 (6) participating in community work release or
20 community service programs approved for the
21 participant by the supervising authority;

22 (7) for another compelling reason consistent with
23 the public interest, as approved by the supervising
24 authority; or

25 (8) purchasing groceries, food, or other basic
26 necessities.

(A-1) At a minimum, any person ordered to pretrial home confinement with or without electronic monitoring must be provided with movement spread out over no fewer than two days per week, to participate in basic activities such as those listed in paragraph (A). In this subdivision (A-1), "days" means a reasonable time period during a calendar day, as outlined by the court in the order placing the person on home confinement.

(B) The participant shall admit any person or agent designated by the supervising authority into his or her residence at any time for purposes of verifying the participant's compliance with the conditions of his or her detention.

(C) The participant shall make the necessary arrangements to allow for any person or agent designated by the supervising authority to visit the participant's place of education or employment at any time, based upon the approval of the educational institution employer or both, for the purpose of verifying the participant's compliance with the conditions of his or her detention.

(D) The participant shall acknowledge and participate with the approved electronic monitoring device as designated by the supervising authority at any time for the purpose of verifying the participant's compliance with the conditions of his or her detention.

(E) The participant shall maintain the following:

- (1) access to a working telephone;
- (2) a monitoring device in the participant's home, or on the participant's person, or both; and
- (3) a monitoring device in the participant's home and on the participant's person in the absence of a telephone.

(F) The participant shall obtain approval from the supervising authority before the participant changes residence or the schedule described in subsection (A) of this Section. Such approval shall not be unreasonably withheld.

(G) The participant shall not commit another crime during the period of home detention ordered by the Court.

(H) Notice to the participant that violation of the order for home detention may subject the participant to prosecution for the crime of escape as described in Section 5-8A-4.1.

(I) The participant shall abide by other conditions as set by the supervising authority.

The supervising authority shall adopt rules to immediately remove all approved electronic monitoring devices of a pregnant participant during labor and delivery.

This Section takes effect January 1, 2022.

(Source: P.A. 102-28, eff. 6-25-21; 102-687, eff. 12-17-21; 102-1104, eff. 12-6-22; 103-745, eff. 1-1-25.)