



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2439

Introduced 2/4/2025, by Rep. Barbara Hernandez

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-8A-3

from Ch. 38, par. 1005-8A-3

Amends the Unified Code of Corrections. Provides that, in addition to the other requirements for eligibility for an electronic monitoring or home detention program, a person serving a sentence for conviction of an offense that is a Class X or Class 1 felony, other than for predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated criminal sexual abuse, or felony criminal sexual abuse, may be placed in an electronic monitoring or home detention program for a period not to exceed the last 18 (rather than 12 months) of incarceration, provided that the person is 50 (rather than 55) years of age or older.

LRB104 08203 RLC 18253 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-3 as follows:

6 (730 ILCS 5/5-8A-3) (from Ch. 38, par. 1005-8A-3)

7 Sec. 5-8A-3. Application.

8 (a) Except as provided in subsection (d), a person charged
9 with or convicted of an excluded offense may not be placed in
10 an electronic monitoring or home detention program, except for
11 bond pending trial or appeal or while on parole, aftercare
12 release, or mandatory supervised release.

13 (b) A person serving a sentence for a conviction of a Class
14 1 felony, other than an excluded offense, may be placed in an
15 electronic monitoring or home detention program for a period
16 not to exceed the last 90 days of incarceration.

17 (c) A person serving a sentence for a conviction of a Class
18 X felony, other than an excluded offense, may be placed in an
19 electronic monitoring or home detention program for a period
20 not to exceed the last 90 days of incarceration, provided that
21 the person was sentenced on or after August 11, 1993 (the
22 effective date of Public Act 88-311) and provided that the
23 court has not prohibited the program for the person in the

1 sentencing order.

2 (d) A person serving a sentence for conviction of an
3 offense that is a Class X or Class 1 felony, other than for
4 predatory criminal sexual assault of a child, aggravated
5 criminal sexual assault, criminal sexual assault, aggravated
6 criminal sexual abuse, or felony criminal sexual abuse, may be
7 placed in an electronic monitoring or home detention program
8 for a period not to exceed the last 18 ~~12~~ months of
9 incarceration, provided that (i) the person is 50 ~~55~~ years of
10 age or older; (ii) the person is serving a determinate
11 sentence; (iii) the person has served at least 25% of the
12 sentenced prison term; and (iv) placement in an electronic
13 monitoring or home detention program is approved by the
14 Prisoner Review Board or the Department of Juvenile Justice.

15 (e) A person serving a sentence for conviction of a Class
16 2, 3, or 4 felony offense which is not an excluded offense may
17 be placed in an electronic monitoring or home detention
18 program pursuant to Department administrative directives.
19 These directives shall encourage inmates to apply for
20 electronic detention to incentivize positive behavior and
21 program participation prior to and following their return to
22 the community, consistent with Section 5-8A-4.2 of this Code.
23 These directives shall not prohibit application solely for
24 prior mandatory supervised release violation history,
25 outstanding municipal warrants, current security
26 classification, and prior criminal history, though these

1 factors may be considered when reviewing individual
2 applications in conjunction with additional factors, such as
3 the applicant's institution behavior, program participation,
4 and reentry plan.

5 (f) Applications for electronic monitoring or home
6 detention may include the following:

- 7 (1) pretrial or pre-adjudicatory detention;
- 8 (2) probation;
- 9 (3) conditional discharge;
- 10 (4) periodic imprisonment;
- 11 (5) parole, aftercare release, or mandatory supervised
12 release;
- 13 (6) work release;
- 14 (7) furlough; or
- 15 (8) post-trial incarceration.

16 (g) A person convicted of an offense described in clause
17 (4) or (5) of subsection (d) of Section 5-8-1 of this Code
18 shall be placed in an electronic monitoring or home detention
19 program for at least the first 2 years of the person's
20 mandatory supervised release term.

21 (Source: P.A. 99-628, eff. 1-1-17; 99-797, eff. 8-12-16;
22 100-201, eff. 8-18-17; 100-431, eff. 8-25-17; 100-575, eff.
23 1-8-18.)