



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

**HB3168**

by Rep. Terri Bryant

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-8-1.1

from Ch. 38, par. 1005-8-1.1

Amends the Unified Code of Corrections. Provides that every sentencing order shall include as though written therein a term providing that if the Department of Corrections accepts an eligible offender in the program and determines the offender has successfully completed the impact incarceration program, the sentence shall be reduced to time considered served. Removes the requirement that a person be recommended and approved for placement in the impact incarceration program in the court's sentencing order.

LRB101 08304 SLF 53372 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 5-8-1.1 as follows:

6 (730 ILCS 5/5-8-1.1) (from Ch. 38, par. 1005-8-1.1)

7 Sec. 5-8-1.1. Impact incarceration.

8 (a) The Department may establish and operate an impact  
9 incarceration program for eligible offenders. ~~If the court~~  
10 ~~finds under Section 5-4-1 that an offender sentenced to a term~~  
11 ~~of imprisonment for a felony may meet the eligibility~~  
12 ~~requirements of the Department, the court may in its sentencing~~  
13 ~~order approve the offender for placement in the impact~~  
14 ~~incarceration program conditioned upon his acceptance in the~~  
15 ~~program by the Department.~~ Notwithstanding the sentencing  
16 provisions of this Code, every sentencing order shall include  
17 as though written therein a term providing that ~~the sentencing~~  
18 ~~order also shall provide that~~ if the Department accepts an  
19 eligible ~~the~~ offender in the program and determines ~~that~~ the  
20 offender has successfully completed the impact incarceration  
21 program, the sentence shall be reduced to time considered  
22 served ~~upon certification to the court by the Department that~~  
23 ~~the offender has successfully completed the program.~~ In the

1 event the offender is not accepted for placement in the impact  
2 incarceration program or the offender does not successfully  
3 complete the program, his term of imprisonment shall be as set  
4 forth by the court in its sentencing order.

5 (b) In order to be eligible to participate in the impact  
6 incarceration program, the committed person shall meet all of  
7 the following requirements:

8 (1) The person must be not less than 17 years of age  
9 nor more than 35 years of age.

10 (2) The person has not previously participated in the  
11 impact incarceration program and has not previously served  
12 more than one prior sentence of imprisonment for a felony  
13 in an adult correctional facility.

14 (3) The person has not been convicted of a Class X  
15 felony, first or second degree murder, armed violence,  
16 aggravated kidnapping, criminal sexual assault, aggravated  
17 criminal sexual abuse or a subsequent conviction for  
18 criminal sexual abuse, forcible detention, residential  
19 arson, place of worship arson, or arson and has not been  
20 convicted previously of any of those offenses.

21 (4) The person has been sentenced to a term of  
22 imprisonment of 8 years or less.

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 the impact

1 incarceration program.

2 (7) The person has consented in writing to  
3 participation in the impact incarceration program and to  
4 the terms and conditions thereof.

5 (7.1) The court's sentencing order did not explicitly  
6 disapprove of impact incarceration for the person.

7 (8) (Blank). ~~The person was recommended and approved~~  
8 ~~for placement in the impact incarceration program in the~~  
9 ~~court's sentencing order.~~

10 The Department may also consider, among other matters,  
11 whether the committed person has any outstanding detainers or  
12 warrants, whether the committed person has a history of  
13 escaping or absconding, whether participation in the impact  
14 incarceration program may pose a risk to the safety or security  
15 of any person and whether space is available.

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

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

25 (e) Committed persons participating in the impact  
26 incarceration program shall adhere to all Department rules and

1 all requirements of the program. Committed persons shall be  
2 informed of rules of behavior and conduct. Disciplinary  
3 procedures required by this Code or by Department rule are not  
4 applicable except in those instances in which the Department  
5 seeks to revoke good time.

6 (f) Participation in the impact incarceration program  
7 shall be for a period of 120 to 180 days. The period of time a  
8 committed person shall serve in the impact incarceration  
9 program shall not be reduced by the accumulation of good time.

10 (g) The committed person shall serve a term of mandatory  
11 supervised release as set forth in subsection (d) of Section  
12 5-8-1.

13 (h) A committed person may be removed from the program for  
14 a violation of the terms or conditions of the program or in the  
15 event he is for any reason unable to participate. The  
16 Department shall promulgate rules and regulations governing  
17 conduct which could result in removal from the program or in a  
18 determination that the committed person has not successfully  
19 completed the program. Committed persons shall have access to  
20 such rules, which shall provide that a committed person shall  
21 receive notice and have the opportunity to appear before and  
22 address one or more hearing officers. A committed person may be  
23 transferred to any of the Department's facilities prior to the  
24 hearing.

25 (i) The Department may terminate the impact incarceration  
26 program at any time.

1           (j) The Department shall report to the Governor and the  
2 General Assembly on or before September 30th of each year on  
3 the impact incarceration program, including the composition of  
4 the program by the offenders, by county of commitment,  
5 sentence, age, offense and race.

6           (k) The Department of Corrections shall consider the  
7 affirmative action plan approved by the Department of Human  
8 Rights in hiring staff at the impact incarceration facilities.

9           (Source: P.A. 97-800, eff. 7-13-12.)