



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4468

Introduced 1/21/2022, by Rep. Margaret Croke, Ann M. Williams, Eva Dina Delgado, Jaime M. Andrade, Jr., Angelica Guerrero-Cuellar, et al.

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-8A-2

from Ch. 38, par. 1005-8A-2

Amends the Unified Code of Corrections. Adds as "excluded offenses" attempted first degree murder, reckless homicide, aggravated vehicular hijacking in which the defendant was armed with a firearm or other dangerous weapon, being an armed habitual criminal, and any offense that requires the defendant to register as a sex offender under the Sex Offender Registration Act. Effective immediately.

LRB102 23210 RLC 32372 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-2 as follows:

6 (730 ILCS 5/5-8A-2) (from Ch. 38, par. 1005-8A-2)

7 Sec. 5-8A-2. Definitions. As used in this Article:

8 (A) "Approved electronic monitoring device" means a device
9 approved by the supervising authority which is primarily
10 intended to record or transmit information as to the
11 defendant's presence or nonpresence in the home, consumption
12 of alcohol, consumption of drugs, location as determined
13 through GPS, cellular triangulation, Wi-Fi, or other
14 electronic means.

15 An approved electronic monitoring device may record or
16 transmit: oral or wire communications or an auditory sound;
17 visual images; or information regarding the offender's
18 activities while inside the offender's home. These devices are
19 subject to the required consent as set forth in Section 5-8A-5
20 of this Article.

21 An approved electronic monitoring device may be used to
22 record a conversation between the participant and the
23 monitoring device, or the participant and the person

1 supervising the participant solely for the purpose of
2 identification and not for the purpose of eavesdropping or
3 conducting any other illegally intrusive monitoring.

4 (A-10) "Department" means the Department of Corrections or
5 the Department of Juvenile Justice.

6 (A-20) "Electronic monitoring" means the monitoring of an
7 inmate, person, or offender with an electronic device both
8 within and outside of their home under the terms and
9 conditions established by the supervising authority.

10 (B) "Excluded offenses" means first degree murder,
11 attempted first degree murder, reckless homicide, aggravated
12 vehicular hijacking under paragraph (3), (4), (5), or (6) of
13 subsection (a) of Section 18-4 of the Criminal Code of 2012,
14 being an armed habitual criminal, any offense that requires
15 the defendant to register as a sex offender under the Sex
16 Offender Registration Act, escape, predatory criminal sexual
17 assault of a child, aggravated criminal sexual assault,
18 criminal sexual assault, aggravated battery with a firearm as
19 described in Section 12-4.2 or subdivision (e)(1), (e)(2),
20 (e)(3), or (e)(4) of Section 12-3.05, bringing or possessing a
21 firearm, ammunition or explosive in a penal institution, any
22 "Super-X" drug offense or calculated criminal drug conspiracy
23 or streetgang criminal drug conspiracy, or any predecessor or
24 successor offenses with the same or substantially the same
25 elements, or any inchoate offenses relating to the foregoing
26 offenses.

1 (B-10) "GPS" means a device or system which utilizes the
2 Global Positioning Satellite system for determining the
3 location of a person, inmate or offender.

4 (C) "Home detention" means the confinement of a person
5 convicted or charged with an offense to his or her place of
6 residence under the terms and conditions established by the
7 supervising authority. Confinement need not be 24 hours per
8 day to qualify as home detention, and significant restrictions
9 on liberty such as 7pm to 7am curfews shall qualify. Home
10 confinement may or may not be accompanied by electronic
11 monitoring, and electronic monitoring is not required for
12 purposes of sentencing credit.

13 (D) "Participant" means an inmate or offender placed into
14 an electronic monitoring program.

15 (E) "Supervising authority" means the Department of
16 Corrections, the Department of Juvenile Justice, probation
17 department, a Chief Judge's office, pretrial services division
18 or department, sheriff, superintendent of municipal house of
19 corrections or any other officer or agency charged with
20 authorizing and supervising electronic monitoring and home
21 detention.

22 (F) "Super-X drug offense" means a violation of Section
23 401(a)(1)(B), (C), or (D); Section 401(a)(2)(B), (C), or (D);
24 Section 401(a)(3)(B), (C), or (D); or Section 401(a)(7)(B),
25 (C), or (D) of the Illinois Controlled Substances Act.

26 (G) "Wi-Fi" or "WiFi" means a device or system which

1 utilizes a wireless local area network for determining the
2 location of a person, inmate or offender.

3 (Source: P.A. 101-652, eff. 7-1-21.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.