



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5211

Introduced 1/31/2022, by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-8-1.2

Amends the Unified Code of Corrections. Provides that in a county with more than 3,000,000 inhabitants, the Sheriff may establish a county impact incarceration program without the approval of the County Board of Commissioners. Provides that a person charged with a felony may be admitted into the program. Permits certain violent offenders to participate in the program. Excludes persons convicted of escape or aiding escape from eligibility for the program. Provides that the county impact incarceration program may (rather than shall) include, among other matters, vocational training, education, counseling, substance abuse counseling, life skills training, mandatory physical training and labor, military formation and drills, regimented activities, and uniformity of dress and appearance. Provides that the mandatory term of monitored release a person shall serve may be reduced by the accumulation of good time or pre-trial detention, up to 120 days. Provides that offenders who are charged with eligible offenses may be ordered to the custodial period of the county impact incarceration program. 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.

LRB102 24820 RLC 34065 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 to improve
12 the prospects of successful re-entry into society. It is the
13 intent of the General Assembly that such programs be
14 implemented as provided by this Section. ~~This Section shall~~
15 ~~not be construed to allow violent offenders to participate in~~
16 ~~a county impact incarceration program.~~

17 (b) ~~The~~ Under the direction of the Sheriff and with the
18 ~~approval of the County Board of Commissioners,~~ the Sheriff, in
19 any county with more than 3,000,000 inhabitants, may establish
20 and operate a county impact incarceration program for eligible
21 offenders. If the court finds under Section 5-4-1 that an
22 offender convicted of or charged with a felony meets the
23 eligibility requirements of the Sheriff's county impact

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

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

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

23 (2) The person has not previously participated in the
24 county impact incarceration program and has not previously
25 served more than one prior sentence of imprisonment for a
26 felony in an adult correctional facility.

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

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

23 (5) The person must be physically able to participate
24 in strenuous physical activities or labor, as determined
25 by the Sheriff.

26 (6) The person must not have any mental disorder or

1 disability that would prevent participation in a county
2 impact incarceration program, as determined by the
3 Sheriff.

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

15 (c-5) The county impact incarceration program ~~may shall~~
16 include, among other matters, vocational training, education,
17 counseling, substance abuse counseling, life skills training,
18 mandatory physical training and labor, military formation and
19 drills, regimented activities, and uniformity of dress and
20 appearance, ~~education and counseling, including drug~~
21 ~~counseling where appropriate.~~

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

1 (e) The Sheriff shall issue written rules and requirements
2 for the program. Persons shall be informed of rules of
3 behavior and conduct. Persons participating in the county
4 impact incarceration program shall adhere to all rules and all
5 requirements of the program.

6 (f) Participation in the county impact incarceration
7 program shall be for a period of 120 to 180 days followed by a
8 mandatory term of monitored release for at least 8 months and
9 no more than 12 months supervised by the Sheriff. The period of
10 incarceration ~~time~~ a person shall serve in the impact
11 incarceration program shall not be reduced by the accumulation
12 of good time. The mandatory term of monitored release a person
13 shall serve may be reduced by the accumulation of good time or
14 pre-trial detention, up to 120 days. The court may also
15 sentence the person to a period of probation to commence at the
16 successful completion of the county impact incarceration
17 program.

18 (f-5) Offenders who are charged with eligible offenses may
19 be ordered to the custodial period of the county impact
20 incarceration program. If the offender is convicted of the
21 eligible offense, the court may sentence the offender to the
22 remaining days required to complete a total participation
23 period of 120 to 180 days and the mandatory term of monitored
24 release.

25 (g) If the person successfully completes the county impact
26 incarceration program, the Sheriff shall certify the person's

1 successful completion of the program to the court and to the
2 county's State's Attorney. Upon successful completion of the
3 county impact incarceration program and mandatory term of
4 monitored release and if there is an additional period of
5 probation given, the person shall at that time begin his or her
6 probationary sentence under the supervision of the Adult
7 Probation Department.

8 (h) A person may be removed from the county impact
9 incarceration program for a violation of the terms or
10 conditions of the program or in the event he or she is for any
11 reason unable to participate. The failure to complete the
12 program for any reason, including the 8 to 12 month monitored
13 release period, shall be deemed a violation of the county
14 impact incarceration sentence. The Sheriff shall give notice
15 to the State's Attorney of the person's failure to complete
16 the program. The Sheriff shall file a petition for violation
17 of the county impact incarceration sentence with the court and
18 the State's Attorney may proceed on the petition under Section
19 5-6-4 of this Code. The Sheriff shall promulgate rules and
20 regulations governing conduct which could result in removal
21 from the program or in a determination that the person has not
22 successfully completed the program.

23 The mandatory conditions of every county impact
24 incarceration sentence shall include that the person either
25 while in the program or during the period of monitored
26 release:

1 (1) not violate any criminal statute of any
2 jurisdiction;

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

5 (3) refrain from possessing a firearm or other
6 dangerous weapon;

7 (4) not leave the State without the consent of the
8 court or, in circumstances in which the reason for the
9 absence is of such an emergency nature that prior consent
10 by the court is not possible, without the prior
11 notification and approval of the Sheriff; and

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

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

20 (j) The Sheriff shall report to the county board on or
21 before September 30th of each year on the county impact
22 incarceration program, including the composition of the
23 program by the offenders, by county of commitment, sentence,
24 age, offense, and race.

25 (Source: P.A. 100-201, eff. 8-18-17.)