

SB1861



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1861

Introduced 2/26/2021, by Sen. 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 if the court finds that an offender sentenced to a term of imprisonment for a felony meets the eligibility requirements of the Department of Corrections, the court may in its sentencing order approve the offender for placement in the impact incarceration program and the Department shall accept the offender in the program (rather than the Department must consent to the offender's acceptance in the program).

LRB102 03999 RLC 14015 b

A BILL FOR

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
13 sentencing order approve the offender for placement in the
14 impact incarceration program and the Department shall accept
15 the offender in the program ~~conditioned upon his acceptance in~~
16 ~~the program by the Department.~~ Notwithstanding the sentencing
17 provisions of this Code, the sentencing order also shall
18 provide that if the Department ~~accepts the offender in the~~
19 ~~program and~~ determines that the offender has successfully
20 completed the impact incarceration program, the sentence shall
21 be reduced to time considered served upon certification to the
22 court by the Department that the offender has successfully
23 completed the program. In the event ~~the offender is not~~

1 ~~accepted for placement in the impact incarceration program or~~
2 the offender does not successfully complete the program, the
3 offender's ~~his~~ term of imprisonment shall be as set forth by
4 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 (8) The person was recommended and approved for
6 placement in the impact incarceration program in the
7 court's sentencing order.

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

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

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

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

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

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

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

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

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

26 (j) The Department shall report to the Governor and the

1 General Assembly on or before September 30th of each year on
2 the impact incarceration program, including the composition of
3 the program by the offenders, by county of commitment,
4 sentence, age, offense and race.

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

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