



Rep. Patrick Windhorst

Filed: 5/12/2021

10200SB1861ham001

LRB102 03999 KMF 26412 a

1 AMENDMENT TO SENATE BILL 1861

2 AMENDMENT NO. _____. Amend Senate Bill 1861 by replacing
3 everything after the enacting clause with the following:

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 program ~~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 conditioned upon his acceptance
15 in the program by the Department. Notwithstanding the
16 sentencing provisions of this Code, the sentencing order also

1 shall provide that if the Department accepts the offender in
2 the program and determines that the offender has successfully
3 completed the impact ~~incarceration~~ program, the sentence shall
4 be reduced to time considered served upon certification to the
5 court by the Department that the offender has successfully
6 completed the program. In the event the offender is not
7 accepted for placement in the impact ~~incarceration~~ program or
8 the offender does not successfully complete the program, his
9 term of imprisonment shall be as set forth by the court in its
10 sentencing order.

11 (b) In order to be eligible to participate in the impact
12 ~~incarceration~~ program, the committed person shall meet all of
13 the following requirements:

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

16 (2) The person has not previously participated in an
17 ~~the~~ impact ~~incarceration~~ program and has not previously
18 served more than one prior sentence of imprisonment for a
19 felony in an adult correctional facility.

20 (3) The person has not been convicted of a Class X
21 felony, first or second degree murder, armed violence,
22 aggravated kidnapping, criminal sexual assault, aggravated
23 criminal sexual abuse or a subsequent conviction for
24 criminal sexual abuse, forcible detention, residential
25 arson, place of worship arson, or arson and has not been
26 convicted previously of any of those offenses.

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

3 (5) The person must be physically able to participate
4 in ~~strenuous~~ physical activities ~~or labor~~.

5 (6) The person must not have any mental disorder or
6 disability that would prevent participation in the impact
7 ~~incarceration~~ program.

8 (7) The person has consented in writing to
9 participation in the impact ~~incarceration~~ program and to
10 the terms and conditions thereof.

11 (8) The person was recommended and approved for
12 placement in the impact ~~incarceration~~ program in the
13 court's sentencing order.

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

20 (c) The impact ~~incarceration~~ program shall include, among
21 other matters, community service activities, cognitive
22 behavioral programming, life skills, reentry planning,
23 ~~mandatory physical training and labor, military formation and~~
24 ~~drills, regimented activities, uniformity of dress and~~
25 ~~appearance,~~ education and counseling, including drug
26 counseling where appropriate.

1 (d) Privileges including visitation, commissary, receipt
2 and retention of property and publications and access to
3 television, radio and a library may be suspended or
4 restricted, notwithstanding provisions to the contrary in this
5 Code.

6 (e) Committed persons participating in the impact
7 ~~incarceration~~ program shall adhere to all Department rules and
8 all requirements of the program. Committed persons shall be
9 informed of rules of behavior and conduct. Disciplinary
10 procedures required by this Code or by Department rule are not
11 applicable except in those instances in which the Department
12 seeks to revoke good time.

13 (f) Participation in the impact ~~incarceration~~ program
14 shall be for a period of one year to eighteen months ~~120 to 180~~
15 ~~days~~. The period of time a committed person shall serve in the
16 impact ~~incarceration~~ program shall not be reduced by the
17 accumulation of good time.

18 (g) The committed person shall serve a term of mandatory
19 supervised release as set forth in subsection (d) of Section
20 5-8-1.

21 (h) A committed person may be removed from the program for
22 a violation of the terms or conditions of the program or in the
23 event he is for any reason unable to participate. The
24 Department shall promulgate rules and regulations governing
25 conduct which could result in removal from the program, extend
26 the period of time a committed person must serve in the

1 program, or in a determination that the committed person has
2 not successfully completed the program. A committed person
3 shall not have the time required to successfully complete the
4 program extended beyond the maximum 18 month period of
5 participation identified in paragraph (f). Committed persons
6 shall have access to such rules, which shall provide that a
7 committed person shall receive notice and have the opportunity
8 to appear before and address one or more hearing officers. A
9 committed person may be transferred to any of the Department's
10 facilities prior to the hearing.

11 (i) The Department may terminate the impact ~~incarceration~~
12 program at any time.

13 (j) The Department shall report to the Governor and the
14 General Assembly on or before September 30th of each year on
15 the impact ~~incarceration~~ program, including the composition of
16 the program by the offenders, by county of commitment,
17 sentence, age, offense and race.

18 (k) The Department of Corrections shall consider the
19 affirmative action plan approved by the Department of Human
20 Rights in hiring staff at the impact ~~incarceration~~ facilities.

21 (l) The Department of Corrections shall advocate for the
22 impact program. The Department may identify candidates for
23 participation in the program that were not previously
24 recommended and formally submit the names to the State's
25 Attorney of the committing county.

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