

HB4103



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4103

by Rep. Michael J. Kelly

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-8A-4

from Ch. 38, par. 1005-8A-4

Amends the Unified Code of Corrections. Deletes a provision which provides that a person ordered to pretrial home confinement must, at a minimum, be provided with specified opportunities for movement on no fewer than 2 days each week.

LRB103 32616 RLC 62243 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 5-8A-4 as follows:

6 (730 ILCS 5/5-8A-4) (from Ch. 38, par. 1005-8A-4)

7 Sec. 5-8A-4. Program description. The supervising
8 authority may promulgate rules that prescribe reasonable
9 guidelines under which an electronic monitoring and home
10 detention program shall operate. When using electronic
11 monitoring for home detention these rules may include, but not
12 be limited to, the following:

13 (A) The participant may be instructed to remain within
14 the interior premises or within the property boundaries of
15 his or her residence at all times during the hours
16 designated by the supervising authority. Such instances of
17 approved absences from the home shall include, but are not
18 limited to, the following:

19 (1) working or employment approved by the court or
20 traveling to or from approved employment;

21 (2) unemployed and seeking employment approved for
22 the participant by the court;

23 (3) undergoing medical, psychiatric, mental health

1 treatment, counseling, or other treatment programs
2 approved for the participant by the court;

3 (4) attending an educational institution or a
4 program approved for the participant by the court;

5 (5) attending a regularly scheduled religious
6 service at a place of worship;

7 (6) participating in community work release or
8 community service programs approved for the
9 participant by the supervising authority;

10 (7) for another compelling reason consistent with
11 the public interest, as approved by the supervising
12 authority; or

13 (8) purchasing groceries, food, or other basic
14 necessities.

15 (A-1) (Blank). ~~At a minimum, any person ordered to~~
16 ~~pretrial home confinement with or without electronic~~
17 ~~monitoring must be provided with movement spread out over~~
18 ~~no fewer than two days per week, to participate in basic~~
19 ~~activities such as those listed in paragraph (A). In this~~
20 ~~subdivision (A-1), "days" means a reasonable time period~~
21 ~~during a calendar day, as outlined by the court in the~~
22 ~~order placing the person on home confinement.~~

23 (B) The participant shall admit any person or agent
24 designated by the supervising authority into his or her
25 residence at any time for purposes of verifying the
26 participant's compliance with the conditions of his or her

1 detention.

2 (C) The participant shall make the necessary
3 arrangements to allow for any person or agent designated
4 by the supervising authority to visit the participant's
5 place of education or employment at any time, based upon
6 the approval of the educational institution employer or
7 both, for the purpose of verifying the participant's
8 compliance with the conditions of his or her detention.

9 (D) The participant shall acknowledge and participate
10 with the approved electronic monitoring device as
11 designated by the supervising authority at any time for
12 the purpose of verifying the participant's compliance with
13 the conditions of his or her detention.

14 (E) The participant shall maintain the following:

15 (1) access to a working telephone;

16 (2) a monitoring device in the participant's home,
17 or on the participant's person, or both; and

18 (3) a monitoring device in the participant's home
19 and on the participant's person in the absence of a
20 telephone.

21 (F) The participant shall obtain approval from the
22 supervising authority before the participant changes
23 residence or the schedule described in subsection (A) of
24 this Section. Such approval shall not be unreasonably
25 withheld.

26 (G) The participant shall not commit another crime

1 during the period of home detention ordered by the Court.

2 (H) Notice to the participant that violation of the
3 order for home detention may subject the participant to
4 prosecution for the crime of escape as described in
5 Section 5-8A-4.1.

6 (I) The participant shall abide by other conditions as
7 set by the supervising authority.

8 (J) This Section takes effect January 1, 2022.

9 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
10 102-687, eff. 12-17-21; 102-1104, eff. 12-6-22.)