



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB4081

Introduced 5/23/2005, by Rep. Bill Mitchell

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-5-3
730 ILCS 125/19.6 new

from Ch. 38, par. 1005-5-3

Amends the Unified Code of Corrections and the County Jail Act. Provides that under the direction of the sheriff, the sheriff may establish and operate a county work camp program for offenders who have been convicted of offenses that are not violent crimes. Provides that the sheriff may assign eligible offenders to the program. Provides that the sheriff may establish the types of community service to be performed by eligible offenders.

LRB094 12309 RLC 46191 b

FISCAL NOTE ACT
MAY APPLY

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 5-5-3 as follows:

6 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

7 Sec. 5-5-3. Disposition.

8 (a) Except as provided in Section 11-501 of the Illinois
9 Vehicle Code, every person convicted of an offense shall be
10 sentenced as provided in this Section.

11 (b) The following options shall be appropriate
12 dispositions, alone or in combination, for all felonies and
13 misdemeanors other than those identified in subsection (c) of
14 this Section:

15 (1) A period of probation.

16 (2) A term of periodic imprisonment.

17 (3) A term of conditional discharge.

18 (4) A term of imprisonment.

19 (5) An order directing the offender to clean up and
20 repair the damage, if the offender was convicted under
21 paragraph (h) of Section 21-1 of the Criminal Code of 1961
22 (now repealed).

23 (6) A fine.

24 (7) An order directing the offender to make restitution
25 to the victim under Section 5-5-6 of this Code.

26 (8) A sentence of participation in a county impact
27 incarceration program under Section 5-8-1.2 of this Code.

28 (9) A term of imprisonment in combination with a term
29 of probation when the offender has been admitted into a
30 drug court program under Section 20 of the Drug Court
31 Treatment Act.

32 (10) A sentence of participation in a county work camp

1 program if the offender was convicted of an offense that is
2 not a violent crime as defined in Section 3 of the Rights
3 of Crime Victims and Witnesses Act.

4 Neither a fine nor restitution shall be the sole
5 disposition for a felony and either or both may be imposed only
6 in conjunction with another disposition.

7 (c) (1) When a defendant is found guilty of first degree
8 murder the State may either seek a sentence of imprisonment
9 under Section 5-8-1 of this Code, or where appropriate seek
10 a sentence of death under Section 9-1 of the Criminal Code
11 of 1961.

12 (2) A period of probation, a term of periodic
13 imprisonment or conditional discharge shall not be imposed
14 for the following offenses. The court shall sentence the
15 offender to not less than the minimum term of imprisonment
16 set forth in this Code for the following offenses, and may
17 order a fine or restitution or both in conjunction with
18 such term of imprisonment:

19 (A) First degree murder where the death penalty is
20 not imposed.

21 (B) Attempted first degree murder.

22 (C) A Class X felony.

23 (D) A violation of Section 401.1 or 407 of the
24 Illinois Controlled Substances Act, or a violation of
25 subdivision (c) (1) or (c) (2) of Section 401 of that Act
26 which relates to more than 5 grams of a substance
27 containing heroin or cocaine or an analog thereof.

28 (E) A violation of Section 5.1 or 9 of the Cannabis
29 Control Act.

30 (F) A Class 2 or greater felony if the offender had
31 been convicted of a Class 2 or greater felony within 10
32 years of the date on which the offender committed the
33 offense for which he or she is being sentenced, except
34 as otherwise provided in Section 40-10 of the
35 Alcoholism and Other Drug Abuse and Dependency Act.

36 (G) Residential burglary, except as otherwise

1 provided in Section 40-10 of the Alcoholism and Other
2 Drug Abuse and Dependency Act.

3 (H) Criminal sexual assault.

4 (I) Aggravated battery of a senior citizen.

5 (J) A forcible felony if the offense was related to
6 the activities of an organized gang.

7 Before July 1, 1994, for the purposes of this
8 paragraph, "organized gang" means an association of 5
9 or more persons, with an established hierarchy, that
10 encourages members of the association to perpetrate
11 crimes or provides support to the members of the
12 association who do commit crimes.

13 Beginning July 1, 1994, for the purposes of this
14 paragraph, "organized gang" has the meaning ascribed
15 to it in Section 10 of the Illinois Streetgang
16 Terrorism Omnibus Prevention Act.

17 (K) Vehicular hijacking.

18 (L) A second or subsequent conviction for the
19 offense of hate crime when the underlying offense upon
20 which the hate crime is based is felony aggravated
21 assault or felony mob action.

22 (M) A second or subsequent conviction for the
23 offense of institutional vandalism if the damage to the
24 property exceeds \$300.

25 (N) A Class 3 felony violation of paragraph (1) of
26 subsection (a) of Section 2 of the Firearm Owners
27 Identification Card Act.

28 (O) A violation of Section 12-6.1 of the Criminal
29 Code of 1961.

30 (P) A violation of paragraph (1), (2), (3), (4),
31 (5), or (7) of subsection (a) of Section 11-20.1 of the
32 Criminal Code of 1961.

33 (Q) A violation of Section 20-1.2 or 20-1.3 of the
34 Criminal Code of 1961.

35 (R) A violation of Section 24-3A of the Criminal
36 Code of 1961.

1 (S) (Blank).

2 (T) A second or subsequent violation of paragraph
3 (6.6) of subsection (a), subsection (c-5), or
4 subsection (d-5) of Section 401 of the Illinois
5 Controlled Substances Act.

6 (3) (Blank).

7 (4) A minimum term of imprisonment of not less than 10
8 consecutive days or 30 days of community service shall be
9 imposed for a violation of paragraph (c) of Section 6-303
10 of the Illinois Vehicle Code.

11 (4.1) (Blank).

12 (4.2) Except as provided in paragraph (4.3) of this
13 subsection (c), a minimum of 100 hours of community service
14 shall be imposed for a second violation of Section 6-303 of
15 the Illinois Vehicle Code.

16 (4.3) A minimum term of imprisonment of 30 days or 300
17 hours of community service, as determined by the court,
18 shall be imposed for a second violation of subsection (c)
19 of Section 6-303 of the Illinois Vehicle Code.

20 (4.4) Except as provided in paragraph (4.5) and
21 paragraph (4.6) of this subsection (c), a minimum term of
22 imprisonment of 30 days or 300 hours of community service,
23 as determined by the court, shall be imposed for a third or
24 subsequent violation of Section 6-303 of the Illinois
25 Vehicle Code.

26 (4.5) A minimum term of imprisonment of 30 days shall
27 be imposed for a third violation of subsection (c) of
28 Section 6-303 of the Illinois Vehicle Code.

29 (4.6) A minimum term of imprisonment of 180 days shall
30 be imposed for a fourth or subsequent violation of
31 subsection (c) of Section 6-303 of the Illinois Vehicle
32 Code.

33 (5) The court may sentence an offender convicted of a
34 business offense or a petty offense or a corporation or
35 unincorporated association convicted of any offense to:

36 (A) a period of conditional discharge;

1 (B) a fine;

2 (C) make restitution to the victim under Section
3 5-5-6 of this Code.

4 (5.1) In addition to any penalties imposed under
5 paragraph (5) of this subsection (c), and except as
6 provided in paragraph (5.2) or (5.3), a person convicted of
7 violating subsection (c) of Section 11-907 of the Illinois
8 Vehicle Code shall have his or her driver's license,
9 permit, or privileges suspended for at least 90 days but
10 not more than one year, if the violation resulted in damage
11 to the property of another person.

12 (5.2) In addition to any penalties imposed under
13 paragraph (5) of this subsection (c), and except as
14 provided in paragraph (5.3), a person convicted of
15 violating subsection (c) of Section 11-907 of the Illinois
16 Vehicle Code shall have his or her driver's license,
17 permit, or privileges suspended for at least 180 days but
18 not more than 2 years, if the violation resulted in injury
19 to another person.

20 (5.3) In addition to any penalties imposed under
21 paragraph (5) of this subsection (c), a person convicted of
22 violating subsection (c) of Section 11-907 of the Illinois
23 Vehicle Code shall have his or her driver's license,
24 permit, or privileges suspended for 2 years, if the
25 violation resulted in the death of another person.

26 (6) In no case shall an offender be eligible for a
27 disposition of probation or conditional discharge for a
28 Class 1 felony committed while he was serving a term of
29 probation or conditional discharge for a felony.

30 (7) When a defendant is adjudged a habitual criminal
31 under Article 33B of the Criminal Code of 1961, the court
32 shall sentence the defendant to a term of natural life
33 imprisonment.

34 (8) When a defendant, over the age of 21 years, is
35 convicted of a Class 1 or Class 2 felony, after having
36 twice been convicted in any state or federal court of an

1 offense that contains the same elements as an offense now
2 classified in Illinois as a Class 2 or greater Class felony
3 and such charges are separately brought and tried and arise
4 out of different series of acts, such defendant shall be
5 sentenced as a Class X offender. This paragraph shall not
6 apply unless (1) the first felony was committed after the
7 effective date of this amendatory Act of 1977; and (2) the
8 second felony was committed after conviction on the first;
9 and (3) the third felony was committed after conviction on
10 the second. A person sentenced as a Class X offender under
11 this paragraph is not eligible to apply for treatment as a
12 condition of probation as provided by Section 40-10 of the
13 Alcoholism and Other Drug Abuse and Dependency Act.

14 (9) A defendant convicted of a second or subsequent
15 offense of ritualized abuse of a child may be sentenced to
16 a term of natural life imprisonment.

17 (10) (Blank).

18 (11) The court shall impose a minimum fine of \$1,000
19 for a first offense and \$2,000 for a second or subsequent
20 offense upon a person convicted of or placed on supervision
21 for battery when the individual harmed was a sports
22 official or coach at any level of competition and the act
23 causing harm to the sports official or coach occurred
24 within an athletic facility or within the immediate
25 vicinity of the athletic facility at which the sports
26 official or coach was an active participant of the athletic
27 contest held at the athletic facility. For the purposes of
28 this paragraph (11), "sports official" means a person at an
29 athletic contest who enforces the rules of the contest,
30 such as an umpire or referee; "athletic facility" means an
31 indoor or outdoor playing field or recreational area where
32 sports activities are conducted; and "coach" means a person
33 recognized as a coach by the sanctioning authority that
34 conducted the sporting event.

35 (12) ~~(11)~~ A person may not receive a disposition of
36 court supervision for a violation of Section 5-16 of the

1 Boat Registration and Safety Act if that person has
2 previously received a disposition of court supervision for
3 a violation of that Section.

4 (d) In any case in which a sentence originally imposed is
5 vacated, the case shall be remanded to the trial court. The
6 trial court shall hold a hearing under Section 5-4-1 of the
7 Unified Code of Corrections which may include evidence of the
8 defendant's life, moral character and occupation during the
9 time since the original sentence was passed. The trial court
10 shall then impose sentence upon the defendant. The trial court
11 may impose any sentence which could have been imposed at the
12 original trial subject to Section 5-5-4 of the Unified Code of
13 Corrections. If a sentence is vacated on appeal or on
14 collateral attack due to the failure of the trier of fact at
15 trial to determine beyond a reasonable doubt the existence of a
16 fact (other than a prior conviction) necessary to increase the
17 punishment for the offense beyond the statutory maximum
18 otherwise applicable, either the defendant may be re-sentenced
19 to a term within the range otherwise provided or, if the State
20 files notice of its intention to again seek the extended
21 sentence, the defendant shall be afforded a new trial.

22 (e) In cases where prosecution for aggravated criminal
23 sexual abuse under Section 12-16 of the Criminal Code of 1961
24 results in conviction of a defendant who was a family member of
25 the victim at the time of the commission of the offense, the
26 court shall consider the safety and welfare of the victim and
27 may impose a sentence of probation only where:

28 (1) the court finds (A) or (B) or both are appropriate:

29 (A) the defendant is willing to undergo a court
30 approved counseling program for a minimum duration of 2
31 years; or

32 (B) the defendant is willing to participate in a
33 court approved plan including but not limited to the
34 defendant's:

35 (i) removal from the household;

36 (ii) restricted contact with the victim;

1 (iii) continued financial support of the
2 family;

3 (iv) restitution for harm done to the victim;
4 and

5 (v) compliance with any other measures that
6 the court may deem appropriate; and

7 (2) the court orders the defendant to pay for the
8 victim's counseling services, to the extent that the court
9 finds, after considering the defendant's income and
10 assets, that the defendant is financially capable of paying
11 for such services, if the victim was under 18 years of age
12 at the time the offense was committed and requires
13 counseling as a result of the offense.

14 Probation may be revoked or modified pursuant to Section
15 5-6-4; except where the court determines at the hearing that
16 the defendant violated a condition of his or her probation
17 restricting contact with the victim or other family members or
18 commits another offense with the victim or other family
19 members, the court shall revoke the defendant's probation and
20 impose a term of imprisonment.

21 For the purposes of this Section, "family member" and
22 "victim" shall have the meanings ascribed to them in Section
23 12-12 of the Criminal Code of 1961.

24 (f) This Article shall not deprive a court in other
25 proceedings to order a forfeiture of property, to suspend or
26 cancel a license, to remove a person from office, or to impose
27 any other civil penalty.

28 (g) Whenever a defendant is convicted of an offense under
29 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
30 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
31 of the Criminal Code of 1961, the defendant shall undergo
32 medical testing to determine whether the defendant has any
33 sexually transmissible disease, including a test for infection
34 with human immunodeficiency virus (HIV) or any other identified
35 causative agent of acquired immunodeficiency syndrome (AIDS).
36 Any such medical test shall be performed only by appropriately

1 licensed medical practitioners and may include an analysis of
2 any bodily fluids as well as an examination of the defendant's
3 person. Except as otherwise provided by law, the results of
4 such test shall be kept strictly confidential by all medical
5 personnel involved in the testing and must be personally
6 delivered in a sealed envelope to the judge of the court in
7 which the conviction was entered for the judge's inspection in
8 camera. Acting in accordance with the best interests of the
9 victim and the public, the judge shall have the discretion to
10 determine to whom, if anyone, the results of the testing may be
11 revealed. The court shall notify the defendant of the test
12 results. The court shall also notify the victim if requested by
13 the victim, and if the victim is under the age of 15 and if
14 requested by the victim's parents or legal guardian, the court
15 shall notify the victim's parents or legal guardian of the test
16 results. The court shall provide information on the
17 availability of HIV testing and counseling at Department of
18 Public Health facilities to all parties to whom the results of
19 the testing are revealed and shall direct the State's Attorney
20 to provide the information to the victim when possible. A
21 State's Attorney may petition the court to obtain the results
22 of any HIV test administered under this Section, and the court
23 shall grant the disclosure if the State's Attorney shows it is
24 relevant in order to prosecute a charge of criminal
25 transmission of HIV under Section 12-16.2 of the Criminal Code
26 of 1961 against the defendant. The court shall order that the
27 cost of any such test shall be paid by the county and may be
28 taxed as costs against the convicted defendant.

29 (g-5) When an inmate is tested for an airborne communicable
30 disease, as determined by the Illinois Department of Public
31 Health including but not limited to tuberculosis, the results
32 of the test shall be personally delivered by the warden or his
33 or her designee in a sealed envelope to the judge of the court
34 in which the inmate must appear for the judge's inspection in
35 camera if requested by the judge. Acting in accordance with the
36 best interests of those in the courtroom, the judge shall have

1 the discretion to determine what if any precautions need to be
2 taken to prevent transmission of the disease in the courtroom.

3 (h) Whenever a defendant is convicted of an offense under
4 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
5 defendant shall undergo medical testing to determine whether
6 the defendant has been exposed to human immunodeficiency virus
7 (HIV) or any other identified causative agent of acquired
8 immunodeficiency syndrome (AIDS). Except as otherwise provided
9 by law, the results of such test shall be kept strictly
10 confidential by all medical personnel involved in the testing
11 and must be personally delivered in a sealed envelope to the
12 judge of the court in which the conviction was entered for the
13 judge's inspection in camera. Acting in accordance with the
14 best interests of the public, the judge shall have the
15 discretion to determine to whom, if anyone, the results of the
16 testing may be revealed. The court shall notify the defendant
17 of a positive test showing an infection with the human
18 immunodeficiency virus (HIV). The court shall provide
19 information on the availability of HIV testing and counseling
20 at Department of Public Health facilities to all parties to
21 whom the results of the testing are revealed and shall direct
22 the State's Attorney to provide the information to the victim
23 when possible. A State's Attorney may petition the court to
24 obtain the results of any HIV test administered under this
25 Section, and the court shall grant the disclosure if the
26 State's Attorney shows it is relevant in order to prosecute a
27 charge of criminal transmission of HIV under Section 12-16.2 of
28 the Criminal Code of 1961 against the defendant. The court
29 shall order that the cost of any such test shall be paid by the
30 county and may be taxed as costs against the convicted
31 defendant.

32 (i) All fines and penalties imposed under this Section for
33 any violation of Chapters 3, 4, 6, and 11 of the Illinois
34 Vehicle Code, or a similar provision of a local ordinance, and
35 any violation of the Child Passenger Protection Act, or a
36 similar provision of a local ordinance, shall be collected and

1 disbursed by the circuit clerk as provided under Section 27.5
2 of the Clerks of Courts Act.

3 (j) In cases when prosecution for any violation of Section
4 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
5 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
6 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
7 Code of 1961, any violation of the Illinois Controlled
8 Substances Act, or any violation of the Cannabis Control Act
9 results in conviction, a disposition of court supervision, or
10 an order of probation granted under Section 10 of the Cannabis
11 Control Act or Section 410 of the Illinois Controlled Substance
12 Act of a defendant, the court shall determine whether the
13 defendant is employed by a facility or center as defined under
14 the Child Care Act of 1969, a public or private elementary or
15 secondary school, or otherwise works with children under 18
16 years of age on a daily basis. When a defendant is so employed,
17 the court shall order the Clerk of the Court to send a copy of
18 the judgment of conviction or order of supervision or probation
19 to the defendant's employer by certified mail. If the employer
20 of the defendant is a school, the Clerk of the Court shall
21 direct the mailing of a copy of the judgment of conviction or
22 order of supervision or probation to the appropriate regional
23 superintendent of schools. The regional superintendent of
24 schools shall notify the State Board of Education of any
25 notification under this subsection.

26 (j-5) A defendant at least 17 years of age who is convicted
27 of a felony and who has not been previously convicted of a
28 misdemeanor or felony and who is sentenced to a term of
29 imprisonment in the Illinois Department of Corrections shall as
30 a condition of his or her sentence be required by the court to
31 attend educational courses designed to prepare the defendant
32 for a high school diploma and to work toward a high school
33 diploma or to work toward passing the high school level Test of
34 General Educational Development (GED) or to work toward
35 completing a vocational training program offered by the
36 Department of Corrections. If a defendant fails to complete the

1 educational training required by his or her sentence during the
2 term of incarceration, the Prisoner Review Board shall, as a
3 condition of mandatory supervised release, require the
4 defendant, at his or her own expense, to pursue a course of
5 study toward a high school diploma or passage of the GED test.
6 The Prisoner Review Board shall revoke the mandatory supervised
7 release of a defendant who wilfully fails to comply with this
8 subsection (j-5) upon his or her release from confinement in a
9 penal institution while serving a mandatory supervised release
10 term; however, the inability of the defendant after making a
11 good faith effort to obtain financial aid or pay for the
12 educational training shall not be deemed a wilful failure to
13 comply. The Prisoner Review Board shall recommit the defendant
14 whose mandatory supervised release term has been revoked under
15 this subsection (j-5) as provided in Section 3-3-9. This
16 subsection (j-5) does not apply to a defendant who has a high
17 school diploma or has successfully passed the GED test. This
18 subsection (j-5) does not apply to a defendant who is
19 determined by the court to be developmentally disabled or
20 otherwise mentally incapable of completing the educational or
21 vocational program.

22 (k) A court may not impose a sentence or disposition for a
23 felony or misdemeanor that requires the defendant to be
24 implanted or injected with or to use any form of birth control.

25 (1) (A) Except as provided in paragraph (C) of subsection
26 (1), whenever a defendant, who is an alien as defined by
27 the Immigration and Nationality Act, is convicted of any
28 felony or misdemeanor offense, the court after sentencing
29 the defendant may, upon motion of the State's Attorney,
30 hold sentence in abeyance and remand the defendant to the
31 custody of the Attorney General of the United States or his
32 or her designated agent to be deported when:

33 (1) a final order of deportation has been issued
34 against the defendant pursuant to proceedings under
35 the Immigration and Nationality Act, and

36 (2) the deportation of the defendant would not

1 deprecate the seriousness of the defendant's conduct
2 and would not be inconsistent with the ends of justice.

3 Otherwise, the defendant shall be sentenced as
4 provided in this Chapter V.

5 (B) If the defendant has already been sentenced for a
6 felony or misdemeanor offense, or has been placed on
7 probation under Section 10 of the Cannabis Control Act or
8 Section 410 of the Illinois Controlled Substances Act, the
9 court may, upon motion of the State's Attorney to suspend
10 the sentence imposed, commit the defendant to the custody
11 of the Attorney General of the United States or his or her
12 designated agent when:

13 (1) a final order of deportation has been issued
14 against the defendant pursuant to proceedings under
15 the Immigration and Nationality Act, and

16 (2) the deportation of the defendant would not
17 deprecate the seriousness of the defendant's conduct
18 and would not be inconsistent with the ends of justice.

19 (C) This subsection (1) does not apply to offenders who
20 are subject to the provisions of paragraph (2) of
21 subsection (a) of Section 3-6-3.

22 (D) Upon motion of the State's Attorney, if a defendant
23 sentenced under this Section returns to the jurisdiction of
24 the United States, the defendant shall be recommitted to
25 the custody of the county from which he or she was
26 sentenced. Thereafter, the defendant shall be brought
27 before the sentencing court, which may impose any sentence
28 that was available under Section 5-5-3 at the time of
29 initial sentencing. In addition, the defendant shall not be
30 eligible for additional good conduct credit for
31 meritorious service as provided under Section 3-6-6.

32 (m) A person convicted of criminal defacement of property
33 under Section 21-1.3 of the Criminal Code of 1961, in which the
34 property damage exceeds \$300 and the property damaged is a
35 school building, shall be ordered to perform community service
36 that may include cleanup, removal, or painting over the

1 defacement.

2 (n) The court may sentence a person convicted of a
3 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal
4 Code of 1961 (i) to an impact incarceration program if the
5 person is otherwise eligible for that program under Section
6 5-8-1.1, (ii) to community service, or (iii) if the person is
7 an addict or alcoholic, as defined in the Alcoholism and Other
8 Drug Abuse and Dependency Act, to a substance or alcohol abuse
9 program licensed under that Act.

10 (Source: P.A. 92-183, eff. 7-27-01; 92-248, eff. 8-3-01;
11 92-283, eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff.
12 8-17-01; 92-422, eff. 8-17-01; 92-651, eff. 7-11-02; 92-698,
13 eff. 7-19-02; 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,
14 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,
15 eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800,
16 eff. 1-1-05; 93-1014, eff. 1-1-05; revised 10-25-04.)

17 Section 10. The County Jail Act is amended by adding
18 Section 19.6 as follows:

19 (730 ILCS 125/19.6 new)

20 Sec. 19.6. County work camp program.

21 (a) Legislative intent. It is the finding of the General
22 Assembly that certain non-violent offenders eligible for
23 sentences of incarceration in a county jail may benefit from
24 the rehabilitative aspects of a county work camp program. It is
25 the intent of the General Assembly that such programs be
26 implemented as provided by this Section. This Section shall not
27 be construed to allow violent offenders to participate in a
28 county work camp program.

29 (b) Under the direction of the sheriff, the sheriff may
30 establish and operate a county work camp program for eligible
31 offenders. If the court finds at the sentencing hearing under
32 Section 5-4-1 of the Unified Code of Corrections that an
33 offender meets the eligibility requirements of the sheriff's
34 county work camp program, the court may sentence the offender

1 to the county work camp program. The sheriff may also assign an
2 eligible offender to a work camp program. The sheriff shall be
3 responsible for monitoring all offenders who are sentenced to
4 the county work camp program. In the event the offender is not
5 accepted for placement in the county work camp program, the
6 court shall proceed to sentence the offender to any other
7 disposition authorized by the Unified Code of Corrections. If
8 the offender does not successfully complete the program, the
9 offender's failure to do so shall constitute a violation of the
10 sentence to the county work camp program.

11 (c) In order to be eligible to be sentenced to a county
12 work camp program by the court or to be assigned to a county
13 work camp program by the sheriff, the person shall meet all of
14 the following requirements:

15 (1) the person must be not less than 17 years of age;

16 (2) the person must have been convicted of an offense
17 that is not a violent crime as defined in Section 3 of the
18 Rights of Crime Victims and Witnesses Act;

19 (3) the person must not have any mental disorder or
20 disability that would prevent participation in a county
21 work camp program; and

22 (4) the person was recommended and approved for
23 placement in the county work camp program by the sheriff
24 and consented in writing to participation in the county
25 work camp program and to the terms and conditions of the
26 program. The sheriff may consider, among other matters,
27 whether the person has any outstanding detainers or
28 warrants, whether the person has a history of escaping or
29 absconding, whether participation in the county work camp
30 program may pose a risk to the safety or security of any
31 person and whether space is available.

32 (d) The county work camp program shall include such
33 community service work as defined by the sheriff to be
34 performed by offenders at locations other than the county jail.
35 When the offender is not performing community service work, he
36 or she shall be confined in the county jail.

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

6 (f) The period of time a person shall serve in the work
7 camp program shall be determined by the court that sentenced
8 the offender to the program or by the sheriff who assigned the
9 offender to the program. The period of time a person shall
10 serve in the work camp program shall not be reduced by the
11 accumulation of good time. The court may also sentence the
12 person to a period of probation to commence at the successful
13 completion of the county work camp program.

14 (g) If the person successfully completes the county work
15 camp program, the sheriff shall certify the person's successful
16 completion of the program to the court and to the county's
17 State's Attorney. Upon successful completion of the county work
18 camp program and if there is an additional period of probation
19 given, the person shall at that time begin his or her
20 probationary sentence under the supervision of the Adult
21 Probation Department.

22 (h) A person may be removed from the county work camp
23 program for a violation of the terms or conditions of the
24 program or in the event he or she is for any reason unable to
25 participate. The failure to complete the program for any reason
26 shall be deemed a violation of the county work camp sentence.
27 The sheriff shall give notice to the State's Attorney of the
28 person's failure to complete the program. The sheriff shall
29 file a petition for violation of the county work camp sentence
30 with the court and the State's Attorney may proceed on the
31 petition under Section 5-6-4 of the Unified Code of
32 Corrections. The sheriff shall promulgate rules and
33 regulations governing conduct which could result in removal
34 from the program or in a determination that the person has not
35 successfully completed the program.

36 (i) The mandatory conditions of every county work camp

1 sentence shall include that the person while in the program:
2 (1) not violate any criminal statute; or
3 (2) report or appear in person before any such person
4 or agency as directed by the court or the sheriff.