



Rep. John D'Amico

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09500HB2749ham002

LRB095 00989 RLC 35137 a

1 AMENDMENT TO HOUSE BILL 2749

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2749 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 5-8A-2 as follows:

6 (730 ILCS 5/5-8A-2) (from Ch. 38, par. 1005-8A-2)

7 Sec. 5-8A-2. Definitions. As used in this Article:

8 (A) "Approved electronic monitoring device" means a device  
9 approved by the supervising authority which is primarily  
10 intended to record or transmit information as to the  
11 defendant's presence or nonpresence in the home.

12 An approved electronic monitoring device may record or  
13 transmit: oral or wire communications or an auditory sound;  
14 visual images; or information regarding the offender's  
15 activities while inside the offender's home. These devices are  
16 subject to the required consent as set forth in Section 5-8A-5

1 of this Article.

2 An approved electronic monitoring device may be used to  
3 record a conversation between the participant and the  
4 monitoring device, or the participant and the person  
5 supervising the participant solely for the purpose of  
6 identification and not for the purpose of eavesdropping or  
7 conducting any other illegally intrusive monitoring.

8 (B) "Excluded offenses" means first degree murder, escape,  
9 predatory criminal sexual assault of a child, aggravated  
10 criminal sexual assault, criminal sexual assault, aggravated  
11 battery with a firearm, bringing or possessing a firearm,  
12 ammunition or explosive in a penal institution, any "Super-X"  
13 drug offense or calculated criminal drug conspiracy or  
14 streetgang criminal drug conspiracy, or any predecessor or  
15 successor offenses with the same or substantially the same  
16 elements, or any inchoate offenses relating to the foregoing  
17 offenses.

18 (C) "Home detention" means the confinement of a person  
19 convicted or charged with an offense to his or her place of  
20 residence under the terms and conditions established by the  
21 supervising authority.

22 (D) "Participant" means an inmate or offender placed into  
23 an electronic monitoring program.

24 (E) "Supervising authority" means the Department of  
25 Corrections, probation supervisory authority, sheriff,  
26 superintendent of municipal house of corrections or any other

1 officer or agency charged with authorizing and supervising home  
2 detention. In counties of over 3,000,000 inhabitants, for the  
3 purpose of determining eligibility of a person to be placed in  
4 an electronic home detention program, the "supervising  
5 authority" shall be the judge and not the sheriff.

6 (F) "Super-X drug offense" means a violation of Section  
7 401(a)(1)(B), (C), or (D); Section 401(a)(2)(B), (C), or (D);  
8 Section 401(a)(3)(B), (C), or (D); or Section 401(a)(7)(B),  
9 (C), or (D) of the Illinois Controlled Substances Act.

10 (Source: P.A. 88-311; 89-428, eff. 12-13-95; 89-462, eff.  
11 5-29-96; 89-498, eff. 6-27-96.)".