

HB2589



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2589

by Rep. Juliana Stratton

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-2.5-70

730 ILCS 5/3-3-9.5

Amends the Unified Code of Corrections. Provides that the Department of Children and Family Services shall assign a caseworker to attend any hearing involving youth placed on aftercare release, including hearings involving sanctions for violation of aftercare release conditions and aftercare release revocation hearings. Effective immediately.

LRB100 09280 RLC 19438 b

FISCAL NOTE ACT
MAY APPLY

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 Sections 3-2.5-70 and 3-3-9.5 as follows:

6 (730 ILCS 5/3-2.5-70)

7 Sec. 3-2.5-70. Aftercare.

8 (a) The Department shall implement an aftercare program
9 that includes, at a minimum, the following program elements:

10 (1) A process for developing and implementing a case
11 management plan for timely and successful reentry into the
12 community beginning upon commitment.

13 (2) A process for reviewing committed youth for
14 recommendation for aftercare release.

15 (3) Supervision in accordance with the conditions set
16 by the Department or Prisoner Review Board and referral to
17 and facilitation of community-based services including
18 education, social and mental health services, substance
19 abuse treatment, employment and vocational training,
20 individual and family counseling, financial counseling,
21 and other services as appropriate; and assistance in
22 locating appropriate residential placement and obtaining
23 suitable employment. The Department may purchase necessary

1 services for a releasee if they are otherwise unavailable
2 and the releasee is unable to pay for the services. It may
3 assess all or part of the costs of these services to a
4 releasee in accordance with his or her ability to pay for
5 the services.

6 (4) Standards for sanctioning violations of conditions
7 of aftercare release that ensure that juvenile offenders
8 face uniform and consistent consequences that hold them
9 accountable taking into account aggravating and mitigating
10 factors and prioritizing public safety.

11 (5) A process for reviewing youth on aftercare release
12 for discharge.

13 (b) The Department of Juvenile Justice shall have the
14 following rights, powers, functions, and duties:

15 (1) To investigate alleged violations of an aftercare
16 releasee's conditions of release; and for this purpose it
17 may issue subpoenas and compel the attendance of witnesses
18 and the production of documents only if there is reason to
19 believe that the procedures would provide evidence that the
20 violations have occurred. If any person fails to obey a
21 subpoena issued under this subsection, the Director may
22 apply to any circuit court to secure compliance with the
23 subpoena. The failure to comply with the order of the court
24 issued in response thereto shall be punishable as contempt
25 of court.

26 (2) To issue a violation warrant for the apprehension

1 of an aftercare releasee for violations of the conditions
2 of aftercare release. Aftercare specialists and
3 supervisors have the full power of peace officers in the
4 retaking of any youth alleged to have violated the
5 conditions of aftercare release.

6 (c) The Department of Juvenile Justice shall designate
7 aftercare specialists qualified in juvenile matters to perform
8 case management and post-release programming functions under
9 this Section.

10 (d) The Department of Children and Family Services shall
11 assign a caseworker to attend any hearing involving youth
12 placed on aftercare release, including hearings involving
13 sanctions for violation of aftercare release conditions and
14 aftercare release revocation hearings.

15 (Source: P.A. 98-558, eff. 1-1-14; 99-628, eff. 1-1-17.)

16 (730 ILCS 5/3-3-9.5)

17 Sec. 3-3-9.5. Revocation of aftercare release; revocation
18 hearing.

19 (a) If, prior to expiration or termination of the aftercare
20 release term, a juvenile committed to the Department of
21 Juvenile Justice under the Juvenile Court Act of 1987 violates
22 a condition of release set by the Department under Section
23 3-2.5-95 of this Code, the Department may initiate revocation
24 proceedings by issuing a violation warrant under Section
25 3-2.5-70 of this Code or by retaking of the releasee and

1 returning him or her to a Department facility.

2 (b) The Department shall provide the releasee and the
3 Prisoner Review Board with written notice of the alleged
4 violation of aftercare release charged against him or her.

5 (c) The issuance of a warrant of arrest for an alleged
6 violation of the conditions of aftercare release shall toll the
7 running of the aftercare release term until the final
8 determination of the alleged violation is made. If the Board
9 finds that the youth has not violated a condition of aftercare
10 release, that period shall be credited to the term.

11 (d) A person charged with violating a condition of
12 aftercare release shall have a preliminary hearing before a
13 hearing officer designated by the Board to determine if there
14 is probable cause to hold the person for a revocation hearing.
15 However, no preliminary hearing need be held when revocation is
16 based upon new criminal charges and a court finds probable
17 cause on the new criminal charges or when the revocation is
18 based upon a new criminal conviction or a finding of
19 delinquency and a certified copy of that conviction is
20 available.

21 (e) At the preliminary hearing, the Board may order the
22 releasee held in Department custody or released under
23 supervision pending a final revocation decision of the Board. A
24 youth who is held in Department custody, shall be released and
25 discharged upon the expiration of the maximum term permitted
26 under the Juvenile Court Act of 1987.

1 (f) A hearing on revocation shall be conducted before at
2 least one member of the Prisoner Review Board. The Board may
3 meet and order its actions in panels of 3 or more members. The
4 action of a majority of the panel shall be the action of the
5 Board. The member hearing the matter and at least a majority of
6 the panel shall be experienced in juvenile matters. A record of
7 the hearing shall be made. At the hearing the releasee shall be
8 permitted to:

9 (1) appear and answer the charge; and

10 (2) bring witnesses on his or her behalf.

11 (g) If the Board finds that the juvenile has not violated a
12 condition of aftercare release, the Board shall order the
13 juvenile rereleased and aftercare release continued under the
14 existing term and may make specific recommendations to the
15 Department regarding appropriate conditions of release.

16 (h) If the Board finds that the juvenile has violated a
17 condition of aftercare release, the Board shall either:

18 (1) revoke aftercare release and order the juvenile
19 reconfined; or

20 (2) order the juvenile rereleased to serve a specified
21 aftercare release term not to exceed the full term
22 permitted under the Juvenile Court Act of 1987 and may make
23 specific recommendations to the Department regarding
24 appropriate conditions of rerelease.

25 (i) Aftercare release shall not be revoked for failure to
26 make payments under the conditions of release unless the Board

1 determines that the failure is due to the juvenile's willful
2 refusal to pay.

3 (j) The Department of Children and Family Services shall
4 assign a caseworker to attend a hearing on revocation of
5 aftercare release.

6 (Source: P.A. 99-628, eff. 1-1-17.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.