



Rep. Elgie R. Sims, Jr.

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LRB100 11050 MRW 24290 a

1 AMENDMENT TO HOUSE BILL 3710

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3710 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Purpose. From 1982 to 2013, Illinois'  
5 incarcerated population nearly tripled, with much of the  
6 expansion caused by the increased criminalization of public  
7 health concerns such as the effects of poverty, mental illness,  
8 and drug use, and the disproportionately aggressive  
9 enforcement of criminal laws within communities of color. These  
10 trends resulted in justice expenditures more than doubling, in  
11 real dollars, during this period. The General Assembly hereby  
12 declares it a priority to right-size our criminal justice  
13 system and realign our spending priorities to maximize public  
14 health and safety. Through the creation of the Justice  
15 Reinvestment Fund in the State treasury, a substantial portion  
16 of the savings realized from criminal justice reforms enacted  
17 into law will be reinvested in addressing the root causes of

1 crime, violence, and recidivism. Among a wide range of positive  
2 effects, this initiative will create substantially healthier  
3 and safer communities across the State by:

4 (1) addressing the destabilizing effects that high  
5 incarceration rates have had on families and communities;

6 (2) targeting the community conditions that perpetuate  
7 the cycle of crime;

8 (3) providing formerly incarcerated persons a better  
9 chance to succeed outside of prison; and

10 (4) providing support to victims.

11 Section 5. The State Finance Act is amended by adding  
12 Section 5.878 as follows:

13 (30 ILCS 105/5.878 new)

14 Sec. 5.878. The Justice Reinvestment Fund.

15 Section 10. The Unified Code of Corrections is amended by  
16 adding Section 5-8-9 as follows:

17 (730 ILCS 5/5-8-9 new)

18 Sec. 5-8-9. Justice Reinvestment Fund.

19 (a) On or before July 31, 2018, and on or before July 31 of  
20 the next 9 fiscal years thereafter, the Sentencing Policy  
21 Advisory Council shall calculate the savings that accrued to  
22 the State during the preceding fiscal year, as compared to the

1 fiscal year ending June 30, 2017, due to criminal justice  
2 reforms enacted into law. The savings calculation shall be  
3 solely based on:

4 (1) the number of persons incarcerated in a Department  
5 of Corrections facility during the fiscal year ending June  
6 30, 2017 for the offenses that have been reclassified to a  
7 lower classification of offense as a result of criminal  
8 justice reform efforts enacted into law by the General  
9 Assembly;

10 (2) the average length of stay in Department of  
11 Corrections facilities for these offenses before they were  
12 reclassified;

13 (3) the marginal cost per inmate per year; and

14 (4) any reduction in fixed costs, overhead costs, or  
15 administrative costs.

16 In making the calculations required by this subsection (a),  
17 the Sentencing Policy Advisory Council shall use actual data or  
18 best available estimates when actual data is not available. The  
19 State Comptroller shall certify the results of the calculation  
20 no later than August 15 of each fiscal year.

21 (b) On or before August 31, 2018, and on or before August  
22 31 of the next 9 fiscal years thereafter, the Comptroller shall  
23 transfer from the General Revenue Fund to the Justice  
24 Reinvestment Fund 85% of the total savings calculated under  
25 subsection (a) of this Section minus any necessary deductions  
26 under subsections (j) and (k) of this Section.

1       (c) The Justice Reinvestment Fund is created as a special  
2 fund in the State treasury. The Fund shall be jointly  
3 administered by the Department of Human Services and the  
4 Illinois Criminal Justice Information Authority, and each  
5 county shall be entitled to a proportionate share of the annual  
6 funds available from the Justice Reinvestment Fund provided it  
7 meets the criteria described in subsection (d) of this Section.

8       (d) To receive funds under this Section, counties must meet  
9 the following criteria:

10       (1) They must submit an annual application in which  
11 they specify how they will use the funds to improve public  
12 health and safety through investments in evidence-based or  
13 promising strategies in one or more of the following areas:

14               (A) living-wage job opportunities;

15               (B) training programs for jobs that pay a living  
16 wage;

17               (C) drug treatment services;

18               (D) mental health services, including trauma  
19 recovery services for crime victims;

20               (E) afterschool programs for children and youth;

21               (F) pre-K programs;

22               (G) summer and year-round jobs for youth;

23               (H) affordable housing opportunities;

24               (I) community economic development projects and  
25 the creation or support of cooperative businesses;

26               (J) alternatives to justice-system involvement

1           within schools and throughout the community, including  
2           but not limited to restorative justice programs and  
3           increased use of social workers, psychologists,  
4           conflict mediators, mental health counselors, and drug  
5           treatment counselors to address low-level offenses.

6           The application must specify how the funds will be  
7           directed toward one or more of the following:

8                   (A) the neighborhoods in the county that have the  
9                   largest number of former residents in jail or prison;

10                   (B) the neighborhoods in the county that have the  
11                   largest number of crime victims;

12                   (C) formerly incarcerated persons who are  
13                   re-entering the county from prison.

14           (e) If the criminal justice reforms enacted into law yield  
15           savings calculated under subsection (a) of this Section results  
16           in a down-sizing of the State prison system involving the  
17           discharge of any Department of Corrections employees, the  
18           Department of Human Services and the Illinois Criminal Justice  
19           Information Authority may deduct funds from the Justice  
20           Reinvestment Fund for purposes of assisting those discharged  
21           workers with transitional expenses related to job training,  
22           community economic development, education, and healthcare  
23           needs. The funds used for this purpose shall not account for  
24           more than 1% of the total funds deposited into the Justice  
25           Reinvestment Fund each year.

26           (f) Funds allocated to counties under this Section may be

1 used by counties for planning and administrative costs  
2 associated with implementing the provisions of criminal  
3 justice reforms enacted into law that yield savings calculated  
4 under subsection (a) of this Section. Counties shall not use  
5 the funds to supplant existing funds in the chosen programmatic  
6 areas.

7 (g) Counties receiving funds shall submit an annual report  
8 to the Department of Human Services and the Illinois Criminal  
9 Justice Information Authority detailing the uses of the funds  
10 and the impact they have had on public health and safety. The  
11 Department of Human Services and the Illinois Criminal Justice  
12 Information Authority shall assist counties in the filing of  
13 their annual reports by providing a template for the reports,  
14 including a listing of public health and safety metrics that  
15 correspond to each potential area of investment in this  
16 subsection (g). On an annual basis, the Department of Human  
17 Services and the Illinois Criminal Justice Information  
18 Authority shall provide a summary report to the Governor and  
19 the General Assembly that details the statewide impact of the  
20 Justice Reinvestment Fund on public health and safety.

21 (h) Funds left unclaimed due to a qualifying county failing  
22 to submit an application or meet the specified criteria shall  
23 be reallocated to the counties that, based on the determination  
24 of the Department of Human Services and the Illinois Criminal  
25 Justice Information Authority, have been most effective in  
26 using their funds to improve public health and safety.

1       (i) The Comptroller shall annually conduct a randomized  
2 audit of up to 10% of the counties receiving grants to ensure  
3 the funds are disbursed and expended in accordance with the  
4 requirements specified herein. The Comptroller shall report  
5 his or her findings to the General Assembly and the public.

6       (j) Any costs incurred by the Comptroller and the  
7 Sentencing Policy Advisory Council in connection with the  
8 fulfillment of their duties described in this Section shall be  
9 deducted from the Justice Reinvestment Fund before the funds  
10 are disbursed under subsection (b) of this Section.

11       (k) Any administrative costs incurred by the Department of  
12 Human Services and the Illinois Criminal Justice Information  
13 Authority in fulfilling its duties under this this amendatory  
14 Act of the 100th General Assembly shall be deducted from the  
15 available pool of funds. The administrative costs shall not  
16 account for more than 5% of the total funds deposited into the  
17 Justice Reinvestment Fund each year."