



Sen. Patricia Van Pelt

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1 AMENDMENT TO HOUSE BILL 5308

2 AMENDMENT NO. _____. Amend House Bill 5308, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 1. This Act may be referred to as the SAFE Zone
6 Law.

7 Section 5. Legislative findings.

8 (a) The General Assembly finds that some communities of
9 this State are ravaged by violence and that a substantial and
10 disproportionate amount of serious crimes are committed by
11 persons who unlawfully possess firearms. In many of these
12 communities, there is high unemployment and poverty fueled by
13 incarceration and other barriers to employment after release.
14 Aggressive and tailored approaches to address these outcomes
15 are required.

16 (b) The General Assembly finds that violence should be

1 viewed as a public health crisis that requires identifying and
2 building on community assets leading to investment in job
3 creation, housing, employment training, child care, healthcare
4 and other services.

5 (c) To carry out this intent, the General Assembly declares
6 the following purposes of this Law:

7 (1) to protect communities from gun violence through
8 targeted intervention programs, including economic growth
9 and improving family violence prevention, community trauma
10 treatment rates, gun injury victim services, and public
11 health prevention activities;

12 (2) to substantially reduce both the total amount of
13 gun violence and concentrated poverty in this State;

14 (3) to intervene with persons who violate gun
15 possession laws in a risk-responsive manner that decreases
16 the likelihood of any future violent incidents and equips
17 those who have previously violated gun laws to live
18 responsibly and safely; and

19 (4) to promote employment infrastructure in community
20 areas with the highest concentrations of gun violence and
21 unemployment due to incarceration and resulting criminal
22 records.

23 (d) The ability of children, teenagers, and young adults to
24 participate freely in education, employment, and civic life
25 without any exposure to illegal weapons or gun violence,
26 facilitating their safe and economically stable future

1 prospects, shall be the central purpose of any initiatives
2 included in this Law.

3 Section 15. The Illinois Criminal Justice Information Act
4 is amended by adding Sections 7.3, 7.3-2, and 7.3-5 as follows:

5 (20 ILCS 3930/7.3 new)

6 Sec. 7.3. Safe and full employment zones. Within 60 days
7 after the effective date of this amendatory Act of the 100th
8 General Assembly, the Authority shall identify those
9 geographic areas eligible to be designated by the Safe and Full
10 Employment Coordinating Board as a Safe and Full Employment
11 Zone ("SAFE Zone"), as outlined in subsection (c) of Section
12 7.3-2 of this Act.

13 (a) Qualifications for a SAFE Zone are as follows:

14 (1) An area of extremely high gun violence and economic
15 destabilization shall be qualified to become a SAFE Zone
16 where, based on analysis of concentrated geographic areas,
17 by census tract if possible, that area:

18 (A) contains high gunshot hospitalization and
19 mortality per capita; and

20 (B) contains a high rate of returning citizens
21 following incarceration at the Department of
22 Corrections.

23 The Authority shall send to the Legislative Audit Commission
24 and make publicly available its analysis and development of the

1 SAFE Zones and shall reevaluate and re-designate SAFE Zones
2 every 4 years.

3 (b) Prioritization of spending in SAFE Zones shall be as
4 follows:

5 (1) In the first full fiscal year after the effective
6 date of this amendatory Act of the 100th General Assembly,
7 the Department of Human Services, Department of Public
8 Health, Department of Juvenile Justice, Illinois Criminal
9 Justice Information Authority, Department of Commerce and
10 Economic Opportunity, Department of Healthcare and Family
11 Services, to the extent permitted by federal law, and other
12 relevant State agencies as designated by the Governor and
13 the Safe and Full Employment Coordinating Board as defined
14 in Section 7.3-2 of this Act shall give first priority,
15 within the agency granting authority, to programs
16 providing services that are effective in violence
17 reduction and trauma recovery for SAFE Zones. Federal,
18 State, and local spending on job creation, housing,
19 employment training, child care, healthcare and services
20 to combat community disinvestment that breeds violence
21 shall be prioritized in SAFE Zones. The Governor shall
22 include and outline SAFE Zone spending in his or her annual
23 State budget submitted under Section 50-5 of the State
24 Budget Law.

25 (2) For the first 2 fiscal years after the effective
26 date of this amendatory Act of the 100th General Assembly,

1 the goal for funding is no less than 5% if otherwise
2 permitted under federal law. Beginning the third fiscal
3 year after the effective date of this amendatory Act of the
4 100th General Assembly, and every fiscal year thereafter,
5 the prioritization to SAFE Zones shall be no less than 5%
6 if otherwise permitted under federal law. The
7 prioritization to SAFE Zones shall in no case be more than
8 20% of current programmatic funding if otherwise permitted
9 under federal law.

10 (c) The Authority may adopt rules to implement the SAFE
11 Zone provisions under this Act.

12 (20 ILCS 3930/7.3-2 new)

13 Sec. 7.3-2. Safe and Full Employment Coordinating Board.

14 (a) In this Section, "public health approach" means
15 addressing violence and violence prevention by treating the
16 individual and community symptoms and causes of violence
17 through rigorously researched methods. Treatment shall include
18 multi-tiered and interdisciplinary approaches involving
19 stakeholders from diverse sectors, including the people
20 impacted by violence, public agencies, and community-based
21 organizations.

22 (a-5) There is created a Safe and Full Employment
23 Coordinating Board. The Board shall be composed of the
24 following members:

25 (1) the Governor, or his or her designee, who shall

1 serve as chair;

2 (2) the Director of Corrections, or his or her
3 designee;

4 (3) the Director of Revenue, or his or her designee;

5 (4) the Director of Juvenile Justice, or his or her
6 designee;

7 (5) the Director of Healthcare and Family Services, or
8 his or her designee;

9 (6) the Secretary of Human Services, or his or her
10 designee;

11 (7) the Director of Public Health, or his or her
12 designee;

13 (8) the Director of Commerce and Economic Opportunity,
14 or his or her designee;

15 (9) the Director of Employment Security, or his or her
16 designee;

17 (10) the Director of State Police, or his or her
18 designee;

19 (11) the Director of the Governor's Office of
20 Management and Budget, or his or her designee;

21 (12) the Director of the Illinois Criminal Justice
22 Information Authority, or his or her designee;

23 (13) the Attorney General, or his or her designee;

24 (14) a member of the Senate, designated by the
25 President of the Senate;

26 (15) a member of the House of Representatives,

1 designated by the Speaker of the House of Representatives;

2 (16) a member of the Senate, designated by the Minority
3 Leader of the Senate; and

4 (17) a member of the House of Representatives,
5 designated by the Minority Leader of the House of
6 Representatives.

7 (b) Within 30 days after SAFE Zones have been designated,
8 the following shall be added as members of the Board:

9 (1) the highest elected public officials of all
10 counties and municipal geographic jurisdictions in the
11 State which include a SAFE Zone;

12 (2) 6 providers from 6 geographically distinct areas of
13 the State, who receive funds to deliver services to treat
14 violence including, but not limited to, services such as
15 job placement and training, educational services, and
16 workforce development programming, appointed by the
17 Secretary of Human Services, in coordination with the
18 Illinois Criminal Justice Information Authority; and

19 (3) 2 persons who, within 24 months prior to being
20 designated, have received services from the providers
21 designated in paragraph (2) of this subsection (b), as
22 designated by those service providers.

23 (c) The Board shall meet quarterly and be staffed by the
24 Governor's Office of Management and Budget. Within 4 months
25 after the effective date of this amendatory Act of the 100th
26 General Assembly, the Board shall develop and implement a plan

1 for designating SAFE Zones under Section 7.3 of this Act and
2 the selection process for Local Economic Growth Councils under
3 Section 7.3-5 of this Act. Within 4 months from the date the
4 last Council plan is submitted and approved, the Board shall
5 issue a statewide plan to implement the re-prioritization of
6 funding under subsection (b) of Section 7.3 of this Act. The
7 plan shall follow a public health approach.

8 (d) The Board shall deliver an annual report to the General
9 Assembly and to the Governor and be posted on Governor's Office
10 and General Assembly's websites and provide to the public an
11 annual report on its progress. The report to the General
12 Assembly shall be filed with the Clerk of the House of
13 Representatives and the Secretary of the Senate in electronic
14 form only, in the manner that the Clerk and the Secretary shall
15 direct.

16 (e) The Board shall monitor and collect data on
17 intermediate and long-term positive outcome measures for its
18 statewide plan and include that information in the annual
19 report to the General Assembly, Governor, and the public
20 beginning on December 31, 2019.

21 (f) There shall be a formal evaluation of the SAFE Zone Act
22 implementation and outcomes every 4 years conducted by a public
23 university selected by the Safe and Full Employment
24 Coordinating Board. The evaluation shall reflect the outcomes
25 incorporated and measured in each Council plan and also
26 statewide positive outcomes to be measured for at least 4

1 years. The report shall be sent to the Governor and the General
2 Assembly and be posted on each website.

3 (g) The Board is subject to the Freedom of Information Act
4 and the Open Meetings Act.

5 (20 ILCS 3930/7.3-5 new)

6 Sec. 7.3-5. SAFE Zone Local Economic Growth Councils.

7 (a) The design of programs and budget requirements in SAFE
8 Zones shall be developed by Local Economic Growth Councils.
9 Each Local Economic Growth Council shall be supported by
10 technical assistance provided by the State agencies mandated to
11 provide services under Sections 7.3 and 7.3-2 of this Act and
12 by the Governor's Office of Management and Budget.

13 (b) The process for the selection of members of the Local
14 Economic Growth Councils shall be designed by the SAFE
15 Coordinating Board, to permit maximum community participation
16 and to result in Councils comprised of residents of the
17 community who reflect the assets and strengths of the SAFE
18 Zone.

19 (c) Each Local Economic Growth Council shall be established
20 within 4 months of the effective date of this amendatory Act of
21 the 100th General Assembly and be composed of a minimum of 20
22 members and no more than 25 members as representatives who live
23 within the SAFE Zone.

24 (d) Within 6 months after being established, each Local
25 Economic Growth Council shall establish a 2-year plan and

1 budget to address violence, reduce inappropriate
2 incarceration, and expand economic opportunity within the SAFE
3 Zone. The plan shall follow a public health approach and shall
4 include positive outcome measures for persons benefiting from
5 SAFE Zone investments, community asset outcomes, and include
6 ways to track those outcomes over at least 4 years. That plan
7 shall be reviewed and approved, or amended after agreement
8 between the Local Economic Growth Council and the Safe and Full
9 Employment Coordinating Board.

10 (e) Each Local Economic Growth Council is subject to the
11 Freedom of Information Act and the Open Meetings Act.

12 Section 20. The Unified Code of Corrections is amended by
13 changing Section 5-6-3.6 as follows:

14 (730 ILCS 5/5-6-3.6)

15 (Section scheduled to be repealed on January 1, 2023)

16 Sec. 5-6-3.6. First Time Weapon Offender Program.

17 (a) The General Assembly has sought to promote public
18 safety, reduce recidivism, and conserve valuable resources of
19 the criminal justice system through the creation of diversion
20 programs for non-violent offenders. This amendatory Act of the
21 100th General Assembly establishes a pilot program for
22 first-time, non-violent offenders charged with certain weapons
23 offenses. The General Assembly recognizes some persons,
24 particularly young adults in areas of high crime or poverty,

1 may have experienced trauma that contributes to poor decision
2 making skills, and the creation of a diversionary program poses
3 a greater benefit to the community and the person than
4 incarceration. Under this program, a court, with the consent of
5 the defendant and the State's Attorney, may sentence a
6 defendant charged with an unlawful use of weapons offense under
7 Section 24-1 of the Criminal Code of 2012 or aggravated
8 unlawful use of a weapon offense under Section 24-1.6 of the
9 Criminal Code of 2012, if punishable as a Class 4 felony or
10 lower, to a First Time Weapon Offender Program.

11 (b) A defendant is not eligible for this Program if:

12 (1) the offense was committed during the commission of
13 a violent offense as defined in subsection (h) of this
14 Section;

15 (2) he or she has previously been convicted or placed
16 on probation or conditional discharge for any violent
17 offense under the laws of this State, the laws of any other
18 state, or the laws of the United States;

19 (3) he or she had a prior successful completion of the
20 First Time Weapon Offender Program under this Section;

21 (4) he or she has previously been adjudicated a
22 delinquent minor for the commission of a violent offense;

23 (5) he or she is 21 years of age or older; or

24 (6) he or she has an existing order of protection
25 issued against him or her.

26 (b-5) In considering whether a defendant shall be sentenced

1 to the First Time Weapon Offender Program, the court shall
2 consider the following:

3 (1) the age, immaturity, or limited mental capacity of
4 the defendant;

5 (2) the nature and circumstances of the offense;

6 (3) whether participation in the Program is in the
7 interest of the defendant's rehabilitation, including any
8 employment or involvement in community, educational,
9 training, or vocational programs;

10 (4) whether the defendant suffers from trauma, as
11 supported by documentation or evaluation by a licensed
12 professional; and

13 (5) the potential risk to public safety.

14 (c) For an offense committed on or after the effective date
15 of this amendatory Act of the 100th General Assembly and before
16 January 1, 2023, whenever an eligible person pleads guilty to
17 an unlawful use of weapons offense under Section 24-1 of the
18 Criminal Code of 2012 or aggravated unlawful use of a weapon
19 offense under Section 24-1.6 of the Criminal Code of 2012,
20 which is punishable as a Class 4 felony or lower, the court,
21 with the consent of the defendant and the State's Attorney,
22 may, without entering a judgment, sentence the defendant to
23 complete the First Time Weapon Offender Program. When a
24 defendant is placed in the Program, the court shall defer
25 further proceedings in the case until the conclusion of the
26 period or until the filing of a petition alleging violation of

1 a term or condition of the Program. Upon violation of a term or
2 condition of the Program, the court may enter a judgment on its
3 original finding of guilt and proceed as otherwise provided by
4 law. Upon fulfillment of the terms and conditions of the
5 Program, the court shall discharge the person and dismiss the
6 proceedings against the person.

7 (d) The Program shall be at least 18 months and not to
8 exceed 24 months, as determined by the court at the
9 recommendation of the program administrator and the State's
10 Attorney.

11 (e) The conditions of the Program shall be that the
12 defendant:

13 (1) not violate any criminal statute of this State or
14 any other jurisdiction;

15 (2) refrain from possessing a firearm or other
16 dangerous weapon;

17 (3) obtain or attempt to obtain employment;

18 (4) attend educational courses designed to prepare the
19 defendant for obtaining a high school diploma or to work
20 toward passing high school equivalency testing or to work
21 toward completing a vocational training program;

22 (5) refrain from having in his or her body the presence
23 of any illicit drug prohibited by the Methamphetamine
24 Control and Community Protection Act, the Cannabis Control
25 Act, or the Illinois Controlled Substances Act, unless
26 prescribed by a physician, and submit samples of his or her

1 blood or urine or both for tests to determine the presence
2 of any illicit drug;

3 (6) perform a minimum of 50 hours of community service;

4 (7) attend and participate in any Program activities
5 deemed required by the Program administrator, including
6 but not limited to: counseling sessions, in-person and over
7 the phone check-ins, and educational classes; and

8 (8) pay all fines, assessments, fees, and costs.

9 (f) The Program may, in addition to other conditions,
10 require that the defendant:

11 (1) wear an ankle bracelet with GPS tracking;

12 (2) undergo medical or psychiatric treatment, or
13 treatment or rehabilitation approved by the Department of
14 Human Services; and

15 (3) attend or reside in a facility established for the
16 instruction or residence of defendants on probation.

17 (g) There may be only one discharge and dismissal under
18 this Section. If a person is convicted of any offense which
19 occurred within 5 years subsequent to a discharge and dismissal
20 under this Section, the discharge and dismissal under this
21 Section shall be admissible in the sentencing proceeding for
22 that conviction as evidence in aggravation.

23 (g-5) The Program shall be implemented by the Safe and Full
24 Employment Coordinating Board established under Section 7.3-2
25 of the Illinois Criminal Justice Information Act.

26 (h) For purposes of this Section, "violent offense" means

1 any offense in which bodily harm was inflicted or force was
2 used against any person or threatened against any person; any
3 offense involving the possession of a firearm or dangerous
4 weapon; any offense involving sexual conduct, sexual
5 penetration, or sexual exploitation; violation of an order of
6 protection, stalking, hate crime, domestic battery, or any
7 offense of domestic violence.

8 (i) This Section is repealed on January 1, 2023.

9 (Source: P.A. 100-3, eff. 1-1-18.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."