

HB5784



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5784

Introduced 2/9/2010, by Rep. Barbara Flynn Currie

SYNOPSIS AS INTRODUCED:

730 ILCS 110/16.1

Amends the Probation and Probation Officers Act. Makes a technical change in the Section concerning the Redeploy Illinois Program.

LRB096 18828 RLC 34214 b

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 Probation and Probation Officers Act is
5 amended by changing Section 16.1 as follows:

6 (730 ILCS 110/16.1)

7 Sec. 16.1. Redeploy Illinois Program.

8 (a) The purpose of this ~~this~~ Section is to encourage the
9 deinstitutionalization of juvenile offenders by establishing
10 projects in counties or groups of counties that reallocate
11 State funds from juvenile correctional confinement to local
12 jurisdictions, which will establish a continuum of local,
13 community-based sanctions and treatment alternatives for
14 juvenile offenders who would be incarcerated if those local
15 services and sanctions did not exist. It is also intended to
16 offer alternatives, when appropriate, to avoid commitment to
17 the Department of Juvenile Justice, to direct child welfare
18 services for minors charged with a criminal offense or
19 adjudicated delinquent under Section 5 of the Children and
20 Family Services Act. The allotment of funds will be based on a
21 formula that rewards local jurisdictions for the establishment
22 or expansion of local alternatives to incarceration, and
23 requires them to pay for utilization of incarceration as a

1 sanction. In addition, there shall be an allocation of
2 resources (amount to be determined annually by the Redeploy
3 Illinois Oversight Board) set aside at the beginning of each
4 fiscal year to be made available for any county or groups of
5 counties which need resources only occasionally for services to
6 avoid commitment to the Department of Juvenile Justice for a
7 limited number of youth. This redeployment of funds shall be
8 made in a manner consistent with the Juvenile Court Act of 1987
9 and the following purposes and policies:

10 (1) The juvenile justice system should protect the
11 community, impose accountability to victims and
12 communities for violations of law, and equip juvenile
13 offenders with competencies to live responsibly and
14 productively.

15 (2) Juveniles should be treated in the least
16 restrictive manner possible while maintaining the safety
17 of the community.

18 (3) A continuum of services and sanctions from least
19 restrictive to most restrictive should be available in
20 every community.

21 (4) There should be local responsibility and authority
22 for planning, organizing, and coordinating service
23 resources in the community. People in the community can
24 best choose a range of services which reflect community
25 values and meet the needs of their own youth.

26 (5) Juveniles who pose a threat to the community or

1 themselves need special care, including secure settings.
2 Such services as detention, long-term incarceration, or
3 residential treatment are too costly to provide in each
4 community and should be coordinated and provided on a
5 regional or Statewide basis.

6 (6) The roles of State and local government in creating
7 and maintaining services to youth in the juvenile justice
8 system should be clearly defined. The role of the State is
9 to fund services, set standards of care, train service
10 providers, and monitor the integration and coordination of
11 services. The role of local government should be to oversee
12 the provision of services.

13 (b) Each county or circuit participating in the Redeploy
14 Illinois program must create a local plan demonstrating how it
15 will reduce the county or circuit's utilization of secure
16 confinement of juvenile offenders in the Illinois Department of
17 Juvenile Justice or county detention centers by the creation or
18 expansion of individualized services or programs that may
19 include but are not limited to the following:

20 (1) Assessment and evaluation services to provide the
21 juvenile justice system with accurate individualized case
22 information on each juvenile offender including mental
23 health, substance abuse, educational, and family
24 information;

25 (2) Direct services to individual juvenile offenders
26 including educational, vocational, mental health,

1 substance abuse, supervision, and service coordination;
2 and

3 (3) Programs that seek to restore the offender to the
4 community, such as victim offender panels, teen courts,
5 competency building, enhanced accountability measures,
6 restitution, and community service. The local plan must be
7 directed in such a manner as to emphasize an individualized
8 approach to providing services to juvenile offenders in an
9 integrated community based system including probation as
10 the broker of services. The plan must also detail the
11 reduction in utilization of secure confinement. The local
12 plan shall be limited to services and shall not include
13 costs for:

- 14 (i) capital expenditures;
- 15 (ii) renovations or remodeling;
- 16 (iii) personnel costs for probation.

17 The local plan shall be submitted to the Department of
18 Human Services.

19 (c) A county or group of counties may develop an agreement
20 with the Department of Human Services to reduce their number of
21 commitments of juvenile offenders, excluding minors sentenced
22 based upon a finding of guilt of first degree murder or an
23 offense which is a Class X forcible felony as defined in the
24 Criminal Code of 1961, to the Department of Juvenile Justice,
25 and then use the savings to develop local programming for youth
26 who would otherwise have been committed to the Department of

1 Juvenile Justice. A county or group of counties shall agree to
2 limit their commitments to 75% of the level of commitments from
3 the average number of juvenile commitments for the past 3
4 years, and will receive the savings to redeploy for local
5 programming for juveniles who would otherwise be held in
6 confinement. For any county or group of counties with a
7 decrease of juvenile commitments of at least 25%, based on the
8 average reductions of the prior 3 years, which are chosen to
9 participate or continue as sites, the Redeploy Illinois
10 Oversight Board has the authority to reduce the required
11 percentage of future commitments to achieve the purpose of this
12 Section. The agreement shall set forth the following:

13 (1) a Statement of the number and type of juvenile
14 offenders from the county who were held in secure
15 confinement by the Illinois Department of Juvenile Justice
16 or in county detention the previous year, and an
17 explanation of which, and how many, of these offenders
18 might be served through the proposed Redeploy Illinois
19 Program for which the funds shall be used;

20 (2) a Statement of the service needs of currently
21 confined juveniles;

22 (3) a Statement of the type of services and programs to
23 provide for the individual needs of the juvenile offenders,
24 and the research or evidence base that qualifies those
25 services and programs as proven or promising practices;

26 (4) a budget indicating the costs of each service or

1 program to be funded under the plan;

2 (5) a summary of contracts and service agreements
3 indicating the treatment goals and number of juvenile
4 offenders to be served by each service provider; and

5 (6) a Statement indicating that the Redeploy Illinois
6 Program will not duplicate existing services and programs.
7 Funds for this plan shall not supplant existing county
8 funded programs.

9 (d) (Blank).

10 (d-5) A county or group of counties that does not have an
11 approved Redeploy Illinois program, as described in subsection
12 (b), and that has committed fewer than 10 Redeploy eligible
13 youth to the Department of Juvenile Justice on average over the
14 previous 3 years, may develop an individualized agreement with
15 the Department of Human Services through the Redeploy Illinois
16 program to provide services to youth to avoid commitment to the
17 Department of Juvenile Justice. The agreement shall set forth
18 the following:

19 (1) a statement of the number and type of juvenile
20 offenders from the county who were at risk under any of the
21 categories listed above during the 3 previous years, and an
22 explanation of which of these offenders would be served
23 through the proposed Redeploy Illinois program for which
24 the funds shall be used, or through individualized
25 contracts with existing Redeploy programs in neighboring
26 counties;

- 1 (2) a statement of the service needs;
- 2 (3) a statement of the type of services and programs to
3 provide for the individual needs of the juvenile offenders,
4 and the research or evidence that qualifies those services
5 and programs as proven or promising practices;
- 6 (4) a budget indicating the costs of each service or
7 program to be funded under the plan;
- 8 (5) a summary of contracts and service agreements
9 indicating the treatment goals and number of juvenile
10 offenders to be served by each service provider; and
- 11 (6) a statement indicating that the Redeploy Illinois
12 program will not duplicate existing services and programs.
13 Funds for this plan shall not supplant existing county
14 funded programs.
- 15 (e) The Department of Human Services shall be responsible
16 for the following:
- 17 (1) Reviewing each Redeploy Illinois Program plan for
18 compliance with standards established for such plans. A
19 plan may be approved as submitted, approved with
20 modifications, or rejected. No plan shall be considered for
21 approval if the circuit or county is not in full compliance
22 with all regulations, standards and guidelines pertaining
23 to the delivery of basic probation services as established
24 by the Supreme Court.
- 25 (2) Monitoring on a continual basis and evaluating
26 annually both the program and its fiscal activities in all

1 counties receiving an allocation under the Redeploy
2 Illinois Program. Any program or service that has not met
3 the goals and objectives of its contract or service
4 agreement shall be subject to denial for funding in
5 subsequent years. The Department of Human Services shall
6 evaluate the effectiveness of the Redeploy Illinois
7 Program in each circuit or county. In determining the
8 future funding for the Redeploy Illinois Program under this
9 Act, the evaluation shall include, as a primary indicator
10 of success, a decreased number of confinement days for the
11 county's juvenile offenders.

12 (f) Any Redeploy Illinois Program allocations not applied
13 for and approved by the Department of Human Services shall be
14 available for redistribution to approved plans for the
15 remainder of that fiscal year. Any county that invests local
16 moneys in the Redeploy Illinois Program shall be given first
17 consideration for any redistribution of allocations.
18 Jurisdictions participating in Redeploy Illinois that exceed
19 their agreed upon level of commitments to the Department of
20 Juvenile Justice shall reimburse the Department of Corrections
21 for each commitment above the agreed upon level.

22 (g) Implementation of Redeploy Illinois.

23 (1) Oversight of Redeploy Illinois.

24 (i) Redeploy Illinois Oversight Board. The
25 Department of Human Services shall convene an
26 oversight board to oversee the Redeploy Illinois

1 Program. The Board shall include, but not be limited
2 to, designees from the Department of Juvenile Justice,
3 the Administrative Office of Illinois Courts, the
4 Illinois Juvenile Justice Commission, the Illinois
5 Criminal Justice Information Authority, the Department
6 of Children and Family Services, the State Board of
7 Education, the Cook County State's Attorney, and a
8 State's Attorney selected by the President of the
9 Illinois State's Attorney's Association, the Cook
10 County Public Defender, a representative of the
11 defense bar appointed by the Chief Justice of the
12 Illinois Supreme Court, a representative of probation
13 appointed by the Chief Justice of the Illinois Supreme
14 Court, and judicial representation appointed by the
15 Chief Justice of the Illinois Supreme Court. Up to an
16 additional 9 members may be appointed by the Secretary
17 of Human Services from recommendations by the
18 Oversight Board; these appointees shall possess a
19 knowledge of juvenile justice issues and reflect the
20 collaborative public/private relationship of Redeploy
21 programs.

22 (ii) Responsibilities of the Redeploy Illinois
23 Oversight Board. The Oversight Board shall:

24 (A) Identify jurisdictions to be included in
25 the program of Redeploy Illinois.

26 (B) Develop a formula for reimbursement of

1 local jurisdictions for local and community-based
2 services utilized in lieu of commitment to the
3 Department of Juvenile Justice, as well as for any
4 charges for local jurisdictions for commitments
5 above the agreed upon limit in the approved plan.

6 (C) Identify resources sufficient to support
7 the administration and evaluation of Redeploy
8 Illinois.

9 (D) Develop a process and identify resources
10 to support on-going monitoring and evaluation of
11 Redeploy Illinois.

12 (E) Develop a process and identify resources
13 to support training on Redeploy Illinois.

14 (E-5) Review proposed individualized
15 agreements and approve where appropriate the
16 distribution of resources.

17 (F) Report to the Governor and the General
18 Assembly on an annual basis on the progress of
19 Redeploy Illinois.

20 (iii) Length of Planning Phase. The planning phase
21 may last up to, but may in no event last longer than,
22 July 1, 2004.

23 (2) (Blank).

24 (3) There shall be created the Redeploy County Review
25 Committee composed of the designees of the Secretary of
26 Human Services and the Directors of Juvenile Justice, of

1 Children and Family Services, and of the Governor's Office
2 of Management and Budget who shall constitute a
3 subcommittee of the Redeploy Illinois Oversight Board.

4 (h) Responsibilities of the County Review Committee. The
5 County Review Committee shall:

6 (1) Review individualized agreements from counties
7 requesting resources on an occasional basis for services
8 for youth described in subsection (d-5).

9 (2) Report its decisions to the Redeploy Illinois
10 Oversight Board at regularly scheduled meetings.

11 (3) Monitor the effectiveness of the resources in
12 meeting the mandates of the Redeploy Illinois program set
13 forth in this Section so these results might be included in
14 the Report described in clause (g) (1) (ii) (F).

15 (4) During the third quarter, assess the amount of
16 remaining funds available and necessary to complete the
17 fiscal year so that any unused funds may be distributed as
18 defined in subsection (f).

19 (5) Ensure that the number of youth from any applicant
20 county receiving individualized resources will not exceed
21 the previous three-year average of Redeploy eligible
22 recipients and that counties are in conformity with all
23 other elements of this law.

24 (i) Implementation of this Section is subject to
25 appropriation.

26 (j) Rulemaking authority to implement this amendatory Act

1 of the 95th General Assembly, if any, is conditioned on the
2 rules being adopted in accordance with all provisions of and
3 procedures and rules implementing the Illinois Administrative
4 Procedure Act; any purported rule not so adopted, for whatever
5 reason, is unauthorized.

6 (Source: P.A. 94-696, eff. 6-1-06; 94-1032, eff. 1-1-07;
7 95-1050, eff. 1-1-10.)