



Sen. Robert Peters

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1 AMENDMENT TO HOUSE BILL 386

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 386 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Crime Reduction Act of 2009 is  
5 amended by changing Section 10 as follows:

6 (730 ILCS 190/10)

7 Sec. 10. Evidence-Based Programming.

8 (a) Purpose. Research and practice have identified new  
9 strategies and policies that can result in a significant  
10 reduction in recidivism rates and the successful local  
11 reintegration of offenders. The purpose of this Section is to  
12 ensure that State and local agencies direct their resources to  
13 services and programming that have been demonstrated to be  
14 effective in reducing recidivism and reintegrating offenders  
15 into the locality.

16 (b) Evidence-based programming in local supervision.

1           (1) The Parole Division of the Department of  
2 Corrections and the Prisoner Review Board shall adopt  
3 policies, rules, and regulations that, within the first  
4 year of the adoption, validation, and utilization of the  
5 statewide, standardized risk assessment tool described in  
6 this Act, result in at least 25% of supervised individuals  
7 being supervised in accordance with evidence-based  
8 practices; within 3 years of the adoption, validation, and  
9 utilization of the statewide, standardized risk assessment  
10 tool result in at least 50% of supervised individuals being  
11 supervised in accordance with evidence-based practices;  
12 and within 5 years of the adoption, validation, and  
13 utilization of the statewide, standardized risk assessment  
14 tool result in at least 75% of supervised individuals being  
15 supervised in accordance with evidence-based practices.  
16 The policies, rules, and regulations shall:

17           (A) Provide for a standardized individual case  
18 plan that follows the offender through the criminal  
19 justice system (including in-prison if the supervised  
20 individual is in prison) that is:

21           (i) Based on the assets of the individual as  
22 well as his or her risks and needs identified  
23 through the assessment tool as described in this  
24 Act.

25           (ii) Comprised of treatment and supervision  
26 services appropriate to achieve the purpose of

1           this Act.

2           (iii) Consistently updated, based on program  
3 participation by the supervised individual and  
4 other behavior modification exhibited by the  
5 supervised individual.

6           (B) Concentrate resources and services on  
7 high-risk offenders.

8           (C) Provide for the use of evidence-based  
9 programming related to education, job training,  
10 cognitive behavioral therapy, and other programming  
11 designed to reduce criminal behavior.

12           (D) Establish a system of graduated responses.

13           (i) The system shall set forth a menu of  
14 presumptive responses for the most common types of  
15 supervision violations.

16           (ii) The system shall be guided by the model  
17 list of intermediate sanctions created by the  
18 Probation Services Division of the State of  
19 Illinois pursuant to subsection (1) of Section 15  
20 of the Probation and Probation Officers Act and the  
21 system of intermediate sanctions created by the  
22 Chief Judge of each circuit court pursuant to  
23 Section 5-6-1 of the Unified Code of Corrections.

24           (iii) The system of responses shall take into  
25 account factors such as the severity of the current  
26 violation; the supervised individual's risk level

1 as determined by a validated assessment tool  
2 described in this Act; the supervised individual's  
3 assets; his or her previous criminal record; and  
4 the number and severity of any previous  
5 supervision violations.

6 (iv) The system shall also define positive  
7 reinforcements that supervised individuals may  
8 receive for compliance with conditions of  
9 supervision.

10 (v) Response to violations should be swift and  
11 certain and should be imposed as soon as  
12 practicable but no longer than 3 working days of  
13 detection of the violation behavior.

14 (2) Conditions of local supervision (probation and  
15 mandatory supervised release). Conditions of local  
16 supervision whether imposed by a sentencing judge or the  
17 Prisoner Review Board shall be imposed in accordance with  
18 the offender's risks, assets, and needs as identified  
19 through the assessment tool described in this Act.

20 (3) The Department of Corrections and the Prisoner  
21 Review Board shall annually publish an exemplar copy of any  
22 evidence-based assessments, questionnaires, or other  
23 instruments used to set conditions of release.

24 (c) Evidence-based in-prison programming.

25 (1) The Department of Corrections shall adopt  
26 policies, rules, and regulations that, within the first

1 year of the adoption, validation, and utilization of the  
2 statewide, standardized risk assessment tool described in  
3 this Act, result in at least 25% of incarcerated  
4 individuals receiving services and programming in  
5 accordance with evidence-based practices; within 3 years  
6 of the adoption, validation, and utilization of the  
7 statewide, standardized risk assessment tool result in at  
8 least 50% of incarcerated individuals receiving services  
9 and programming in accordance with evidence-based  
10 practices; and within 5 years of the adoption, validation,  
11 and utilization of the statewide, standardized risk  
12 assessment tool result in at least 75% of incarcerated  
13 individuals receiving services and programming in  
14 accordance with evidence-based practices. The policies,  
15 rules, and regulations shall:

16 (A) Provide for the use and development of a case  
17 plan based on the risks, assets, and needs identified  
18 through the assessment tool as described in this Act.  
19 The case plan should be used to determine in-prison  
20 programming; should be continuously updated based on  
21 program participation by the prisoner and other  
22 behavior modification exhibited by the prisoner; and  
23 should be used when creating the case plan described in  
24 subsection (b).

25 (B) Provide for the use of evidence-based  
26 programming related to education, job training,

1 cognitive behavioral therapy and other evidence-based  
2 programming.

3 (C) Establish education programs based on a  
4 teacher to student ratio of no more than 1:30.

5 (D) Expand the use of drug prisons, modeled after  
6 the Sheridan Correctional Center, to provide  
7 sufficient drug treatment and other support services  
8 to non-violent inmates with a history of substance  
9 abuse.

10 (2) Participation and completion of programming by  
11 prisoners can impact earned time credit as determined under  
12 Section 3-6-3 of the Unified Code of Corrections.

13 (3) The Department of Corrections shall provide its  
14 employees with intensive and ongoing training and  
15 professional development services to support the  
16 implementation of evidence-based practices. The training  
17 and professional development services shall include  
18 assessment techniques, case planning, cognitive behavioral  
19 training, risk reduction and intervention strategies,  
20 effective communication skills, substance abuse treatment  
21 education and other topics identified by the Department or  
22 its employees.

23 (d) The Parole Division of the Department of Corrections  
24 and the Prisoner Review Board shall provide their employees  
25 with intensive and ongoing training and professional  
26 development services to support the implementation of

1 evidence-based practices. The training and professional  
2 development services shall include assessment techniques, case  
3 planning, cognitive behavioral training, risk reduction and  
4 intervention strategies, effective communication skills,  
5 substance abuse treatment education, and other topics  
6 identified by the agencies or their employees.

7 (e) The Department of Corrections, the Prisoner Review  
8 Board, and other correctional entities referenced in the  
9 policies, rules, and regulations of this Act shall design,  
10 implement, and make public a system to evaluate the  
11 effectiveness of evidence-based practices in increasing public  
12 safety and in successful reintegration of those under  
13 supervision into the locality. Annually, each agency shall  
14 submit to the Sentencing Policy Advisory Council a  
15 comprehensive report on the success of implementing  
16 evidence-based practices. The data compiled and analyzed by the  
17 Council shall be delivered annually to the Governor and the  
18 General Assembly.

19 (f) The Department of Corrections and the Prisoner Review  
20 Board shall release a report annually published on their  
21 websites that reports the following information about the usage  
22 of electronic monitoring and GPS monitoring as a condition of  
23 parole and mandatory supervised release during the prior  
24 calendar year:

25 (1) demographic data of individuals on electronic  
26 monitoring and GPS monitoring, separated by the following

1       categories:

2               (A) race or ethnicity;

3               (B) gender; and

4               (C) age;

5               (2) incarceration data of individuals subject to  
6       conditions of electronic or GPS monitoring, separated by  
7       the following categories:

8               (A) highest class of offense for which the  
9       individuals is currently serving a term of release; and

10              (B) length of imprisonment served prior to the  
11       current release period;

12              (3) the number of individuals subject to conditions of  
13       electronic or GPS monitoring, separated by the following  
14       categories:

15              (A) the number of individuals subject to  
16       monitoring under Section 5-8A-6 of the Unified Code of  
17       Corrections;

18              (B) the number of individuals subject monitoring  
19       under Section 5-8A-7 of the Unified Code of  
20       Corrections;

21              (C) the number of individuals subject to  
22       monitoring under a discretionary order of the Prisoner  
23       Review Board at the time of their release; and

24              (D) the number of individuals subject to  
25       monitoring as a sanction for violations of parole or  
26       mandatory supervised release, separated by the



1           following categories:

2                   (i) the number of individuals subject to  
3                   monitoring as part of a graduated sanctions  
4                   program; and

5                   (ii) the number of individuals subject to  
6                   monitoring as a new condition of re-release after a  
7                   revocation hearing before the Prisoner Review  
8                   Board;

9           (4) the number of discretionary monitoring orders  
10           issued by the Prisoner Review Board, separated by the  
11           following categories:

12                   (A) less than 30 days;

13                   (B) 31 to 60 days;

14                   (C) 61 to 90 days;

15                   (D) 91 to 120 days;

16                   (E) 121 to 150 days;

17                   (F) 151 to 180 days;

18                   (G) 181 to 364 days;

19                   (H) 365 days or more; and

20                   (I) duration of release term;

21           (5) the number of discretionary monitoring orders by  
22           the Board which removed or terminated monitoring prior to  
23           the completion of the original period ordered;

24           (6) the number and severity category for sanctions  
25           imposed on individuals on electronic or GPS monitoring,  
26           separated by the following categories:

1           (A) absconding from electronic monitoring or GPS;

2           (B) tampering or removing the electronic  
3 monitoring or GPS device;

4           (C) unauthorized leaving of the residence;

5           (D) presence of the individual in a prohibited  
6 area; or

7           (E) other violations of the terms of the electronic  
8 monitoring program;

9           (7) the number of individuals for whom a parole  
10 revocation case was filed for failure to comply with the  
11 terms of electronic or GPS monitoring, separated by the  
12 following categories:

13           (A) cases when failure to comply with the terms of  
14 monitoring was the sole violation alleged; and

15           (B) cases when failure to comply with the terms of  
16 monitoring was alleged in conjunction with other  
17 alleged violations;

18           (8) residential data for individuals subject to  
19 electronic or GPS monitoring, separated by the following  
20 categories:

21           (A) the county of the residence address for  
22 individuals subject to electronic or GPS monitoring as  
23 a condition of their release; and

24           (B) for counties with a population over 3,000,000,  
25 the zip codes of the residence address for individuals  
26 subject to electronic or GPS monitoring as a condition

1 of their release;

2 (9) the number of individuals for whom parole  
3 revocation cases were filed due to violations of paragraph  
4 (1) of subsection (a) of Section 3-3-7 of the Unified Code  
5 of Corrections, separated by the following categories:

6 (A) the number of individuals whose violation of  
7 paragraph (1) of subsection (a) of Section 3-3-7 of the  
8 Unified Code of Corrections allegedly occurred while  
9 the individual was subject to conditions of electronic  
10 or GPS monitoring;

11 (B) the number of individuals who had violations of  
12 paragraph (1) of subsection (a) of Section 3-3-7 of the  
13 Unified Code of Corrections alleged against them who  
14 were never subject to electronic or GPS monitoring  
15 during their current term of release; and

16 (C) the number of individuals who had violations of  
17 paragraph (1) of subsection (a) of Section 3-3-7 of the  
18 Unified Code of Corrections alleged against them who  
19 were subject to electronic or GPS monitoring for any  
20 period of time during their current term of their  
21 release, but who were not subject to such monitoring at  
22 the time of the alleged violation of paragraph (1) of  
23 subsection (a) of Section 3-3-7 of the Unified Code of  
24 Corrections.

25 (Source: P.A. 96-761, eff. 1-1-10.)".