



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB1643

by Rep. Kambium Buckner

#### SYNOPSIS AS INTRODUCED:

20 ILCS 3930/7.3 new  
20 ILCS 3930/7.3-2 new  
20 ILCS 3930/7.3-5 new  
730 ILCS 5/5-6-3.6

Amends the Illinois Criminal Justice Information Act. Provides that within 60 days after the effective date of the amendatory Act, the Illinois Criminal Justice Information Authority shall identify geographic areas eligible to be designated by the Safe and Full Coordinating Board as a Safe and Full Employment Zone ("SAFE Zone") and shall send to the Legislative Audit Commission and make publicly available its analysis and development of the SAFE Zones. Provides that the criteria for these SAFE Zones shall be used to prioritize State funding and provide various services throughout the State. Creates the Safe and Full Employment Coordinating Board to develop and implement a plan for designating SAFE Zones. Provides that the design of programs and budget requirements in SAFE Zones shall be developed by Local Economic Growth Councils. Amends the Unified Code of Corrections. Provides that the First Time Weapon Offender Program shall be implemented by the Safe and Full Employment Coordinating Board. Makes other changes. Effective immediately.

LRB101 08615 SLF 53694 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

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

6 Section 5. Legislative findings.

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

15 (b) The General Assembly finds that violence should be  
16 viewed as a public health crisis that requires identifying and  
17 building on community assets leading to investment in job  
18 creation, housing, employment training, child care, healthcare  
19 and other services.

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

22 (1) to protect communities from gun violence through  
23 targeted intervention programs, including economic growth

1 and improving family violence prevention, community trauma  
2 treatment rates, gun injury victim services, and public  
3 health prevention activities;

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

6 (3) to intervene with persons who violate gun  
7 possession laws in a risk-responsive manner that decreases  
8 the likelihood of any future violent incidents and equips  
9 those who have previously violated gun laws to live  
10 responsibly and safely; and

11 (4) to promote employment infrastructure in community  
12 areas with the highest concentrations of gun violence and  
13 unemployment due to incarceration and resulting criminal  
14 records.

15 (d) The ability of children, teenagers, and young adults to  
16 participate freely in education, employment, and civic life  
17 without any exposure to illegal weapons or gun violence,  
18 facilitating their safe and economically stable future  
19 prospects, shall be the central purpose of any initiatives  
20 included in this Law.

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

23 (20 ILCS 3930/7.3 new)

24 Sec. 7.3. Safe and full employment zones. Within 60 days

1 after the effective date of this amendatory Act of the 101st  
2 General Assembly, the Authority shall identify those  
3 geographic areas eligible to be designated by the Safe and Full  
4 Employment Coordinating Board as a Safe and Full Employment  
5 Zone ("SAFE Zone"), as outlined in subsection (c) of Section  
6 7.3-2.

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

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

12 (A) contains high gunshot hospitalization and  
13 mortality per capita; and

14 (B) contains a high rate of returning citizens  
15 following incarceration at the Department of  
16 Corrections.

17 The Authority shall send to the Legislative Audit Commission  
18 and make publicly available its analysis and development of the  
19 SAFE Zones and shall reevaluate and re-designate SAFE Zones  
20 every 4 years.

21 (b) Prioritization of spending in SAFE Zones shall be as  
22 follows:

23 (1) In the first full fiscal year after the effective  
24 date of this amendatory Act of the 101st General Assembly,  
25 the Department of Human Services, Department of Public  
26 Health, Department of Juvenile Justice, Illinois Criminal

1 Justice Information Authority, Department of Commerce and  
2 Economic Opportunity, Department of Healthcare and Family  
3 Services, to the extent permitted by federal law, and other  
4 relevant State agencies as designated by the Governor and  
5 the Safe and Full Employment Coordinating Board as defined  
6 in Section 7.3-2 shall give first priority, within the  
7 agency granting authority, to programs providing services  
8 that are effective in violence reduction and trauma  
9 recovery for SAFE Zones. Federal, State, and local spending  
10 on job creation, housing, employment training, child care,  
11 healthcare and services to combat community disinvestment  
12 that breeds violence shall be prioritized in SAFE Zones.  
13 The Governor shall include and outline SAFE Zone spending  
14 in his or her annual State budget submitted under Section  
15 50-5 of the State Budget Law.

16 (2) For the first 2 fiscal years after the effective  
17 date of this amendatory Act of the 101st General Assembly,  
18 the goal for funding is no less than 5% if otherwise  
19 permitted under federal law. Beginning the third fiscal  
20 year after the effective date of this amendatory Act of the  
21 101st General Assembly, and every fiscal year thereafter,  
22 the prioritization to SAFE Zones shall be no less than 5%  
23 if otherwise permitted under federal law. The  
24 prioritization to SAFE Zones shall in no case be more than  
25 20% of current programmatic funding if otherwise permitted  
26 under federal law.

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

3           (20 ILCS 3930/7.3-2 new)

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

5       (a) In this Section, "public health approach" means  
6       addressing violence and violence prevention by treating the  
7       individual and community symptoms and causes of violence  
8       through rigorously researched methods. Treatment shall include  
9       multi-tiered and interdisciplinary approaches involving  
10       stakeholders from diverse sectors, including the people  
11       impacted by violence, public agencies, and community-based  
12       organizations.

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

16           (1) the Governor, or his or her designee, who shall  
17           serve as chair;

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

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

21           (4) the Director of Juvenile Justice, or his or her  
22           designee;

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

25           (6) the Secretary of Human Services, or his or her

1 designee;

2 (7) the Director of Public Health, or his or her  
3 designee;

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

6 (9) the Director of Employment Security, or his or her  
7 designee;

8 (10) the Director of State Police, or his or her  
9 designee;

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

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

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

15 (14) a member of the Senate, designated by the  
16 President of the Senate;

17 (15) a member of the House of Representatives,  
18 designated by the Speaker of the House of Representatives;

19 (16) a member of the Senate, designated by the Minority  
20 Leader of the Senate; and

21 (17) a member of the House of Representatives,  
22 designated by the Minority Leader of the House of  
23 Representatives.

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

26 (1) the highest elected public officials of all

1 counties and municipal geographic jurisdictions in the  
2 State which include a SAFE Zone;

3 (2) 6 providers from 6 geographically distinct areas of  
4 the State, who receive funds to deliver services to treat  
5 violence including, but not limited to, services such as  
6 job placement and training, educational services, and  
7 workforce development programming, appointed by the  
8 Secretary of Human Services, in coordination with the  
9 Illinois Criminal Justice Information Authority; and

10 (3) 2 persons who, within 24 months prior to being  
11 designated, have received services from the providers  
12 designated in paragraph (2) of this subsection (b), as  
13 designated by those service providers.

14 (c) The Board shall meet quarterly and be staffed by the  
15 Governor's Office of Management and Budget. Within 4 months  
16 after the effective date of this amendatory Act of the 101st  
17 General Assembly, the Board shall develop and implement a plan  
18 for designating SAFE Zones under Section 7.3 and the selection  
19 process for Local Economic Growth Councils under Section 7.3-5.  
20 Within 4 months from the date the last Council plan is  
21 submitted and approved, the Board shall issue a statewide plan  
22 to implement the re-prioritization of funding under subsection  
23 (b) of Section 7.3. The plan shall follow a public health  
24 approach.

25 (d) The Board shall deliver an annual report to the General  
26 Assembly and to the Governor and be posted on Governor's Office



1 and General Assembly's websites and provide to the public an  
2 annual report on its progress.

3 (e) The Board shall monitor and collect data on  
4 intermediate and long-term positive outcome measures for its  
5 statewide plan and include that information in the annual  
6 report to the General Assembly, Governor, and the public  
7 beginning on December 31, 2020.

8 (f) There shall be a formal evaluation of the SAFE Zone Act  
9 implementation and outcomes every 4 years conducted by a public  
10 university selected by the Safe and Full Employment  
11 Coordinating Board. The evaluation shall reflect the outcomes  
12 incorporated and measured in each Council plan and also  
13 statewide positive outcomes to be measured for at least 4  
14 years. The report shall be sent to the Governor and the General  
15 Assembly and be posted on each website.

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

18 (20 ILCS 3930/7.3-5 new)

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

20 (a) The design of programs and budget requirements in SAFE  
21 Zones shall be developed by Local Economic Growth Councils.  
22 Each Local Economic Growth Council shall be supported by  
23 technical assistance provided by the State agencies mandated to  
24 provide services under Sections 7.3 and 7.3-2 and by the  
25 Governor's Office of Management and Budget.

1       (b) The process for the selection of members of the Local  
2 Economic Growth Councils shall be designed by the SAFE  
3 Coordinating Board, to permit maximum community participation  
4 and to result in Councils comprised of residents of the  
5 community who reflect the assets and strengths of the SAFE  
6 Zone.

7       (c) Each Local Economic Growth Council shall be established  
8 within 4 months of the effective date of this amendatory Act of  
9 the 101st General Assembly and be composed of a minimum of 20  
10 members and no more than 25 members as representatives who live  
11 within the SAFE Zone.

12       (d) Within 6 months after being established, each Local  
13 Economic Growth Council shall establish a 2-year plan and  
14 budget to address violence, reduce inappropriate  
15 incarceration, and expand economic opportunity within the SAFE  
16 Zone. The plan shall follow a public health approach and shall  
17 include positive outcome measures for persons benefiting from  
18 SAFE Zone investments, community asset outcomes, and include  
19 ways to track those outcomes over at least 4 years. That plan  
20 shall be reviewed and approved, or amended after agreement  
21 between the Local Economic Growth Council and the Safe and Full  
22 Employment Coordinating Board.

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

25       Section 20. The Unified Code of Corrections is amended by

1 changing Section 5-6-3.6 as follows:

2 (730 ILCS 5/5-6-3.6)

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

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

5 (a) The General Assembly has sought to promote public  
6 safety, reduce recidivism, and conserve valuable resources of  
7 the criminal justice system through the creation of diversion  
8 programs for non-violent offenders. This amendatory Act of the  
9 100th General Assembly establishes a pilot program for  
10 first-time, non-violent offenders charged with certain weapons  
11 offenses. The General Assembly recognizes some persons,  
12 particularly young adults in areas of high crime or poverty,  
13 may have experienced trauma that contributes to poor decision  
14 making skills, and the creation of a diversionary program poses  
15 a greater benefit to the community and the person than  
16 incarceration. Under this program, a court, with the consent of  
17 the defendant and the State's Attorney, may sentence a  
18 defendant charged with an unlawful use of weapons offense under  
19 Section 24-1 of the Criminal Code of 2012 or aggravated  
20 unlawful use of a weapon offense under Section 24-1.6 of the  
21 Criminal Code of 2012, if punishable as a Class 4 felony or  
22 lower, to a First Time Weapon Offender Program.

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

24 (1) the offense was committed during the commission of  
25 a violent offense as defined in subsection (h) of this

1 Section;

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

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

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

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

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

13 (b-5) In considering whether a defendant shall be sentenced  
14 to the First Time Weapon Offender Program, the court shall  
15 consider the following:

16 (1) the age, immaturity, or limited mental capacity of  
17 the defendant;

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

19 (3) whether participation in the Program is in the  
20 interest of the defendant's rehabilitation, including any  
21 employment or involvement in community, educational,  
22 training, or vocational programs;

23 (4) whether the defendant suffers from trauma, as  
24 supported by documentation or evaluation by a licensed  
25 professional; and

26 (5) the potential risk to public safety.

1           (c) For an offense committed on or after the effective date  
2 of this amendatory Act of the 100th General Assembly and before  
3 January 1, 2023, whenever an eligible person pleads guilty to  
4 an unlawful use of weapons offense under Section 24-1 of the  
5 Criminal Code of 2012 or aggravated unlawful use of a weapon  
6 offense under Section 24-1.6 of the Criminal Code of 2012,  
7 which is punishable as a Class 4 felony or lower, the court,  
8 with the consent of the defendant and the State's Attorney,  
9 may, without entering a judgment, sentence the defendant to  
10 complete the First Time Weapon Offender Program. When a  
11 defendant is placed in the Program, the court shall defer  
12 further proceedings in the case until the conclusion of the  
13 period or until the filing of a petition alleging violation of  
14 a term or condition of the Program. Upon violation of a term or  
15 condition of the Program, the court may enter a judgment on its  
16 original finding of guilt and proceed as otherwise provided by  
17 law. Upon fulfillment of the terms and conditions of the  
18 Program, the court shall discharge the person and dismiss the  
19 proceedings against the person.

20           (d) The Program shall be at least 18 months and not to  
21 exceed 24 months, as determined by the court at the  
22 recommendation of the program administrator and the State's  
23 Attorney.

24           (e) The conditions of the Program shall be that the  
25 defendant:

26           (1) not violate any criminal statute of this State or

1 any other jurisdiction;

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

4 (3) obtain or attempt to obtain employment;

5 (4) attend educational courses designed to prepare the  
6 defendant for obtaining a high school diploma or to work  
7 toward passing high school equivalency testing or to work  
8 toward completing a vocational training program;

9 (5) refrain from having in his or her body the presence  
10 of any illicit drug prohibited by the Methamphetamine  
11 Control and Community Protection Act, the Cannabis Control  
12 Act, or the Illinois Controlled Substances Act, unless  
13 prescribed by a physician, and submit samples of his or her  
14 blood or urine or both for tests to determine the presence  
15 of any illicit drug;

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

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

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

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

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

25 (2) undergo medical or psychiatric treatment, or  
26 treatment or rehabilitation approved by the Department of

1 Human Services; and

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

4 (g) There may be only one discharge and dismissal under  
5 this Section. If a person is convicted of any offense which  
6 occurred within 5 years subsequent to a discharge and dismissal  
7 under this Section, the discharge and dismissal under this  
8 Section shall be admissible in the sentencing proceeding for  
9 that conviction as evidence in aggravation.

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

13 (h) For purposes of this Section, "violent offense" means  
14 any offense in which bodily harm was inflicted or force was  
15 used against any person or threatened against any person; any  
16 offense involving the possession of a firearm or dangerous  
17 weapon; any offense involving sexual conduct, sexual  
18 penetration, or sexual exploitation; violation of an order of  
19 protection, stalking, hate crime, domestic battery, or any  
20 offense of domestic violence.

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

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

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.