

**101ST GENERAL ASSEMBLY****State of Illinois****2019 and 2020****SB0250**

Introduced 1/31/2019, by Sen. Patricia Van Pelt

**SYNOPSIS AS INTRODUCED:**

See Index

Creates the SAFE Act. Provides that on and after January 1, 2020, funding formulas based on population shall include prisoners as residents based on the place where they resided before incarceration or the place they intend to return. 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 State Revenue Sharing Act. Provides that for purposes of the amount of funds allocable to each municipality and county in the State, the number of individual residents of a municipality or county shall include the number of persons incarcerated in a penal institution who resided in the municipality or county before incarceration, or, if known, the municipality or county the prisoner intends to return after release from the penal institution. 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 09056 SLF 54149 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. Short title. This Act may be cited as the SAFE  
5 Act.

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 Act:

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 Act.

21 Section 10. Definitions. In this Act:

22 "SAFE Zone" means a Safe and Full Employment Zone as  
23 designated under Section 7.3 of the Illinois Criminal Justice  
24 Information Act.

1 Section 15. Population-based distribution. On and after  
2 January 1, 2020, funding formulas based on population shall  
3 include prisoners as residents based on the place where they  
4 resided before incarceration or the place they intend to  
5 return. SAFE Zones shall be prioritized for all State  
6 reimbursement and formula distributions.

7 Section 105. The Illinois Criminal Justice Information Act  
8 is amended by adding Sections 7.3, 7.3-2, and 7.3-5 as follows:

9 (20 ILCS 3930/7.3 new)

10 Sec. 7.3. Safe and full employment zones. Within 60 days  
11 after the effective date of this amendatory Act of the 101st  
12 General Assembly, the Authority shall identify those  
13 geographic areas eligible to be designated by the Safe and Full  
14 Employment Coordinating Board as a Safe and Full Employment  
15 Zone (SAFE Zone), as outlined in subsection (c) of Section  
16 7.3-2.

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

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

22 (A) contains high gunshot hospitalization and  
23 mortality per capita; and

24 (B) contains a high rate of returning citizens

1           following incarceration at the Department of  
2           Corrections.

3           The Authority shall send to the Legislative Audit Commission  
4           and make publicly available its analysis and development of the  
5           SAFE Zones and shall reevaluate and re-designate SAFE Zones  
6           every 4 years.

7           (b) Prioritization of spending in SAFE Zones shall be as  
8           follows:

9           (1) In the first full fiscal year after the effective  
10           date of this amendatory Act of the 101st General Assembly,  
11           the Department of Human Services, Department of Public  
12           Health, Department of Juvenile Justice, Illinois Criminal  
13           Justice Information Authority, Department of Commerce and  
14           Economic Opportunity, Department of Healthcare and Family  
15           Services, and other relevant State agencies as designated  
16           by the Governor and the Safe and Full Employment  
17           Coordinating Board as defined in Section 7.3-2 shall give  
18           first priority, within the agency granting authority, to  
19           programs providing services that are effective in violence  
20           reduction and trauma recovery for SAFE Zones. Federal,  
21           State, and local spending on job creation, housing,  
22           employment training, child care, healthcare and services  
23           to combat community disinvestment that breeds violence  
24           shall be prioritized in SAFE Zones. The Governor shall  
25           include and outline SAFE Zone spending in his or her annual  
26           State budget submitted under Section 50-5 of the State

1 Budget Law.

2 (2) The prioritization shall result in a shift to SAFE  
3 Zones of no less than 5% nor more than 20% of current  
4 programmatic funding in each of the first full 5 fiscal  
5 years after the effective date of this amendatory Act of  
6 the 101st General Assembly.

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

9 (20 ILCS 3930/7.3-2 new)

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

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

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

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

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

- 1           (3) the Director of Revenue, or his or her designee;
- 2           (4) the Director of Juvenile Justice, or his or her  
3 designee;
- 4           (5) the Director of Healthcare and Family Services, or  
5 his or her designee;
- 6           (6) the Secretary of Human Services, or his or her  
7 designee;
- 8           (7) the Director of Public Health, or his or her  
9 designee;
- 10          (8) the Director of Commerce and Economic Opportunity,  
11 or his or her designee;
- 12          (9) the Director of Employment Security, or his or her  
13 designee;
- 14          (10) the Director of State Police, or his or her  
15 designee;
- 16          (11) the Director of the Governor's Office of  
17 Management and Budget, or his or her designee;
- 18          (12) the Director of the Illinois Criminal Justice  
19 Information Authority, or his or her designee;
- 20          (13) the Attorney General, or his or her designee;
- 21          (14) a member of the Senate, designated by the  
22 President of the Senate;
- 23          (15) a member of the House of Representatives,  
24 designated by the Speaker of the House of Representatives;
- 25          (16) a member of the Senate, designated by the Minority  
26 Leader of the Senate; and

1           (17) a member of the House of Representatives,  
2           designated by the Minority Leader of the House of  
3           Representatives.

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

6           (1) the highest elected public officials of all  
7           counties and municipal geographic jurisdictions in the  
8           State which include a SAFE Zone;

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

16           (3) 2 persons who, within 24 months prior to being  
17           designated, have received services from the providers  
18           designated in paragraph (2) of this subsection (b), as  
19           designated by those service providers.

20           (c) The Board shall meet quarterly and be staffed by the  
21           Governor's Office of Management and Budget. Within 4 months  
22           after the effective date of this amendatory Act of the 101st  
23           General Assembly, the Board shall develop and implement a plan  
24           for designating SAFE Zones under Section 7.3 of this Act and  
25           the selection process for Local Economic Growth Councils under  
26           Section 7.3-5. Within 4 months from the date the last plan is



1 submitted and approved, the Board shall issue a statewide plan  
2 to implement the re-prioritization of funding under subsection  
3 (b) of Section 7.3. The plan shall follow a public health  
4 approach.

5 (d) The Board shall deliver an annual report to the General  
6 Assembly and to the Governor and be posted on Governor's Office  
7 and General Assembly's websites and provide to the public an  
8 annual report on its progress.

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

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

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

24 (20 ILCS 3930/7.3-5 new)

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

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

7       (b) The process for the selection of members of the Local  
8 Economic Growth Councils shall be designed by the SAFE  
9 Coordinating Board, to permit maximum community participation  
10 and to result in Councils comprised of residents of the  
11 community who reflect the assets and strengths of the SAFE  
12 Zone.

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

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

1 between the Local Economic Growth Council and the Safe and Full  
2 Employment Coordinating Board.

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

5 Section 110. The State Revenue Sharing Act is amended by  
6 changing Section 2 as follows:

7 (30 ILCS 115/2) (from Ch. 85, par. 612)

8 Sec. 2. Allocation and Disbursement.

9 (a) As soon as may be after the first day of each month,  
10 the Department of Revenue shall allocate among the several  
11 municipalities and counties of this State the amount available  
12 in the Local Government Distributive Fund and in the Income Tax  
13 Surcharge Local Government Distributive Fund, determined as  
14 provided in Sections 1 and 1a above. Except as provided in  
15 Sections 13 and 13.1 of this Act, the Department shall then  
16 certify such allocations to the State Comptroller, who shall  
17 pay over to the several municipalities and counties the  
18 respective amounts allocated to them. The amount of such Funds  
19 allocable to each such municipality and county shall be in  
20 proportion to the number of individual residents of such  
21 municipality or county to the total population of the State,  
22 determined in each case on the basis of the latest census of  
23 the State, municipality or county conducted by the Federal  
24 government and certified by the Secretary of State and for

1 annexations to municipalities, the latest Federal, State or  
2 municipal census of the annexed area which has been certified  
3 by the Department of Revenue. Allocations to the City of  
4 Chicago under this Section are subject to Section 6 of the  
5 Hotel Operators' Occupation Tax Act. For the purpose of this  
6 Section, the number of individual residents of a county shall  
7 be reduced by the number of individuals residing therein in  
8 municipalities, but the number of individual residents of the  
9 State, county and municipality shall reflect the latest census  
10 of any of them. For the purpose of this Section, the number of  
11 individual residents of a municipality or county shall include  
12 the number of persons incarcerated in a penal institution who  
13 resided in the municipality or county before incarceration, or,  
14 if known, the municipality or county the prisoner intends to  
15 return after release from the penal institution. The amounts  
16 transferred into the Local Government Distributive Fund  
17 pursuant to Section 9 of the Use Tax Act, Section 9 of the  
18 Service Use Tax Act, Section 9 of the Service Occupation Tax  
19 Act, and Section 3 of the Retailers' Occupation Tax Act, each  
20 as now or hereafter amended, pursuant to the amendments of such  
21 Sections by Public Act 85-1135, shall be distributed as  
22 provided in said Sections.

23 (b) It is the intent of the General Assembly that  
24 allocations made under this Section shall be made in a fair and  
25 equitable manner. Accordingly, the clerk of any municipality to  
26 which territory has been annexed, or from which territory has

1 been disconnected, shall notify the Department of Revenue in  
2 writing of that annexation or disconnection and shall (1) state  
3 the number of residents within the territory that was annexed  
4 or disconnected, based on the last census conducted by the  
5 federal, State, or municipal government and certified by the  
6 Illinois Secretary of State, and (2) furnish therewith a  
7 certified copy of the plat of annexation or, in the case of  
8 disconnection, the ordinance, final judgment, or resolution of  
9 disconnection together with an accurate depiction of the  
10 territory disconnected. The county in which the annexed or  
11 disconnected territory is located shall verify that the number  
12 of residents stated on the written notice that is to be sent to  
13 the Department of Revenue is true and accurate. The verified  
14 statement of the county shall accompany the written notice.  
15 However, if the county does not respond to the municipality's  
16 request for verification within 30 days, this verification  
17 requirement shall be waived. The written notice shall be  
18 provided to the Department of Revenue (1) within 30 days after  
19 the effective date of this amendatory Act of the 96th General  
20 Assembly for disconnections occurring after January 1, 2007 and  
21 before the effective date of this amendatory Act of the 96th  
22 General Assembly or (2) within 30 days after the annexation or  
23 disconnection for annexations or disconnections occurring on  
24 or after the effective date of this amendatory Act of the 96th  
25 General Assembly. For purposes of this Section, a disconnection  
26 or annexation through court order is deemed to be effective 30

1 days after the entry of a final judgment order, unless stayed  
2 pending appeal. Thereafter, the monthly allocation made to the  
3 municipality and to any other municipality or county affected  
4 by the annexation or disconnection shall be adjusted in  
5 accordance with this Section to reflect the change in residency  
6 of the residents of the territory that was annexed or  
7 disconnected. The adjustment shall be made no later than 30  
8 days after the Department of Revenue's receipt of the written  
9 notice of annexation or disconnection described in this  
10 Section.

11 (c) In this Section, "penal institution" has the same  
12 meaning ascribed to it in Section 2-14 of the Criminal Code of  
13 2012.

14 (Source: P.A. 96-1040, eff. 7-14-10.)

15 Section 115. The Unified Code of Corrections is amended by  
16 changing Section 5-6-3.6 as follows:

17 (730 ILCS 5/5-6-3.6)

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

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

20 (a) The General Assembly has sought to promote public  
21 safety, reduce recidivism, and conserve valuable resources of  
22 the criminal justice system through the creation of diversion  
23 programs for non-violent offenders. This amendatory Act of the  
24 100th General Assembly establishes a pilot program for

1 first-time, non-violent offenders charged with certain weapons  
2 offenses. The General Assembly recognizes some persons,  
3 particularly young adults in areas of high crime or poverty,  
4 may have experienced trauma that contributes to poor decision  
5 making skills, and the creation of a diversionary program poses  
6 a greater benefit to the community and the person than  
7 incarceration. Under this program, a court, with the consent of  
8 the defendant and the State's Attorney, may sentence a  
9 defendant charged with an unlawful use of weapons offense under  
10 Section 24-1 of the Criminal Code of 2012 or aggravated  
11 unlawful use of a weapon offense under Section 24-1.6 of the  
12 Criminal Code of 2012, if punishable as a Class 4 felony or  
13 lower, to a First Time Weapon Offender Program.

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

15 (1) the offense was committed during the commission of  
16 a violent offense as defined in subsection (h) of this  
17 Section;

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

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

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

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

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

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

6           (1) the age, immaturity, or limited mental capacity of  
7           the defendant;

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

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

13          (4) whether the defendant suffers from trauma, as  
14          supported by documentation or evaluation by a licensed  
15          professional; and

16          (5) the potential risk to public safety.

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



1 defendant is placed in the Program, the court shall defer  
2 further proceedings in the case until the conclusion of the  
3 period or until the filing of a petition alleging violation of  
4 a term or condition of the Program. Upon violation of a term or  
5 condition of the Program, the court may enter a judgment on its  
6 original finding of guilt and proceed as otherwise provided by  
7 law. Upon fulfillment of the terms and conditions of the  
8 Program, the court shall discharge the person and dismiss the  
9 proceedings against the person.

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

14 (e) The conditions of the Program shall be that the  
15 defendant:

16 (1) not violate any criminal statute of this State or  
17 any other jurisdiction;

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

20 (3) obtain or attempt to obtain employment;

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

25 (5) refrain from having in his or her body the presence  
26 of any illicit drug prohibited by the Methamphetamine

1 Control and Community Protection Act, the Cannabis Control  
2 Act, or the Illinois Controlled Substances Act, unless  
3 prescribed by a physician, and submit samples of his or her  
4 blood or urine or both for tests to determine the presence  
5 of any illicit drug;

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

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

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

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

14 (1) (blank) ~~wear an ankle bracelet with GPS tracking;~~

15 (2) undergo medical or psychiatric treatment, or  
16 treatment or rehabilitation approved by the Department of  
17 Human Services; and

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

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

26 (g-5) The Program shall be implemented by the Safe and Full

1 Employment Coordinating Board established under Section 7.3-2  
2 of the Illinois Criminal Justice Information Act.

3 (h) For purposes of this Section, "violent offense" means  
4 any offense in which bodily harm was inflicted or force was  
5 used against any person or threatened against any person; any  
6 offense involving the possession of a firearm or dangerous  
7 weapon; any offense involving sexual conduct, sexual  
8 penetration, or sexual exploitation; violation of an order of  
9 protection, stalking, hate crime, domestic battery, or any  
10 offense of domestic violence.

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

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

13 Section 999. Effective date. This Act takes effect upon  
14 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 20 ILCS 3930/7.3 new

5 20 ILCS 3930/7.3-2 new

6 20 ILCS 3930/7.3-5 new

7 30 ILCS 115/2 from Ch. 85, par. 612

8 730 ILCS 5/5-6-3.6