



Rep. Justin Slaughter

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10200SB2364ham001

LRB102 17146 RLC 39040 a

1 AMENDMENT TO SENATE BILL 2364

2 AMENDMENT NO. _____. Amend Senate Bill 2364 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Criminal Justice Information Act
5 is amended by changing Section 7.7 as follows:

6 (20 ILCS 3930/7.7)

7 Sec. 7.7. Pretrial data collection.

8 (a) The Administrative Director of the Administrative
9 Office ~~Officer~~ of the Illinois Courts shall convene an
10 oversight board to be known as the Pretrial Practices Data
11 Oversight Board to oversee the collection and analysis of data
12 regarding pretrial practices in circuit court systems. The
13 Board shall include, but is not limited to, designees from the
14 Administrative Office of the Illinois Courts, the Illinois
15 Criminal Justice Information Authority, and other entities
16 that possess knowledge of pretrial practices and data

1 collection issues. Members of the Board shall serve without
2 compensation.

3 (b) The Oversight Board shall:

4 (1) identify existing pretrial data collection
5 processes in local jurisdictions;

6 (2) define, gather and maintain records of pretrial
7 data relating to the topics listed in subsection (c) from
8 circuit clerks' offices, sheriff's departments, law
9 enforcement agencies, jails, pretrial departments,
10 probation department, State's Attorneys' offices, public
11 defenders' offices and other applicable criminal justice
12 system agencies;

13 (3) identify resources necessary to systematically
14 collect and report data related to the topics listed in
15 subsection ~~subsections~~ (c); and

16 (4) develop a plan to implement data collection
17 processes sufficient to collect data on the topics listed
18 in subsection (c) no later than one year after July 1, 2021
19 (the effective date of Public Act 101-652) ~~this amendatory~~
20 ~~Act of the 101st General Assembly~~. The plan and, once
21 implemented, the reports and analysis shall be published
22 and made publicly available on the Administrative Office
23 of the Illinois Courts (AOIC) website.

24 (c) The Pretrial Practices Data Oversight Board shall
25 develop a strategy to collect quarterly, county-level data on
26 the following topics; which collection of data shall begin on

1 July 1, 2023 ~~starting one year after the effective date of this~~
2 ~~amendatory Act of the 101st General Assembly:~~

3 (1) information on all persons arrested and charged
4 with misdemeanor or felony charges, or both, including
5 information on persons released directly from law
6 enforcement custody;

7 (2) information on the outcomes of pretrial conditions
8 and pretrial detention hearings in the county courts,
9 including but not limited to the number of hearings held,
10 the number of defendants detained, the number of
11 defendants released, and the number of defendants released
12 with electronic monitoring;

13 (3) information regarding persons detained in the
14 county jail pretrial, including, but not limited to, the
15 number of persons detained in the jail pretrial and the
16 number detained in the jail for other reasons, the
17 demographics of the pretrial jail population, race, sex,
18 sexual orientation, gender identity, age, and ethnicity,
19 the charges including on which pretrial defendants are
20 detained, the average length of stay of pretrial
21 defendants;

22 (4) information regarding persons placed on electronic
23 monitoring programs pretrial, including, but not limited
24 to, the number of participants, the demographics of the
25 participant population, including race, sex, sexual
26 orientation, gender identity, age, and ethnicity, the

1 charges on which participants are ordered to the program,
2 and the average length of participation in the program;

3 (5) discharge data regarding persons detained pretrial
4 in the county jail, including, but not limited to, the
5 number who are sentenced to the Illinois Department of
6 Corrections, the number released after being sentenced to
7 time served, the number who are released on probation,
8 conditional discharge, or other community supervision, the
9 number found not guilty, the number whose cases are
10 dismissed, the number whose cases are dismissed as part of
11 diversion or deferred prosecution program, and the number
12 who are released pretrial after a hearing re-examining
13 their pretrial detention;

14 (6) information on the pretrial rearrest of
15 individuals released pretrial, including the number
16 arrested and charged with a new misdemeanor offense while
17 released, the number arrested and charged with a new
18 felony offense while released, and the number arrested and
19 charged with a new forcible felony offense while released,
20 and how long after release these arrests occurred;

21 (7) information on the pretrial failure to appear
22 rates of individuals released pretrial, including the
23 number who missed one or more court dates, how many
24 warrants for failures to appear were issued, and how many
25 individuals were detained pretrial or placed on electronic
26 monitoring pretrial after a failure to appear in court;

1 (8) what, if any, validated pretrial risk assessment
2 tools are in use in each jurisdiction, and comparisons of
3 the pretrial release and pretrial detention decisions of
4 judges as compared to and the risk assessment scores of
5 individuals; and

6 (9) any other information the Pretrial Practices Data
7 Oversight Board considers important and probative of the
8 effectiveness of pretrial practices in the State ~~state~~ of
9 Illinois.

10 (d) ~~d~~ Circuit clerks' offices, sheriff's departments, law
11 enforcement agencies, jails, pretrial departments, probation
12 department, State's Attorneys' offices, public defenders'
13 offices and other applicable criminal justice system agencies
14 are mandated to provide data to the Administrative Office of
15 the Illinois Courts as described in subsection (c).

16 (Source: P.A. 101-652, eff. 7-1-21; revised 12-3-21.)

17 Section 10. The Code of Criminal Procedure of 1963 is
18 amended by changing Section 109-1 as follows:

19 (725 ILCS 5/109-1) (from Ch. 38, par. 109-1)

20 (Text of Section before amendment by P.A. 101-652)

21 Sec. 109-1. Person arrested.

22 (a) A person arrested with or without a warrant shall be
23 taken without unnecessary delay before the nearest and most
24 accessible judge in that county, except when such county is a

1 participant in a regional jail authority, in which event such
2 person may be taken to the nearest and most accessible judge,
3 irrespective of the county where such judge presides, and a
4 charge shall be filed. Whenever a person arrested either with
5 or without a warrant is required to be taken before a judge, a
6 charge may be filed against such person by way of a two-way
7 closed circuit television system, except that a hearing to
8 deny bail to the defendant may not be conducted by way of
9 closed circuit television.

10 (a-5) A person charged with an offense shall be allowed
11 counsel at the hearing at which bail is determined under
12 Article 110 of this Code. If the defendant desires counsel for
13 his or her initial appearance but is unable to obtain counsel,
14 the court shall appoint a public defender or licensed attorney
15 at law of this State to represent him or her for purposes of
16 that hearing.

17 (b) The judge shall:

18 (1) Inform the defendant of the charge against him and
19 shall provide him with a copy of the charge;

20 (2) Advise the defendant of his right to counsel and
21 if indigent shall appoint a public defender or licensed
22 attorney at law of this State to represent him in
23 accordance with the provisions of Section 113-3 of this
24 Code;

25 (3) Schedule a preliminary hearing in appropriate
26 cases;

1 (4) Admit the defendant to bail in accordance with the
2 provisions of Article 110 of this Code; and

3 (5) Order the confiscation of the person's passport or
4 impose travel restrictions on a defendant arrested for
5 first degree murder or other violent crime as defined in
6 Section 3 of the Rights of Crime Victims and Witnesses
7 Act, if the judge determines, based on the factors in
8 Section 110-5 of this Code, that this will reasonably
9 ensure the appearance of the defendant and compliance by
10 the defendant with all conditions of release.

11 (c) The court may issue an order of protection in
12 accordance with the provisions of Article 112A of this Code.

13 (d) At the initial appearance of a defendant in any
14 criminal proceeding, the court must advise the defendant in
15 open court that any foreign national who is arrested or
16 detained has the right to have notice of the arrest or
17 detention given to his or her country's consular
18 representatives and the right to communicate with those
19 consular representatives if the notice has not already been
20 provided. The court must make a written record of so advising
21 the defendant.

22 (e) If consular notification is not provided to a
23 defendant before his or her first appearance in court, the
24 court shall grant any reasonable request for a continuance of
25 the proceedings to allow contact with the defendant's
26 consulate. Any delay caused by the granting of the request by a

1 defendant shall temporarily suspend for the time of the delay
2 the period within which a person shall be tried as prescribed
3 by subsections (a), (b), or (e) of Section 103-5 of this Code
4 and on the day of the expiration of delay the period shall
5 continue at the point at which it was suspended.

6 (Source: P.A. 99-78, eff. 7-20-15; 99-190, eff. 1-1-16; 100-1,
7 eff. 1-1-18.)

8 (Text of Section after amendment by P.A. 101-652)

9 Sec. 109-1. Person arrested; release from law enforcement
10 custody and court appearance; geographical constraints prevent
11 in-person appearances.

12 (a) A person arrested with or without a warrant for an
13 offense for which pretrial release may be denied under
14 paragraphs (1) through (6) of Section 110-6.1 shall be taken
15 without unnecessary delay before the nearest and most
16 accessible judge in that county, except when such county is a
17 participant in a regional jail authority, in which event such
18 person may be taken to the nearest and most accessible judge,
19 irrespective of the county where such judge presides, and a
20 charge shall be filed. Whenever a person arrested either with
21 or without a warrant is required to be taken before a judge, a
22 charge may be filed against such person by way of a two-way
23 closed circuit television system, except that a hearing to
24 deny pretrial release to the defendant may not be conducted by
25 way of closed circuit television.

1 (a-1) A law enforcement officer shall issue a citation in
2 lieu of custodial arrest, upon proper identification, to a
3 person accused of a traffic offense, a Class B misdemeanor, a
4 Class C misdemeanor, a petty offense, or a business offense,
5 unless the law enforcement officer, in the discretion of the
6 law enforcement officer, reasonably determines the accused:
7 (1) poses a specific, real, and present threat to the safety of
8 the community or any person or persons; or (2) has a medical or
9 mental health condition that poses a risk to the safety of the
10 accused. Those released on citation shall be scheduled into
11 court within 21 days. As used in this paragraph, "custodial
12 arrest" means transport of the accused to a place of
13 detention, as defined in subsection (a) of Section 103-2.1 ~~Law~~
14 ~~enforcement shall issue a citation in lieu of custodial~~
15 ~~arrest, upon proper identification, for those accused of~~
16 ~~traffic and Class B and C criminal misdemeanor offenses, or of~~
17 ~~petty and business offenses, who pose no obvious threat to the~~
18 ~~community or any person, or who have no obvious medical or~~
19 ~~mental health issues that pose a risk to their own safety.~~
20 ~~Those released on citation shall be scheduled into court~~
21 ~~within 21 days.~~

22 (a-3) A person arrested with or without a warrant for an
23 offense for which pretrial release may not be denied may,
24 except as otherwise provided in this Code, be released by the
25 officer without appearing before a judge. The releasing
26 officer shall issue the person a summons to appear within 21

1 days. A presumption in favor of pretrial release shall be ~~by~~
2 applied by an arresting officer in the exercise of his or her
3 discretion under this Section.

4 (a-5) A person charged with an offense shall be allowed
5 counsel at the hearing at which pretrial release is determined
6 under Article 110 of this Code. If the defendant desires
7 counsel for his or her initial appearance but is unable to
8 obtain counsel, the court shall appoint a public defender or
9 licensed attorney at law of this State to represent him or her
10 for purposes of that hearing.

11 (b) Upon initial appearance of a person before the court,
12 the judge shall:

13 (1) inform the defendant of the charge against him and
14 shall provide him with a copy of the charge;

15 (2) advise the defendant of his right to counsel and
16 if indigent shall appoint a public defender or licensed
17 attorney at law of this State to represent him in
18 accordance with the provisions of Section 113-3 of this
19 Code;

20 (3) schedule a preliminary hearing in appropriate
21 cases;

22 (4) admit the defendant to pretrial release in
23 accordance with the provisions of Article 110 ~~110/5~~ of
24 this Code, or upon verified petition of the State, proceed
25 with the setting of a detention hearing as provided in
26 Section 110-6.1; and

1 (5) order ~~Order~~ the confiscation of the person's
2 passport or impose travel restrictions on a defendant
3 arrested for first degree murder or other violent crime as
4 defined in Section 3 of the Rights of Crime Victims and
5 Witnesses Act, if the judge determines, based on the
6 factors in Section 110-5 of this Code, that this will
7 reasonably ensure the appearance of the defendant and
8 compliance by the defendant with all conditions of
9 release.

10 (c) The court may issue an order of protection in
11 accordance with the provisions of Article 112A of this Code.
12 Crime victims shall be given notice by the State's Attorney's
13 office of this hearing as required in paragraph (2) of
14 subsection (b) of Section 4.5 of the Rights of Crime Victims
15 and Witnesses Act and shall be informed of their opportunity
16 at this hearing to obtain an order of protection under Article
17 112A of this Code.

18 (d) At the initial appearance of a defendant in any
19 criminal proceeding, the court must advise the defendant in
20 open court that any foreign national who is arrested or
21 detained has the right to have notice of the arrest or
22 detention given to his or her country's consular
23 representatives and the right to communicate with those
24 consular representatives if the notice has not already been
25 provided. The court must make a written record of so advising
26 the defendant.

1 (e) If consular notification is not provided to a
2 defendant before his or her first appearance in court, the
3 court shall grant any reasonable request for a continuance of
4 the proceedings to allow contact with the defendant's
5 consulate. Any delay caused by the granting of the request by a
6 defendant shall temporarily suspend for the time of the delay
7 the period within which a person shall be tried as prescribed
8 by subsection ~~subsections~~ (a), (b), or (e) of Section 103-5 of
9 this Code and on the day of the expiration of delay the period
10 shall continue at the point at which it was suspended.

11 (f) At the hearing at which conditions of pretrial release
12 are determined, the person charged shall be present in person
13 rather than by video phone or any other form of electronic
14 communication, unless the physical health and safety of the
15 person would be endangered by appearing in court or the
16 accused waives the right to be present in person.

17 (g) Defense counsel shall be given adequate opportunity to
18 confer with the defendant ~~Defendant~~ prior to any hearing in
19 which conditions of release or the detention of the defendant
20 ~~Defendant~~ is to be considered, with a physical accommodation
21 made to facilitate attorney/client consultation.

22 (Source: P.A. 100-1, eff. 1-1-18; 101-652, eff. 1-1-23;
23 revised 11-24-21.)

24 Section 15. The Pretrial Services Act is amended by
25 changing Section 7 as follows:

1 (725 ILCS 185/7) (from Ch. 38, par. 307)

2 Sec. 7. Pretrial services agencies shall perform the
3 following duties for the circuit court:

4 (a) Interview and assemble verified information and data
5 concerning the community ties, employment, residency, criminal
6 record, and social background of arrested persons who are to
7 be, or have been, presented in court for first appearance on
8 felony charges, to assist the court in determining the
9 appropriate terms and conditions of pretrial release;

10 (b) Submit written reports of those investigations to the
11 court along with such findings and recommendations, if any, as
12 may be necessary to assess: ~~(1) the need for financial~~
13 ~~security to assure the defendant's appearance at later~~
14 ~~proceedings; and (2) appropriate conditions which shall be~~
15 imposed to protect against the risks of nonappearance and
16 commission of new offenses or other interference with the
17 orderly administration of justice before trial;

18 (c) Supervise compliance with pretrial release conditions,
19 and promptly report violations of those conditions to the
20 court and prosecutor to assure effective enforcement;

21 (d) Cooperate with the court and all other criminal
22 justice agencies in the development of programs to minimize
23 unnecessary pretrial detention and protect the public against
24 breaches of pretrial release conditions; and

25 (e) Monitor the local operations of the pretrial release

1 system and maintain accurate and comprehensive records of
2 program activities.

3 (Source: P.A. 84-1449.)

4 Section 20. The Unified Code of Corrections is amended by
5 changing Sections 5-8-1 and 5-8A-4 and by adding Section 5-8-9
6 as follows:

7 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

8 Sec. 5-8-1. Natural life imprisonment; enhancements for
9 use of a firearm; mandatory supervised release terms.

10 (a) Except as otherwise provided in the statute defining
11 the offense or in Article 4.5 of Chapter V, a sentence of
12 imprisonment for a felony shall be a determinate sentence set
13 by the court under this Section, subject to Section 5-4.5-115
14 of this Code, according to the following limitations:

15 (1) for first degree murder,

16 (a) (blank),

17 (b) if a trier of fact finds beyond a reasonable
18 doubt that the murder was accompanied by exceptionally
19 brutal or heinous behavior indicative of wanton
20 cruelty or, except as set forth in subsection
21 (a) (1) (c) of this Section, that any of the aggravating
22 factors listed in subsection (b) or (b-5) of Section
23 9-1 of the Criminal Code of 1961 or the Criminal Code
24 of 2012 are present, the court may sentence the

1 defendant, subject to Section 5-4.5-105, to a term of
2 natural life imprisonment, or

3 (c) the court shall sentence the defendant to a
4 term of natural life imprisonment if the defendant, at
5 the time of the commission of the murder, had attained
6 the age of 18, and:

7 (i) has previously been convicted of first
8 degree murder under any state or federal law, or

9 (ii) is found guilty of murdering more than
10 one victim, or

11 (iii) is found guilty of murdering a peace
12 officer, fireman, or emergency management worker
13 when the peace officer, fireman, or emergency
14 management worker was killed in the course of
15 performing his official duties, or to prevent the
16 peace officer or fireman from performing his
17 official duties, or in retaliation for the peace
18 officer, fireman, or emergency management worker
19 from performing his official duties, and the
20 defendant knew or should have known that the
21 murdered individual was a peace officer, fireman,
22 or emergency management worker, or

23 (iv) is found guilty of murdering an employee
24 of an institution or facility of the Department of
25 Corrections, or any similar local correctional
26 agency, when the employee was killed in the course

1 of performing his official duties, or to prevent
2 the employee from performing his official duties,
3 or in retaliation for the employee performing his
4 official duties, or

5 (v) is found guilty of murdering an emergency
6 medical technician - ambulance, emergency medical
7 technician - intermediate, emergency medical
8 technician - paramedic, ambulance driver or other
9 medical assistance or first aid person while
10 employed by a municipality or other governmental
11 unit when the person was killed in the course of
12 performing official duties or to prevent the
13 person from performing official duties or in
14 retaliation for performing official duties and the
15 defendant knew or should have known that the
16 murdered individual was an emergency medical
17 technician - ambulance, emergency medical
18 technician - intermediate, emergency medical
19 technician - paramedic, ambulance driver, or other
20 medical assistant or first aid personnel, or

21 (vi) (blank), or

22 (vii) is found guilty of first degree murder
23 and the murder was committed by reason of any
24 person's activity as a community policing
25 volunteer or to prevent any person from engaging
26 in activity as a community policing volunteer. For

1 the purpose of this Section, "community policing
2 volunteer" has the meaning ascribed to it in
3 Section 2-3.5 of the Criminal Code of 2012.

4 For purposes of clause (v), "emergency medical
5 technician - ambulance", "emergency medical technician
6 - intermediate", "emergency medical technician -
7 paramedic", have the meanings ascribed to them in the
8 Emergency Medical Services (EMS) Systems Act.

9 (d) (i) if the person committed the offense while
10 armed with a firearm, 15 years shall be added to
11 the term of imprisonment imposed by the court;

12 (ii) if, during the commission of the offense, the
13 person personally discharged a firearm, 20 years shall
14 be added to the term of imprisonment imposed by the
15 court;

16 (iii) if, during the commission of the offense,
17 the person personally discharged a firearm that
18 proximately caused great bodily harm, permanent
19 disability, permanent disfigurement, or death to
20 another person, 25 years or up to a term of natural
21 life shall be added to the term of imprisonment
22 imposed by the court.

23 (2) (blank);

24 (2.5) for a person who has attained the age of 18 years
25 at the time of the commission of the offense and who is
26 convicted under the circumstances described in subdivision

1 (b) (1) (B) of Section 11-1.20 or paragraph (3) of
2 subsection (b) of Section 12-13, subdivision (d) (2) of
3 Section 11-1.30 or paragraph (2) of subsection (d) of
4 Section 12-14, subdivision (b) (1.2) of Section 11-1.40 or
5 paragraph (1.2) of subsection (b) of Section 12-14.1,
6 subdivision (b) (2) of Section 11-1.40 or paragraph (2) of
7 subsection (b) of Section 12-14.1 of the Criminal Code of
8 1961 or the Criminal Code of 2012, the sentence shall be a
9 term of natural life imprisonment.

10 (b) (Blank).

11 (c) (Blank).

12 (d) Subject to earlier termination under Section 3-3-8,
13 the parole or mandatory supervised release term shall be
14 written as part of the sentencing order and shall be as
15 follows:

16 (1) for first degree murder or for the offenses of
17 predatory criminal sexual assault of a child, aggravated
18 criminal sexual assault, and criminal sexual assault if
19 committed on or before December 12, 2005, 3 years;

20 (1.5) except as provided in paragraph (7) of this
21 subsection (d), for a Class X felony except for the
22 offenses of predatory criminal sexual assault of a child,
23 aggravated criminal sexual assault, and criminal sexual
24 assault if committed on or after December 13, 2005 (the
25 effective date of Public Act 94-715) and except for the
26 offense of aggravated child pornography under Section

1 11-20.1B, 11-20.3, or 11-20.1 with sentencing under
2 subsection (c-5) of Section 11-20.1 of the Criminal Code
3 of 1961 or the Criminal Code of 2012, if committed on or
4 after January 1, 2009, 18 months;

5 (2) except as provided in paragraph (7) of this
6 subsection (d), for a Class 1 felony or a Class 2 felony
7 except for the offense of criminal sexual assault if
8 committed on or after December 13, 2005 (the effective
9 date of Public Act 94-715) and except for the offenses of
10 manufacture and dissemination of child pornography under
11 clauses (a)(1) and (a)(2) of Section 11-20.1 of the
12 Criminal Code of 1961 or the Criminal Code of 2012, if
13 committed on or after January 1, 2009, 12 months;

14 (3) except as provided in paragraph (4), (6), or (7)
15 of this subsection (d), a mandatory supervised release
16 term shall not be imposed for a Class 3 felony or a Class 4
17 felony; unless:

18 (A) the Prisoner Review Board, based on a
19 validated risk and needs assessment, determines it is
20 necessary for an offender to serve a mandatory
21 supervised release term;

22 (B) if the Prisoner Review Board determines a
23 mandatory supervised release term is necessary
24 pursuant to subparagraph (A) of this paragraph (3),
25 the Prisoner Review Board shall specify the maximum
26 number of months of mandatory supervised release the

1 offender may serve, limited to a term of: (i) 12 months
2 for a Class 3 felony; and (ii) 12 months for a Class 4
3 felony;

4 (4) for defendants who commit the offense of predatory
5 criminal sexual assault of a child, aggravated criminal
6 sexual assault, or criminal sexual assault, on or after
7 December 13, 2005 (the effective date of Public Act
8 94-715), or who commit the offense of aggravated child
9 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
10 with sentencing under subsection (c-5) of Section 11-20.1
11 of the Criminal Code of 1961 or the Criminal Code of 2012,
12 manufacture of child pornography, or dissemination of
13 child pornography after January 1, 2009, the term of
14 mandatory supervised release shall range from a minimum of
15 3 years to a maximum of the natural life of the defendant;

16 (5) if the victim is under 18 years of age, for a
17 second or subsequent offense of aggravated criminal sexual
18 abuse or felony criminal sexual abuse, 4 years, at least
19 the first 2 years of which the defendant shall serve in an
20 electronic monitoring or home detention program under
21 Article 8A of Chapter V of this Code;

22 (6) for a felony domestic battery, aggravated domestic
23 battery, stalking, aggravated stalking, and a felony
24 violation of an order of protection, 4 years;

25 (7) for any felony described in paragraph (a)(2)(ii),
26 (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),

1 (a) (2.4), (a) (2.5), or (a) (2.6) of Article 5, Section
2 3-6-3 of the Unified Code of Corrections requiring an
3 inmate to serve a minimum of 85% of their court-imposed
4 sentence, except for the offenses of predatory criminal
5 sexual assault of a child, aggravated criminal sexual
6 assault, and criminal sexual assault if committed on or
7 after December 13, 2005 (the effective date of Public Act
8 94-715) and except for the offense of aggravated child
9 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
10 with sentencing under subsection (c-5) of Section 11-20.1
11 of the Criminal Code of 1961 or the Criminal Code of 2012,
12 if committed on or after January 1, 2009 and except as
13 provided in paragraph (4) or paragraph (6) of this
14 subsection (d), the term of mandatory supervised release
15 shall be as follows:

16 (A) Class X felony, 3 years;

17 (B) Class 1 or Class 2 felonies, 2 years;

18 (C) Class 3 or Class 4 felonies, 1 year.

19 (e) (Blank).

20 (f) (Blank).

21 (g) Notwithstanding any other provisions of this Act and
22 of Public Act 101-652: (i) the provisions of paragraph (3) of
23 subsection (d) are effective on March 1, 2023 ~~July 1, 2022~~ and
24 shall apply to all individuals convicted on or after the
25 effective date of paragraph (3) of subsection (d); and (ii)
26 the provisions of paragraphs (1.5) and (2) of subsection (d)

1 are effective on July 1, 2021 and shall apply to all
2 individuals convicted on or after the effective date of
3 paragraphs (1.5) and (2) of subsection (d).

4 (Source: P.A. 101-288, eff. 1-1-20; 101-652, eff. 7-1-21;
5 102-28, eff. 6-25-21; 102-687, eff. 12-17-21; 102-694, eff.
6 1-7-22.)

7 (730 ILCS 5/5-8-9 new)

8 Sec. 5-8-9. The Commission on Pretrial Implementation.

9 (a) The Commission on Pretrial Implementation is created
10 within the Illinois Sentencing Policy Advisory Council to
11 provide recommendations to the General Assembly and Governor
12 on the implementation of the pretrial fairness provisions of
13 Public Act 101-652, including, but not limited to, eligibility
14 for pretrial detention. The Commission shall engage with
15 relevant stakeholders and review all available data in
16 providing recommendations.

17 (b) The Commission shall be composed of:

18 (1) the Executive Director of the Illinois Sentencing
19 Policy Advisory Council, or his or her designee;

20 (2) two members of the House of Representatives,
21 appointed by the Speaker of the House of Representatives;

22 (3) one member of the House of Representatives,
23 appointed by the Minority Leader of the House of
24 Representatives;

25 (4) two members of the Senate, appointed by the

1 President of the Senate;

2 (5) one member of the Senate, appointed by the
3 Minority Leader of the Senate;

4 (6) the Attorney General, or his or her designee;

5 (7) two members appointed by the President of the
6 Illinois State's Attorneys Association;

7 (8) two members appointed by the President of the
8 Illinois Public Defender Association;

9 (9) one member representing chiefs of police,
10 appointed by the Governor;

11 (10) one member representing sheriffs, appointed by
12 the Governor;

13 (11) the Director of the Illinois State Police, or the
14 Director's designee;

15 (12) the Chief Judge of the Circuit Court of Cook
16 County, or the Chief Judge's designee;

17 (13) the President of Illinois State Bar Association,
18 or the President's designee;

19 (14) the President of the Illinois Probation and Court
20 Services Association, or the President's designee;

21 (15) one member representing a statewide civil
22 liberties advocacy group, appointed by the Governor;

23 (16) the Executive Director of the Administrative
24 Office of the Illinois Courts, or the Executive Director's
25 designee;

26 (17) one member representing a racial justice advocacy

1 group, appointed by the Governor;

2 (18) one member representing an immigrant advocacy
3 group, appointed by the Governor;

4 (19) one member representing a crime victims advocacy
5 group, appointed by the Governor;

6 (20) one member representing a domestic or sexual
7 violence victims advocacy group, appointed by the
8 Governor; and

9 (21) two members of the public, appointed by the
10 Governor.

11 (c) Members shall serve 3-year terms without compensation.
12 The Commission shall select its Chairperson. The Sentencing
13 Policy Advisory Council shall provide administrative support
14 to the Commission.

15 (d) The Commission shall provide its first report to the
16 General Assembly and the Governor on November 15, 2022 and
17 shall include in the report any recommendations regarding
18 eligibility for pretrial detention. Beginning in 2023, the
19 Commission shall provide an annual report to the General
20 Assembly and the Governor by December 31.

21 (730 ILCS 5/5-8A-4) (from Ch. 38, par. 1005-8A-4)

22 Sec. 5-8A-4. Program description. The supervising
23 authority may promulgate rules that prescribe reasonable
24 guidelines under which an electronic monitoring and home
25 detention program shall operate. When using electronic

1 monitoring for home detention these rules may include, but not
2 be limited to, the following:

3 (A) The participant may be instructed to remain within
4 the interior premises or within the property boundaries of
5 his or her residence at all times during the hours
6 designated by the supervising authority. Such instances of
7 approved absences from the home shall include, but are not
8 limited to, the following:

9 (1) working or employment approved by the court or
10 traveling to or from approved employment;

11 (2) unemployed and seeking employment approved for
12 the participant by the court;

13 (3) undergoing medical, psychiatric, mental health
14 treatment, counseling, or other treatment programs
15 approved for the participant by the court;

16 (4) attending an educational institution or a
17 program approved for the participant by the court;

18 (5) attending a regularly scheduled religious
19 service at a place of worship;

20 (6) participating in community work release or
21 community service programs approved for the
22 participant by the supervising authority;

23 (7) for another compelling reason consistent with
24 the public interest, as approved by the supervising
25 authority; or

26 (8) purchasing groceries, food, or other basic

1 necessities.

2 (A-1) At a minimum, any person ordered to pretrial
3 home confinement with or without electronic monitoring
4 must be provided with movement spread out over no fewer
5 than 2 periods of time ~~two days~~ per week, to participate in
6 basic activities such as those listed in paragraph (A).
7 The periods of time shall be determined by the supervising
8 authority. During any period of authorized movement, the
9 supervising authority may monitor the participant's
10 location.

11 If a person on pretrial home confinement is charged
12 with a forcible felony, the State may file a verified
13 motion to deny the participant movement under this
14 paragraph. Following a hearing, the court shall grant the
15 motion only if the court finds by clear and convincing
16 evidence that, based on the totality of the circumstances,
17 movement should be denied. In evaluating the totality of
18 the circumstances, the court shall consider if the
19 movement restriction is necessary to prevent a specific,
20 real, and present threat to the safety of another person
21 or persons and whether the participant would be able to
22 meet the participant's basic needs without movement under
23 this paragraph.

24 (B) The participant shall admit any person or agent
25 designated by the supervising authority into his or her
26 residence at any time for purposes of verifying the

1 participant's compliance with the conditions of his or her
2 detention.

3 (C) The participant shall make the necessary
4 arrangements to allow for any person or agent designated
5 by the supervising authority to visit the participant's
6 place of education or employment at any time, based upon
7 the approval of the educational institution employer or
8 both, for the purpose of verifying the participant's
9 compliance with the conditions of his or her detention.

10 (D) The participant shall acknowledge and participate
11 with the approved electronic monitoring device as
12 designated by the supervising authority at any time for
13 the purpose of verifying the participant's compliance with
14 the conditions of his or her detention.

15 (E) The participant shall maintain the following:

16 (1) access to a working telephone;

17 (2) a monitoring device in the participant's home,
18 or on the participant's person, or both; and

19 (3) a monitoring device in the participant's home
20 and on the participant's person in the absence of a
21 telephone.

22 (F) The participant shall obtain approval from the
23 supervising authority before the participant changes
24 residence or the schedule described in subsection (A) of
25 this Section. Such approval shall not be unreasonably
26 withheld.

1 (G) The participant shall not commit another crime
2 during the period of home detention ordered by the Court.

3 (H) Notice to the participant that violation of the
4 order for home detention may subject the participant to
5 prosecution for the crime of escape as described in
6 Section 5-8A-4.1.

7 (I) The participant shall abide by other conditions as
8 set by the supervising authority.

9 (J) This Section takes effect January 1, 2022.

10 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
11 102-687, eff. 12-17-21.)

12 Section 95. No acceleration or delay. Where this Act makes
13 changes in a statute that is represented in this Act by text
14 that is not yet or no longer in effect (for example, a Section
15 represented by multiple versions), the use of that text does
16 not accelerate or delay the taking effect of (i) the changes
17 made by this Act or (ii) provisions derived from any other
18 Public Act.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."