

SB3534



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3534

Introduced 2/9/2024, by Sen. Terri Bryant

SYNOPSIS AS INTRODUCED:

730 ILCS 190/10

Amends the Illinois Crime Reduction Act of 2009. Provides that the policies, rules, and regulations adopted by the Parole Division and the Prisoner Review Board shall authorize and implement the use by the Department of Corrections of drug detecting scanning devices for supervised individuals packages and mail. Provides that the policies, rules, and regulations of the Department of Corrections shall authorize and implement the Department of Corrections use of drug detecting scanning devices for prisoners packages and mail for suspected drugs.

LRB103 38076 RLC 68208 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The 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.

17 (1) The Parole Division of the Department of
18 Corrections and the Prisoner Review Board shall adopt
19 policies, rules, and regulations that, within the first
20 year of the adoption, validation, and utilization of the
21 statewide, standardized risk assessment tool described in
22 this Act, result in at least 25% of supervised individuals
23 being supervised in accordance with evidence-based

1 practices; within 3 years of the adoption, validation, and
2 utilization of the statewide, standardized risk assessment
3 tool result in at least 50% of supervised individuals
4 being supervised in accordance with evidence-based
5 practices; and within 5 years of the adoption, validation,
6 and utilization of the statewide, standardized risk
7 assessment tool result in at least 75% of supervised
8 individuals being supervised in accordance with
9 evidence-based practices. The policies, rules, and
10 regulations shall:

11 (A) Provide for a standardized individual case
12 plan that follows the offender through the criminal
13 justice system (including in-prison if the supervised
14 individual is in prison) that is:

15 (i) Based on the assets of the individual as
16 well as his or her risks and needs identified
17 through the assessment tool as described in this
18 Act.

19 (ii) Comprised of treatment and supervision
20 services appropriate to achieve the purpose of
21 this Act.

22 (iii) Consistently updated, based on program
23 participation by the supervised individual and
24 other behavior modification exhibited by the
25 supervised individual.

26 (B) Concentrate resources and services on

1 high-risk offenders.

2 (C) Provide for the use of evidence-based
3 programming related to education, job training,
4 cognitive behavioral therapy, and other programming
5 designed to reduce criminal behavior.

6 (C-1) Authorize and implement the use by the
7 Department of Corrections of drug detecting scanning
8 devices for supervised individuals packages and mail.

9 (D) Establish a system of graduated responses.

10 (i) The system shall set forth a menu of
11 presumptive responses for the most common types of
12 supervision violations.

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

21 (iii) The system of responses shall take into
22 account factors such as the severity of the
23 current violation; the supervised individual's
24 risk level as determined by a validated assessment
25 tool described in this Act; the supervised
26 individual's assets; his or her previous criminal

1 record; and the number and severity of any
2 previous supervision violations.

3 (iv) The system shall also define positive
4 reinforcements that supervised individuals may
5 receive for compliance with conditions of
6 supervision.

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

11 (vi) The system of graduated responses shall
12 be published on the Department of Corrections
13 website for public view.

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
22 any 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
24 in 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 (E) Establish and implement the use of drug
11 detecting devices for the scanning of all prisoner
12 mail and packages for suspected drugs.

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

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

26 (d) The Parole Division of the Department of Corrections

1 and the Prisoner Review Board shall provide their employees
2 with intensive and ongoing training and professional
3 development services to support the implementation of
4 evidence-based practices. The training and professional
5 development services shall include assessment techniques, case
6 planning, cognitive behavioral training, risk reduction and
7 intervention strategies, effective communication skills,
8 substance abuse treatment education, and other topics
9 identified by the agencies or their employees.

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

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

1 the prior calendar year:

2 (1) demographic data of individuals on electronic
3 monitoring and GPS monitoring, separated by the following
4 categories:

5 (A) race or ethnicity;

6 (B) gender; and

7 (C) age;

8 (2) incarceration data of individuals subject to
9 conditions of electronic or GPS monitoring, separated by
10 the following categories:

11 (A) highest class of offense for which the
12 individuals are currently serving a term of release;
13 and

14 (B) length of imprisonment served prior to the
15 current release period;

16 (3) the number of individuals subject to conditions of
17 electronic or GPS monitoring, separated by the following
18 categories:

19 (A) the number of individuals subject to
20 monitoring under Section 5-8A-6 of the Unified Code of
21 Corrections;

22 (B) the number of individuals subject monitoring
23 under Section 5-8A-7 of the Unified Code of
24 Corrections;

25 (C) the number of individuals subject to
26 monitoring under a discretionary order of the Prisoner

1 Review Board at the time of their release; and

2 (D) the number of individuals subject to
3 monitoring as a sanction for violations of parole or
4 mandatory supervised release, separated by the
5 following categories:

6 (i) the number of individuals subject to
7 monitoring as part of a graduated sanctions
8 program; and

9 (ii) the number of individuals subject to
10 monitoring as a new condition of re-release after
11 a revocation hearing before the Prisoner Review
12 Board;

13 (4) the number of discretionary monitoring orders
14 issued by the Prisoner Review Board, separated by the
15 following categories:

16 (A) less than 30 days;

17 (B) 31 to 60 days;

18 (C) 61 to 90 days;

19 (D) 91 to 120 days;

20 (E) 121 to 150 days;

21 (F) 151 to 180 days;

22 (G) 181 to 364 days;

23 (H) 365 days or more; and

24 (I) duration of release term;

25 (5) the number of discretionary monitoring orders by
26 the Board which removed or terminated monitoring prior to

1 the completion of the original period ordered;

2 (6) the number and severity category for sanctions
3 imposed on individuals on electronic or GPS monitoring,
4 separated by the following categories:

5 (A) absconding from electronic monitoring or GPS;

6 (B) tampering or removing the electronic
7 monitoring or GPS device;

8 (C) unauthorized leaving of the residence;

9 (D) presence of the individual in a prohibited
10 area; or

11 (E) other violations of the terms of the
12 electronic monitoring program;

13 (7) the number of individuals for whom a parole
14 revocation case was filed for failure to comply with the
15 terms of electronic or GPS monitoring, separated by the
16 following categories:

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

19 (B) cases when failure to comply with the terms of
20 monitoring was alleged in conjunction with other
21 alleged violations;

22 (8) residential data for individuals subject to
23 electronic or GPS monitoring, separated by the following
24 categories:

25 (A) the county of the residence address for
26 individuals subject to electronic or GPS monitoring as

1 a condition of their release; and

2 (B) for counties with a population over 3,000,000,
3 the zip codes of the residence address for individuals
4 subject to electronic or GPS monitoring as a condition
5 of their release;

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

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

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

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

1 of subsection (a) of Section 3-3-7 of the Unified Code
2 of Corrections.

3 (Source: P.A. 102-558, eff. 8-20-21; 103-271, eff. 1-1-24.)