



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB0554

Introduced 2/17/2005, by Sen. Debbie DeFrancesco Halvorson

#### SYNOPSIS AS INTRODUCED:

|  |                             |
|--|-----------------------------|
| 20 ILCS 3930/7                         | from Ch. 38, par. 210-7     |
| 730 ILCS 5/3-2-2                       | from Ch. 38, par. 1003-2-2  |
| 730 ILCS 5/3-3-2                       | from Ch. 38, par. 1003-3-2  |
| 730 ILCS 5/3-15-2                      | from Ch. 38, par. 1003-15-2 |
| 730 ILCS 5/Ch. III Art. 17 heading new |                             |
| 730 ILCS 5/3-17-5 new                  |                             |
| 730 ILCS 5/3-17-10 new                 |                             |
| 730 ILCS 5/3-17-15 new                 |                             |
| 730 ILCS 5/3-17-20 new                 |                             |
| 730 ILCS 5/3-17-25 new                 |                             |
| 730 ILCS 5/5-8-6                       | from Ch. 38, par. 1005-8-6  |

Amends the Illinois Criminal Justice Information Act. Provides that the Illinois Criminal Justice Information Authority may apply for, receive, establish priorities for, allocate, disburse, and spend grants of funds for assisting counties and municipalities in establishing and maintaining reentry programs. Amends the Unified Code of Corrections. Permits a county or municipality that maintains a jail or municipal house of corrections to establish a program for the reentry into the community of felony offenders who are within one year of their release from prison. Provides that an offender must demonstrate a willingness to engage in employment or participate in vocational rehabilitation or job skills training and meet any existing obligation for restitution to any victim of his or her crime. Establishes various services that will be provided to participants in the program. Provides that the Department of Corrections shall establish standards for and shall inspect facilities that house participants in the reentry programs. Provides that the Department of Corrections may make construction and renovation grants for these facilities.

LRB094 08404 RLC 38605 b

FISCAL NOTE ACT  
MAY APPLY

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 Criminal Justice Information Act is  
5 amended by changing Section 7 as follows:

6 (20 ILCS 3930/7) (from Ch. 38, par. 210-7)

7 Sec. 7. Powers and Duties. The Authority shall have the  
8 following powers, duties and responsibilities:

9 (a) To develop and operate comprehensive information  
10 systems for the improvement and coordination of all aspects  
11 of law enforcement, prosecution and corrections;

12 (b) To define, develop, evaluate and correlate State  
13 and local programs and projects associated with the  
14 improvement of law enforcement and the administration of  
15 criminal justice;

16 (c) To act as a central repository and clearing house  
17 for federal, state and local research studies, plans,  
18 projects, proposals and other information relating to all  
19 aspects of criminal justice system improvement and to  
20 encourage educational programs for citizen support of  
21 State and local efforts to make such improvements;

22 (d) To undertake research studies to aid in  
23 accomplishing its purposes;

24 (e) To monitor the operation of existing criminal  
25 justice information systems in order to protect the  
26 constitutional rights and privacy of individuals about  
27 whom criminal history record information has been  
28 collected;

29 (f) To provide an effective administrative forum for  
30 the protection of the rights of individuals concerning  
31 criminal history record information;

32 (g) To issue regulations, guidelines and procedures

1 which ensure the privacy and security of criminal history  
2 record information consistent with State and federal laws;

3 (h) To act as the sole administrative appeal body in  
4 the State of Illinois to conduct hearings and make final  
5 determinations concerning individual challenges to the  
6 completeness and accuracy of criminal history record  
7 information;

8 (i) To act as the sole, official, criminal justice body  
9 in the State of Illinois to conduct annual and periodic  
10 audits of the procedures, policies, and practices of the  
11 State central repositories for criminal history record  
12 information to verify compliance with federal and state  
13 laws and regulations governing such information;

14 (j) To advise the Authority's Statistical Analysis  
15 Center;

16 (k) To apply for, receive, establish priorities for,  
17 allocate, disburse and spend grants of funds that are made  
18 available by and received on or after January 1, 1983 from  
19 private sources or from the United States pursuant to the  
20 federal Crime Control Act of 1973, as amended, and similar  
21 federal legislation, and to enter into agreements with the  
22 United States government to further the purposes of this  
23 Act, or as may be required as a condition of obtaining  
24 federal funds;

25 (k-5) To apply for, receive, establish priorities for,  
26 allocate, disburse, and spend grants of funds for assisting  
27 counties and municipalities in establishing and  
28 maintaining reentry programs created under Article 17 of  
29 Chapter III of the Unified Code of Corrections;

30 (l) To receive, expend and account for such funds of  
31 the State of Illinois as may be made available to further  
32 the purposes of this Act;

33 (m) To enter into contracts and to cooperate with units  
34 of general local government or combinations of such units,  
35 State agencies, and criminal justice system agencies of  
36 other states for the purpose of carrying out the duties of

1 the Authority imposed by this Act or by the federal Crime  
2 Control Act of 1973, as amended;

3 (n) To enter into contracts and cooperate with units of  
4 general local government outside of Illinois, other  
5 states' agencies, and private organizations outside of  
6 Illinois to provide computer software or design that has  
7 been developed for the Illinois criminal justice system, or  
8 to participate in the cooperative development or design of  
9 new software or systems to be used by the Illinois criminal  
10 justice system. Revenues received as a result of such  
11 arrangements shall be deposited in the Criminal Justice  
12 Information Systems Trust Fund.

13 (o) To establish general policies concerning criminal  
14 justice information systems and to promulgate such rules,  
15 regulations and procedures as are necessary to the  
16 operation of the Authority and to the uniform consideration  
17 of appeals and audits;

18 (p) To advise and to make recommendations to the  
19 Governor and the General Assembly on policies relating to  
20 criminal justice information systems;

21 (q) To direct all other agencies under the jurisdiction  
22 of the Governor to provide whatever assistance and  
23 information the Authority may lawfully require to carry out  
24 its functions;

25 (r) To exercise any other powers that are reasonable  
26 and necessary to fulfill the responsibilities of the  
27 Authority under this Act and to comply with the  
28 requirements of applicable federal law or regulation;

29 (s) To exercise the rights, powers and duties which  
30 have been vested in the Authority by the "Illinois Uniform  
31 Conviction Information Act", enacted by the 85th General  
32 Assembly, as hereafter amended; and

33 (t) To exercise the rights, powers and duties which  
34 have been vested in the Authority by the Illinois Motor  
35 Vehicle Theft Prevention Act.

36 The requirement for reporting to the General Assembly shall

1 be satisfied by filing copies of the report with the Speaker,  
2 the Minority Leader and the Clerk of the House of  
3 Representatives and the President, the Minority Leader and the  
4 Secretary of the Senate and the Legislative Research Unit, as  
5 required by Section 3.1 of "An Act to revise the law in  
6 relation to the General Assembly", approved February 25, 1874,  
7 as amended, and filing such additional copies with the State  
8 Government Report Distribution Center for the General Assembly  
9 as is required under paragraph (t) of Section 7 of the State  
10 Library Act.

11 (Source: P.A. 85-922; 86-1408.)

12 Section 10. The Unified Code of Corrections is amended by  
13 changing Sections 3-2-2, 3-3-2, 3-15-2, and 5-8-6 and by adding  
14 Article 17 as follows:

15 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

16 Sec. 3-2-2. Powers and Duties of the Department.

17 (1) In addition to the powers, duties and responsibilities  
18 which are otherwise provided by law, the Department shall have  
19 the following powers:

20 (a) To accept persons committed to it by the courts of  
21 this State for care, custody, treatment and  
22 rehabilitation, and to accept federal prisoners and aliens  
23 over whom the Office of the Federal Detention Trustee is  
24 authorized to exercise the federal detention function for  
25 limited purposes and periods of time.

26 (b) To develop and maintain reception and evaluation  
27 units for purposes of analyzing the custody and  
28 rehabilitation needs of persons committed to it and to  
29 assign such persons to institutions and programs under its  
30 control or transfer them to other appropriate agencies. In  
31 consultation with the Department of Alcoholism and  
32 Substance Abuse (now the Department of Human Services), the  
33 Department of Corrections shall develop a master plan for  
34 the screening and evaluation of persons committed to its

1 custody who have alcohol or drug abuse problems, and for  
2 making appropriate treatment available to such persons;  
3 the Department shall report to the General Assembly on such  
4 plan not later than April 1, 1987. The maintenance and  
5 implementation of such plan shall be contingent upon the  
6 availability of funds.

7 (b-1) To create and implement, on January 1, 2002, a  
8 pilot program to establish the effectiveness of  
9 pupillometer technology (the measurement of the pupil's  
10 reaction to light) as an alternative to a urine test for  
11 purposes of screening and evaluating persons committed to  
12 its custody who have alcohol or drug problems. The pilot  
13 program shall require the pupillometer technology to be  
14 used in at least one Department of Corrections facility.  
15 The Director may expand the pilot program to include an  
16 additional facility or facilities as he or she deems  
17 appropriate. A minimum of 4,000 tests shall be included in  
18 the pilot program. The Department must report to the  
19 General Assembly on the effectiveness of the program by  
20 January 1, 2003.

21 (b-5) To develop, in consultation with the Department  
22 of State Police, a program for tracking and evaluating each  
23 inmate from commitment through release for recording his or  
24 her gang affiliations, activities, or ranks.

25 (c) To maintain and administer all State correctional  
26 institutions and facilities under its control and to  
27 establish new ones as needed. Pursuant to its power to  
28 establish new institutions and facilities, the Department  
29 may, with the written approval of the Governor, authorize  
30 the Department of Central Management Services to enter into  
31 an agreement of the type described in subsection (d) of  
32 Section 405-300 of the Department of Central Management  
33 Services Law (20 ILCS 405/405-300). The Department shall  
34 designate those institutions which shall constitute the  
35 State Penitentiary System.

36 Pursuant to its power to establish new institutions and

1 facilities, the Department may authorize the Department of  
2 Central Management Services to accept bids from counties  
3 and municipalities for the construction, remodeling or  
4 conversion of a structure to be leased to the Department of  
5 Corrections for the purposes of its serving as a  
6 correctional institution or facility. Such construction,  
7 remodeling or conversion may be financed with revenue bonds  
8 issued pursuant to the Industrial Building Revenue Bond Act  
9 by the municipality or county. The lease specified in a bid  
10 shall be for a term of not less than the time needed to  
11 retire any revenue bonds used to finance the project, but  
12 not to exceed 40 years. The lease may grant to the State  
13 the option to purchase the structure outright.

14 Upon receipt of the bids, the Department may certify  
15 one or more of the bids and shall submit any such bids to  
16 the General Assembly for approval. Upon approval of a bid  
17 by a constitutional majority of both houses of the General  
18 Assembly, pursuant to joint resolution, the Department of  
19 Central Management Services may enter into an agreement  
20 with the county or municipality pursuant to such bid.

21 (c-5) To build and maintain regional juvenile  
22 detention centers and to charge a per diem to the counties  
23 as established by the Department to defray the costs of  
24 housing each minor in a center. In this subsection (c-5),  
25 "juvenile detention center" means a facility to house  
26 minors during pendency of trial who have been transferred  
27 from proceedings under the Juvenile Court Act of 1987 to  
28 prosecutions under the criminal laws of this State in  
29 accordance with Section 5-805 of the Juvenile Court Act of  
30 1987, whether the transfer was by operation of law or  
31 permissive under that Section. The Department shall  
32 designate the counties to be served by each regional  
33 juvenile detention center.

34 (d) To develop and maintain programs of control,  
35 rehabilitation and employment of committed persons within  
36 its institutions.

1 (e) To establish a system of supervision and guidance  
2 of committed persons in the community.

3 (f) To establish in cooperation with the Department of  
4 Transportation to supply a sufficient number of prisoners  
5 for use by the Department of Transportation to clean up the  
6 trash and garbage along State, county, township, or  
7 municipal highways as designated by the Department of  
8 Transportation. The Department of Corrections, at the  
9 request of the Department of Transportation, shall furnish  
10 such prisoners at least annually for a period to be agreed  
11 upon between the Director of Corrections and the Director  
12 of Transportation. The prisoners used on this program shall  
13 be selected by the Director of Corrections on whatever  
14 basis he deems proper in consideration of their term,  
15 behavior and earned eligibility to participate in such  
16 program - where they will be outside of the prison facility  
17 but still in the custody of the Department of Corrections.  
18 Prisoners convicted of first degree murder, or a Class X  
19 felony, or armed violence, or aggravated kidnapping, or  
20 criminal sexual assault, aggravated criminal sexual abuse  
21 or a subsequent conviction for criminal sexual abuse, or  
22 forcible detention, or arson, or a prisoner adjudged a  
23 Habitual Criminal shall not be eligible for selection to  
24 participate in such program. The prisoners shall remain as  
25 prisoners in the custody of the Department of Corrections  
26 and such Department shall furnish whatever security is  
27 necessary. The Department of Transportation shall furnish  
28 trucks and equipment for the highway cleanup program and  
29 personnel to supervise and direct the program. Neither the  
30 Department of Corrections nor the Department of  
31 Transportation shall replace any regular employee with a  
32 prisoner.

33 (g) To maintain records of persons committed to it and  
34 to establish programs of research, statistics and  
35 planning.

36 (h) To investigate the grievances of any person



1 committed to the Department, to inquire into any alleged  
2 misconduct by employees or committed persons, and to  
3 investigate the assets of committed persons to implement  
4 Section 3-7-6 of this Code; and for these purposes it may  
5 issue subpoenas and compel the attendance of witnesses and  
6 the production of writings and papers, and may examine  
7 under oath any witnesses who may appear before it; to also  
8 investigate alleged violations of a parolee's or  
9 releasee's conditions of parole or release; and for this  
10 purpose it may issue subpoenas and compel the attendance of  
11 witnesses and the production of documents only if there is  
12 reason to believe that such procedures would provide  
13 evidence that such violations have occurred.

14 If any person fails to obey a subpoena issued under  
15 this subsection, the Director may apply to any circuit  
16 court to secure compliance with the subpoena. The failure  
17 to comply with the order of the court issued in response  
18 thereto shall be punishable as contempt of court.

19 (i) To appoint and remove the chief administrative  
20 officers, and administer programs of training and  
21 development of personnel of the Department. Personnel  
22 assigned by the Department to be responsible for the  
23 custody and control of committed persons or to investigate  
24 the alleged misconduct of committed persons or employees or  
25 alleged violations of a parolee's or releasee's conditions  
26 of parole shall be conservators of the peace for those  
27 purposes, and shall have the full power of peace officers  
28 outside of the facilities of the Department in the  
29 protection, arrest, retaking and reconfining of committed  
30 persons or where the exercise of such power is necessary to  
31 the investigation of such misconduct or violations.

32 (j) To cooperate with other departments and agencies  
33 and with local communities for the development of standards  
34 and programs for better correctional services in this  
35 State.

36 (k) To administer all moneys and properties of the

1 Department.

2 (l) To report annually to the Governor on the committed  
3 persons, institutions and programs of the Department.

4 (l-5) In a confidential annual report to the Governor,  
5 the Department shall identify all inmate gangs by  
6 specifying each current gang's name, population and allied  
7 gangs. The Department shall further specify the number of  
8 top leaders identified by the Department for each gang  
9 during the past year, and the measures taken by the  
10 Department to segregate each leader from his or her gang  
11 and allied gangs. The Department shall further report the  
12 current status of leaders identified and segregated in  
13 previous years. All leaders described in the report shall  
14 be identified by inmate number or other designation to  
15 enable tracking, auditing, and verification without  
16 revealing the names of the leaders. Because this report  
17 contains law enforcement intelligence information  
18 collected by the Department, the report is confidential and  
19 not subject to public disclosure.

20 (m) To make all rules and regulations and exercise all  
21 powers and duties vested by law in the Department.

22 (n) To establish rules and regulations for  
23 administering a system of good conduct credits,  
24 established in accordance with Section 3-6-3, subject to  
25 review by the Prisoner Review Board.

26 (o) To administer the distribution of funds from the  
27 State Treasury to reimburse counties where State penal  
28 institutions are located for the payment of assistant  
29 state's attorneys' salaries under Section 4-2001 of the  
30 Counties Code.

31 (p) To exchange information with the Department of  
32 Human Services and the Illinois Department of Public Aid  
33 for the purpose of verifying living arrangements and for  
34 other purposes directly connected with the administration  
35 of this Code and the Illinois Public Aid Code.

36 (q) To establish a diversion program.

1           The program shall provide a structured environment for  
2 selected technical parole or mandatory supervised release  
3 violators and committed persons who have violated the rules  
4 governing their conduct while in work release. This program  
5 shall not apply to those persons who have committed a new  
6 offense while serving on parole or mandatory supervised  
7 release or while committed to work release.

8           Elements of the program shall include, but shall not be  
9 limited to, the following:

10           (1) The staff of a diversion facility shall provide  
11 supervision in accordance with required objectives set  
12 by the facility.

13           (2) Participants shall be required to maintain  
14 employment.

15           (3) Each participant shall pay for room and board  
16 at the facility on a sliding-scale basis according to  
17 the participant's income.

18           (4) Each participant shall:

19           (A) provide restitution to victims in  
20 accordance with any court order;

21           (B) provide financial support to his  
22 dependents; and

23           (C) make appropriate payments toward any other  
24 court-ordered obligations.

25           (5) Each participant shall complete community  
26 service in addition to employment.

27           (6) Participants shall take part in such  
28 counseling, educational and other programs as the  
29 Department may deem appropriate.

30           (7) Participants shall submit to drug and alcohol  
31 screening.

32           (8) The Department shall promulgate rules  
33 governing the administration of the program.

34           (r) To enter into intergovernmental cooperation  
35 agreements under which persons in the custody of the  
36 Department may participate in a county impact

1 incarceration program established under Section 3-6038 or  
2 3-15003.5 of the Counties Code.

3 (r-5) To enter into intergovernmental cooperation  
4 agreements under which minors adjudicated delinquent and  
5 committed to the Department of Corrections, Juvenile  
6 Division, may participate in a county juvenile impact  
7 incarceration program established under Section 3-6039 of  
8 the Counties Code.

9 (r-10) To systematically and routinely identify with  
10 respect to each streetgang active within the correctional  
11 system: (1) each active gang; (2) every existing inter-gang  
12 affiliation or alliance; and (3) the current leaders in  
13 each gang. The Department shall promptly segregate leaders  
14 from inmates who belong to their gangs and allied gangs.  
15 "Segregate" means no physical contact and, to the extent  
16 possible under the conditions and space available at the  
17 correctional facility, prohibition of visual and sound  
18 communication. For the purposes of this paragraph (r-10),  
19 "leaders" means persons who:

20 (i) are members of a criminal streetgang;

21 (ii) with respect to other individuals within the  
22 streetgang, occupy a position of organizer,  
23 supervisor, or other position of management or  
24 leadership; and

25 (iii) are actively and personally engaged in  
26 directing, ordering, authorizing, or requesting  
27 commission of criminal acts by others, which are  
28 punishable as a felony, in furtherance of streetgang  
29 related activity both within and outside of the  
30 Department of Corrections.

31 "Streetgang", "gang", and "streetgang related" have the  
32 meanings ascribed to them in Section 10 of the Illinois  
33 Streetgang Terrorism Omnibus Prevention Act.

34 (s) To operate a super-maximum security institution,  
35 in order to manage and supervise inmates who are disruptive  
36 or dangerous and provide for the safety and security of the

1 staff and the other inmates.

2 (t) To monitor any unprivileged conversation or any  
3 unprivileged communication, whether in person or by mail,  
4 telephone, or other means, between an inmate who, before  
5 commitment to the Department, was a member of an organized  
6 gang and any other person without the need to show cause or  
7 satisfy any other requirement of law before beginning the  
8 monitoring, except as constitutionally required. The  
9 monitoring may be by video, voice, or other method of  
10 recording or by any other means. As used in this  
11 subdivision (1)(t), "organized gang" has the meaning  
12 ascribed to it in Section 10 of the Illinois Streetgang  
13 Terrorism Omnibus Prevention Act.

14 As used in this subdivision (1)(t), "unprivileged  
15 conversation" or "unprivileged communication" means a  
16 conversation or communication that is not protected by any  
17 privilege recognized by law or by decision, rule, or order  
18 of the Illinois Supreme Court.

19 (u) To establish a Women's and Children's Pre-release  
20 Community Supervision Program for the purpose of providing  
21 housing and services to eligible female inmates, as  
22 determined by the Department, and their newborn and young  
23 children.

24 (v) To perform the duties prescribed in Article 17 of  
25 this Chapter.

26 (w) ~~(v)~~ To do all other acts necessary to carry out the  
27 provisions of this Chapter.

28 (2) The Department of Corrections shall by January 1, 1998,  
29 consider building and operating a correctional facility within  
30 100 miles of a county of over 2,000,000 inhabitants, especially  
31 a facility designed to house juvenile participants in the  
32 impact incarceration program.

33 (3) When the Department lets bids for contracts for medical  
34 services to be provided to persons committed to Department  
35 facilities by a health maintenance organization, medical  
36 service corporation, or other health care provider, the bid may

1 only be let to a health care provider that has obtained an  
2 irrevocable letter of credit or performance bond issued by a  
3 company whose bonds are rated AAA by a bond rating  
4 organization.

5 (4) When the Department lets bids for contracts for food or  
6 commissary services to be provided to Department facilities,  
7 the bid may only be let to a food or commissary services  
8 provider that has obtained an irrevocable letter of credit or  
9 performance bond issued by a company whose bonds are rated AAA  
10 by a bond rating organization.

11 (Source: P.A. 92-444, eff. 1-1-02; 92-712, eff. 1-1-03; 93-839,  
12 eff. 7-30-04.)

13 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

14 Sec. 3-3-2. Powers and Duties.

15 (a) The Parole and Pardon Board is abolished and the term  
16 "Parole and Pardon Board" as used in any law of Illinois, shall  
17 read "Prisoner Review Board." After the effective date of this  
18 amendatory Act of 1977, the Prisoner Review Board shall provide  
19 by rule for the orderly transition of all files, records, and  
20 documents of the Parole and Pardon Board and for such other  
21 steps as may be necessary to effect an orderly transition and  
22 shall:

23 (1) hear by at least one member and through a panel of  
24 at least 3 members decide, cases of prisoners who were  
25 sentenced under the law in effect prior to the effective  
26 date of this amendatory Act of 1977, and who are eligible  
27 for parole;

28 (2) hear by at least one member and through a panel of  
29 at least 3 members decide, the conditions of parole and the  
30 time of discharge from parole, impose sanctions for  
31 violations of parole, and revoke parole for those sentenced  
32 under the law in effect prior to this amendatory Act of  
33 1977; provided that the decision to parole and the  
34 conditions of parole for all prisoners who were sentenced  
35 for first degree murder or who received a minimum sentence

1 of 20 years or more under the law in effect prior to  
2 February 1, 1978 shall be determined by a majority vote of  
3 the Prisoner Review Board;

4 (3) hear by at least one member and through a panel of  
5 at least 3 members decide, the conditions of mandatory  
6 supervised release and the time of discharge from mandatory  
7 supervised release, impose sanctions for violations of  
8 mandatory supervised release, and revoke mandatory  
9 supervised release for those sentenced under the law in  
10 effect after the effective date of this amendatory Act of  
11 1977;

12 (4) hear by at least 1 member and through a panel of at  
13 least 3 members, decide cases brought by the Department of  
14 Corrections against a prisoner in the custody of the  
15 Department for alleged violation of Department rules with  
16 respect to good conduct credits pursuant to Section 3-6-3  
17 of this Code in which the Department seeks to revoke good  
18 conduct credits, if the amount of time at issue exceeds 30  
19 days or when, during any 12 month period, the cumulative  
20 amount of credit revoked exceeds 30 days except where the  
21 infraction is committed or discovered within 60 days of  
22 scheduled release. In such cases, the Department of  
23 Corrections may revoke up to 30 days of good conduct  
24 credit. The Board may subsequently approve the revocation  
25 of additional good conduct credit, if the Department seeks  
26 to revoke good conduct credit in excess of thirty days.  
27 However, the Board shall not be empowered to review the  
28 Department's decision with respect to the loss of 30 days  
29 of good conduct credit for any prisoner or to increase any  
30 penalty beyond the length requested by the Department;

31 (5) hear by at least one member and through a panel of  
32 at least 3 members decide, the release dates for certain  
33 prisoners sentenced under the law in existence prior to the  
34 effective date of this amendatory Act of 1977, in  
35 accordance with Section 3-3-2.1 of this Code;

36 (6) hear by at least one member and through a panel of

1 at least 3 members decide, all requests for pardon,  
2 reprieve or commutation, and make confidential  
3 recommendations to the Governor;

4 (7) comply with the requirements of the Open Parole  
5 Hearings Act;

6 (8) hear by at least one member and, through a panel of  
7 at least 3 members, decide cases brought by the Department  
8 of Corrections against a prisoner in the custody of the  
9 Department for court dismissal of a frivolous lawsuit  
10 pursuant to Section 3-6-3(d) of this Code in which the  
11 Department seeks to revoke up to 180 days of good conduct  
12 credit, and if the prisoner has not accumulated 180 days of  
13 good conduct credit at the time of the dismissal, then all  
14 good conduct credit accumulated by the prisoner shall be  
15 revoked; ~~and~~

16 (9) hear by at least 3 members, and, through a panel of  
17 at least 3 members, decide whether to grant certificates of  
18 relief from disabilities or certificates of good conduct as  
19 provided in Article 5.5 of Chapter V; ~~and~~.

20 (10) perform the duties prescribed in Article 17 of  
21 this Chapter.

22 (a-5) The Prisoner Review Board, with the cooperation of  
23 and in coordination with the Department of Corrections and the  
24 Department of Central Management Services, shall implement a  
25 pilot project in 3 correctional institutions providing for the  
26 conduct of hearings under paragraphs (1) and (4) of subsection  
27 (a) of this Section through interactive video conferences. The  
28 project shall be implemented within 6 months after the  
29 effective date of this amendatory Act of 1996. Within 6 months  
30 after the implementation of the pilot project, the Prisoner  
31 Review Board, with the cooperation of and in coordination with  
32 the Department of Corrections and the Department of Central  
33 Management Services, shall report to the Governor and the  
34 General Assembly regarding the use, costs, effectiveness, and  
35 future viability of interactive video conferences for Prisoner  
36 Review Board hearings.



1 (b) Upon recommendation of the Department the Board may  
2 restore good conduct credit previously revoked.

3 (c) The Board shall cooperate with the Department in  
4 promoting an effective system of parole and mandatory  
5 supervised release.

6 (d) The Board shall promulgate rules for the conduct of its  
7 work, and the Chairman shall file a copy of such rules and any  
8 amendments thereto with the Director and with the Secretary of  
9 State.

10 (e) The Board shall keep records of all of its official  
11 actions and shall make them accessible in accordance with law  
12 and the rules of the Board.

13 (f) The Board or one who has allegedly violated the  
14 conditions of his parole or mandatory supervised release may  
15 require by subpoena the attendance and testimony of witnesses  
16 and the production of documentary evidence relating to any  
17 matter under investigation or hearing. The Chairman of the  
18 Board may sign subpoenas which shall be served by any agent or  
19 public official authorized by the Chairman of the Board, or by  
20 any person lawfully authorized to serve a subpoena under the  
21 laws of the State of Illinois. The attendance of witnesses, and  
22 the production of documentary evidence, may be required from  
23 any place in the State to a hearing location in the State  
24 before the Chairman of the Board or his designated agent or  
25 agents or any duly constituted Committee or Subcommittee of the  
26 Board. Witnesses so summoned shall be paid the same fees and  
27 mileage that are paid witnesses in the circuit courts of the  
28 State, and witnesses whose depositions are taken and the  
29 persons taking those depositions are each entitled to the same  
30 fees as are paid for like services in actions in the circuit  
31 courts of the State. Fees and mileage shall be vouchered for  
32 payment when the witness is discharged from further attendance.

33 In case of disobedience to a subpoena, the Board may  
34 petition any circuit court of the State for an order requiring  
35 the attendance and testimony of witnesses or the production of  
36 documentary evidence or both. A copy of such petition shall be

1 served by personal service or by registered or certified mail  
2 upon the person who has failed to obey the subpoena, and such  
3 person shall be advised in writing that a hearing upon the  
4 petition will be requested in a court room to be designated in  
5 such notice before the judge hearing motions or extraordinary  
6 remedies at a specified time, on a specified date, not less  
7 than 10 nor more than 15 days after the deposit of the copy of  
8 the written notice and petition in the U.S. mails addressed to  
9 the person at his last known address or after the personal  
10 service of the copy of the notice and petition upon such  
11 person. The court upon the filing of such a petition, may order  
12 the person refusing to obey the subpoena to appear at an  
13 investigation or hearing, or to there produce documentary  
14 evidence, if so ordered, or to give evidence relative to the  
15 subject matter of that investigation or hearing. Any failure to  
16 obey such order of the circuit court may be punished by that  
17 court as a contempt of court.

18 Each member of the Board and any hearing officer designated  
19 by the Board shall have the power to administer oaths and to  
20 take the testimony of persons under oath.

21 (g) Except under subsection (a) of this Section, a majority  
22 of the members then appointed to the Prisoner Review Board  
23 shall constitute a quorum for the transaction of all business  
24 of the Board.

25 (h) The Prisoner Review Board shall annually transmit to  
26 the Director a detailed report of its work for the preceding  
27 calendar year. The annual report shall also be transmitted to  
28 the Governor for submission to the Legislature.

29 (Source: P.A. 93-207, eff. 1-1-04.)

30 (730 ILCS 5/3-15-2) (from Ch. 38, par. 1003-15-2)

31 Sec. 3-15-2. Standards and Assistance to Local Jails and  
32 Detention and Shelter Care Facilities.

33 (a) The Department shall establish for the operation of  
34 county and municipal jails and houses of correction, including  
35 county and municipal jails and houses of corrections that house

1 participants in reentry programs established under Article 17  
2 of this Chapter, and county juvenile detention and shelter care  
3 facilities established pursuant to the "County Shelter Care and  
4 Detention Home Act", minimum standards for the physical  
5 condition of such institutions and for the treatment of inmates  
6 with respect to their health and safety and the security of the  
7 community.

8 Such standards shall not apply to county shelter care  
9 facilities which were in operation prior to January 1, 1980.  
10 Such standards shall not seek to mandate minimum floor space  
11 requirements for each inmate housed in cells and detention  
12 rooms in county and municipal jails and houses of correction.  
13 However, no more than two inmates may be housed in a single  
14 cell or detention room.

15 When an inmate is tested for an airborne communicable  
16 disease, as determined by the Illinois Department of Public  
17 Health including but not limited to tuberculosis, the results  
18 of the test shall be personally delivered by the warden or his  
19 or her designee in a sealed envelope to the judge of the court  
20 in which the inmate must appear for the judge's inspection in  
21 camera if requested by the judge. Acting in accordance with the  
22 best interests of those in the courtroom, the judge shall have  
23 the discretion to determine what if any precautions need to be  
24 taken to prevent transmission of the disease in the courtroom.

25 (b) At least once each year, the Department may inspect  
26 each adult facility, including county and municipal jails and  
27 houses of corrections that house participants in reentry  
28 programs established under Article 17 of this Chapter, for  
29 compliance with the standards established and the results of  
30 such inspection shall be made available by the Department for  
31 public inspection. At least once each year, the Department  
32 shall inspect each county juvenile detention and shelter care  
33 facility for compliance with the standards established, and the  
34 Department shall make the results of such inspections available  
35 for public inspection. If any detention, shelter care or  
36 correctional facility does not comply with the standards

1 established, the Director of Corrections shall give notice to  
2 the county board and the sheriff or the corporate authorities  
3 of the municipality, as the case may be, of such noncompliance,  
4 specifying the particular standards that have not been met by  
5 such facility. If the facility is not in compliance with such  
6 standards when six months have elapsed from the giving of such  
7 notice, the Director of Corrections may petition the  
8 appropriate court for an order requiring such facility to  
9 comply with the standards established by the Department or for  
10 other appropriate relief.

11 (c) The Department may provide consultation services for  
12 the design, construction, programs and administration of  
13 detention, shelter care, and correctional facilities, including facilities to house participants in reentry  
14 programs, and services for children and adults operated by  
15 counties and municipalities and may make studies and surveys of  
16 the programs and the administration of such facilities.  
17 Personnel of the Department shall be admitted to these  
18 facilities as required for such purposes. The Department may  
19 develop and administer programs of grants-in-aid for  
20 correctional services in cooperation with local agencies. The  
21 Department may provide courses of training for the personnel of  
22 such institutions and conduct pilot projects in the  
23 institutions.  
24

25 (d) The Department is authorized to issue reimbursement  
26 grants for counties, municipalities or public building  
27 commissions for the purpose of meeting minimum correctional  
28 facilities standards set by the Department under this Section.  
29 Grants may be issued only for projects that were completed  
30 after July 1, 1980 and initiated prior to January 1, 1987.

31 (1) Grants for regional correctional facilities shall  
32 not exceed 90% of the project costs or \$7,000,000,  
33 whichever is less.

34 (2) Grants for correctional facilities by a single  
35 county, municipality or public building commission shall  
36 not exceed 75% of the proposed project costs or \$4,000,000,

1           whichever is less.

2           (3) As used in this subsection (d), "project" means  
3           only that part of a facility that is constructed for jail,  
4           correctional or detention purposes and does not include  
5           other areas of multi-purpose buildings.

6           Construction or renovation grants are authorized to be  
7           issued by the Capital Development Board from capital  
8           development bond funds after application by a county or  
9           counties, municipality or municipalities or public building  
10          commission or commissions and approval of a construction or  
11          renovation grant by the Department for projects initiated after  
12          January 1, 1987, including grants for the construction or  
13          renovation of facilities to house participants in reentry  
14          programs established under Article 17 of this Chapter.

15          (e) The Department shall adopt standards for county jails  
16          to hold juveniles on a temporary basis, as provided in Section  
17          5-410 of the Juvenile Court Act of 1987. These standards shall  
18          include educational, recreational, and disciplinary standards  
19          as well as access to medical services, crisis intervention,  
20          mental health services, suicide prevention, health care,  
21          nutritional needs, and visitation rights. The Department shall  
22          also notify any county applying to hold juveniles in a county  
23          jail of the monitoring and program standards for juvenile  
24          detention facilities under Section 5-410 of the Juvenile Court  
25          Act of 1987.

26          (Source: P.A. 89-64, eff. 1-1-96; 89-477, eff. 6-18-96; 89-656,  
27          eff. 8-14-96; 90-14, eff. 7-1-97; 90-590, eff. 1-1-99.)

28                   (730 ILCS 5/Ch. III Art. 17 heading new)

29                   ARTICLE 17. PROGRAM OF REENTRY INTO COMMUNITY

30                   (730 ILCS 5/3-17-5 new)

31                   Sec. 3-17-5. Definitions. As used in this Article:

32                   "Board" means the Prisoner Review Board.

33                   "Department" means the Department of Corrections.

34                   "Director" means the Director of Corrections.

1       "Offender" means a person who has been convicted of a  
2 felony under the laws of this State and sentenced to a term of  
3 imprisonment.

4       "Program" means a program established by a county or  
5 municipality under Section 3-17-10 for reentry of persons into  
6 the community who have been committed to the Department for  
7 commission of a felony.

8           (730 ILCS 5/3-17-10 new)

9       Sec. 3-17-10. Establishment of program.

10       (a) A county with the approval of the county board or a  
11 municipality that maintains a jail or house of corrections with  
12 the approval of the corporate authorities may establish a  
13 program for reentry of offenders into the community who have  
14 been committed to the Department for commission of a felony.

15       (b) If a county or municipality establishes a program under  
16 this Section, the sheriff in the case of a county or the police  
17 chief in the case of a municipality shall:

18           (1) Determine whether offenders who are referred by the  
19 Director of Corrections under Section 3-17-15 should be  
20 assigned to participate in a program.

21           (2) Supervise offenders participating in the program  
22 during their participation in the program.

23       (c) An offender may not be assigned to participate in a  
24 program unless the Director of Corrections, in consultation  
25 with the Prisoner Review Board, grants prior approval of the  
26 assignment under this Section.

27           (730 ILCS 5/3-17-15 new)

28       Sec. 3-17-15. Referral of person to sheriff or police  
29 chief; assignment of person by the Department.

30       (a) Except as otherwise provided in this Section, if a  
31 program has been established in a county or municipality in  
32 which an offender was sentenced to imprisonment for a felony,  
33 the Director may refer the offender to the county sheriff or  
34 municipal police chief if:

1           (1) The Director believes that the offender would  
2           participate successfully in and benefit from the program;

3           (2) The offender has demonstrated a willingness to:

4                 (A) engage in employment or participate in  
5                 vocational rehabilitation or job skills training; and

6                 (B) meet any existing obligation for restitution  
7                 to any victim of his or her crime; and

8           (3) the offender is within one year of his or her  
9           probable release from prison, as determined by the  
10           Director.

11           (b) Except as otherwise provided in this Section, if the  
12           Director is notified by the sheriff or police chief under  
13           Section 3-17-10 that an offender should be assigned to the  
14           custody of the sheriff or police chief to participate in the  
15           program, the Director shall assign the offender to the custody  
16           of the sheriff or police chief to participate in the program  
17           for not longer than the remainder of his or her sentence.

18           (c) The Director, by rule, shall adopt standards setting  
19           forth which offenders are eligible to be assigned to the  
20           custody of the sheriff or police chief to participate in the  
21           program under this Section. The standards adopted by the  
22           Director must be approved by the Prisoner Review Board and must  
23           provide that an offender is ineligible for participation in the  
24           program who:

25                 (1) has recently committed a serious infraction of the  
26                 rules of an institution or facility of the Department;

27                 (2) has not performed the duties assigned to him or her  
28                 in a faithful and orderly manner;

29                 (3) has, within the immediately preceding 5 years, been  
30                 convicted of any crime involving the use or threatened use  
31                 of force or violence against a victim that is punishable as  
32                 a felony;

33                 (4) has ever been convicted of a sex offense as defined  
34                 in Section 10 of the Sex Offender Management Board Act;

35                 (5) has escaped or attempted to escape from any jail or  
36                 correctional institution for adults; or

1           (6) has not made an effort in good faith to participate  
2           in or to complete any educational or vocational program or  
3           any program of treatment, as ordered by the Director.

4           (d) The Director shall adopt rules requiring offenders who  
5           are assigned to the custody of the sheriff or police chief  
6           under this Section to reimburse the Department for the cost of  
7           their participation in a program, to the extent of their  
8           ability to pay.

9           (e) The sheriff or police chief may return the offender to  
10           the custody of the Department at any time for any violation of  
11           the terms and conditions imposed by the Director in  
12           consultation with the Prisoner Review Board.

13           (f) If an offender assigned to the custody of the sheriff  
14           or police chief under this Section violates any of the terms or  
15           conditions imposed by the Director in consultation with the  
16           Prisoner Review Board and is returned to the custody of the  
17           Department, the offender forfeits all or part of the credits  
18           for good behavior earned by him or her before he or she was  
19           returned to the custody of the Department, as determined by the  
20           Director. The Director may provide for a forfeiture of credits  
21           under this subsection (f) only after proof of the violation and  
22           notice is given to the offender. The Director may restore  
23           credits so forfeited for such reasons as he or she considers  
24           proper. The decision of the Director regarding such a  
25           forfeiture is final.

26           (g) The assignment of an offender to the custody of the  
27           sheriff or police chief under this Section shall be deemed:

28           (1) a continuation of his or her imprisonment and not a  
29           release on parole or mandatory supervised release; and

30           (2) for the purposes of Section 3-8-1, an assignment to  
31           a facility of the Department, except that the offender is  
32           not entitled to obtain any benefits or to participate in  
33           any programs provided to offenders in the custody of the  
34           Department.

35           (h) An offender does not have a right to be assigned to the  
36           custody of the sheriff or police chief under this Section, or



1 to remain in that custody after such an assignment. It is not  
2 intended that the establishment or operation of a program  
3 creates any right or interest in liberty or property or  
4 establishes a basis for any cause of action against this State  
5 or its political subdivisions, agencies, boards, commissions,  
6 departments, officers, or employees.

7 (730 ILCS 5/3-17-20 new)

8 Sec. 3-17-20. Director to contract for certain services for  
9 offenders in program.

10 (a) The Director may enter into one or more contracts with  
11 one or more public or private entities to provide any of the  
12 following services, as necessary and appropriate, to offenders  
13 participating in a program:

14 (1) transitional housing;

15 (2) treatment pertaining to substance abuse or mental  
16 health;

17 (3) training in life skills;

18 (4) vocational rehabilitation and job skills training;

19 and

20 (5) any other services required by offenders who are  
21 participating in a program.

22 (b) The Director shall, as necessary and appropriate,  
23 provide referrals and information regarding:

24 (1) any of the services provided pursuant to subsection

25 (a);

26 (2) access and availability of any appropriate  
27 self-help groups;

28 (3) social services for families and children; and

29 (4) permanent housing.

30 (c) The Director may apply for and accept any gift,  
31 donation, bequest, grant, or other source of money to carry out  
32 the provisions of this Section.

33 (d) As used in this Section, training in life skills  
34 includes, without limitation, training in the areas of: (1)  
35 parenting; (2) improving human relationships; (3) preventing

1 domestic violence; (4) maintaining emotional and physical  
2 health; (5) preventing abuse of alcohol and drugs; (6)  
3 preparing for and obtaining employment; and (7) budgeting,  
4 consumerism, and personal finances.

5 (730 ILCS 5/3-17-25 new)

6 Sec. 3-17-25. Supervision of participant in program. The  
7 Department shall supervise each person who is participating in  
8 a program under Section 3-17-15.

9 (730 ILCS 5/5-8-6) (from Ch. 38, par. 1005-8-6)

10 Sec. 5-8-6. Place of Confinement. (a) Offenders sentenced  
11 to a term of imprisonment for a felony shall be committed to  
12 the penitentiary system of the Department of Corrections,  
13 except that an offender referred to and accepted in a reentry  
14 program established under Article 17 of Chapter III of this  
15 Code shall be committed to the county or municipal jail or  
16 municipal house of corrections of the county or municipality  
17 whose sheriff or police chief accepted the offender for the  
18 program. However, such sentence shall not limit the powers of  
19 the Department of Children and Family Services in relation to  
20 any child under the age of one year in the sole custody of a  
21 person so sentenced, nor in relation to any child delivered by  
22 a female so sentenced while she is so confined as a consequence  
23 of such sentence. A person sentenced for a felony may be  
24 assigned by the Department of Corrections to any of its  
25 institutions, facilities or programs.

26 (b) Offenders sentenced to a term of imprisonment for less  
27 than one year shall be committed to the custody of the sheriff.  
28 A person committed to the Department of Corrections, prior to  
29 July 14, 1983, for less than one year may be assigned by the  
30 Department to any of its institutions, facilities or programs.

31 (c) All offenders under 17 years of age when sentenced to  
32 imprisonment shall be committed to the Juvenile Division of the  
33 Department of Corrections and the court in its order of  
34 commitment shall set a definite term. Such order of commitment

1 shall be the sentence of the court which may be amended by the  
2 court while jurisdiction is retained; and such sentence shall  
3 apply whenever the offender sentenced is in the control and  
4 custody of the Adult Division of the Department of Corrections.  
5 The provisions of Section 3-3-3 shall be a part of such  
6 commitment as fully as though written in the order of  
7 commitment. The committing court shall retain jurisdiction of  
8 the subject matter and the person until he or she reaches the  
9 age of 21 unless earlier discharged. However, the Juvenile  
10 Division of the Department of Corrections shall, after a  
11 juvenile has reached 17 years of age, petition the court to  
12 conduct a hearing pursuant to subsection (c) of Section 3-10-7  
13 of this Code.

14 (d) No defendant shall be committed to the Department of  
15 Corrections for the recovery of a fine or costs.

16 (e) When a court sentences a defendant to a term of  
17 imprisonment concurrent with a previous and unexpired sentence  
18 of imprisonment imposed by any district court of the United  
19 States, it may commit the offender to the custody of the  
20 Attorney General of the United States. The Attorney General of  
21 the United States, or the authorized representative of the  
22 Attorney General of the United States, shall be furnished with  
23 the warrant of commitment from the court imposing sentence,  
24 which warrant of commitment shall provide that, when the  
25 offender is released from federal confinement, whether by  
26 parole or by termination of sentence, the offender shall be  
27 transferred by the Sheriff of the committing county to the  
28 Department of Corrections. The court shall cause the Department  
29 to be notified of such sentence at the time of commitment and  
30 to be provided with copies of all records regarding the  
31 sentence.

32 (Source: P.A. 83-1362.)