



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2504

Introduced 1/6/2010, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

725 ILCS 5/104-31

from Ch. 38, par. 104-31

Amends the Code of Criminal Procedure of 1963. Provides that a defendant who has been found unfit to stand trial, plead, or be sentenced and who has been placed in a setting (rather than a secure setting) of the Department of Human Services shall not be permitted outside the facility's housing unit unless escorted or accompanied by personnel of the Department of Human Services or authorized by the court. Provides that placement of such defendant in a non-secure setting must be approved by specific court order. Provides that the changes made by the amendatory Act are declarative of existing law and shall not be construed as a new enactment. Effective immediately.

LRB096 16191 RLC 31446 b

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 Code of Criminal Procedure of 1963 is
5 amended by changing Section 104-31 as follows:

6 (725 ILCS 5/104-31) (from Ch. 38, par. 104-31)

7 Sec. 104-31. No defendant placed in a ~~secure~~ setting of the
8 Department of Human Services pursuant to the provisions of
9 Sections 104-17, 104-25, or 104-26 shall be permitted outside
10 the facility's housing unit unless escorted or accompanied by
11 personnel of the Department of Human Services or authorized by
12 court order. Any defendant placed in a secure setting pursuant
13 to this Section, transported to court hearings or other
14 necessary appointments off facility grounds by personnel of the
15 Department of Human Services, may be placed in security devices
16 or otherwise secured during the period of transportation to
17 assure secure transport of the defendant and the safety of
18 Department of Human Services personnel and others. These
19 security measures shall not constitute restraint as defined in
20 the Mental Health and Developmental Disabilities Code. Nor
21 shall any ~~such~~ defendant be permitted any off-grounds
22 privileges, either with or without escort by personnel of the
23 Department of Human Services, ~~or~~ any unsupervised on-ground

1 privileges, or placement in a non-secure setting unless such
2 off-grounds or unsupervised on-grounds privileges, or
3 placement in a non-secure setting have been approved by
4 specific court order, which order may include such conditions
5 on the defendant as the court may deem appropriate and
6 necessary to reasonably assure the defendant's satisfactory
7 progress in treatment and the safety of the defendant or
8 others. Whenever the court receives a report from the
9 supervisor of the defendant's treatment recommending the
10 defendant for any off-grounds or unsupervised on-grounds
11 privileges, or placement in a non-secure setting, the court
12 shall set the matter for a first hearing within 21 days unless
13 good cause is demonstrated why the hearing cannot be held. The
14 changes made to this Section by this amendatory Act of the 96th
15 General Assembly are declarative of existing law and shall not
16 be construed as a new enactment.

17 (Source: P.A. 95-296, eff. 8-20-07.)

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