



Rep. Anna Moeller

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09900HB4089ham001

LRB099 09920 RLC 33786 a

1 AMENDMENT TO HOUSE BILL 4089

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4089 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The County Jail Act is amended by changing  
5 Section 14 as follows:

6 (730 ILCS 125/14) (from Ch. 75, par. 114)

7 Sec. 14. At any time, in the opinion of the Warden, the  
8 lives or health of the prisoners are endangered or the security  
9 of the penal institution is threatened, to such a degree as to  
10 render their removal necessary, the Warden may cause an  
11 individual prisoner or a group of prisoners to be removed to  
12 some suitable place within the county, or to the jail of some  
13 convenient county, where they may be confined until they can be  
14 safely returned to the place whence they were removed. No  
15 prisoner charged with a felony shall be removed by the warden  
16 to a Mental Health or Developmental Disabilities facility as

1 defined in the Mental Health and Developmental Disabilities  
2 Code, except as specifically authorized by Article 104 or 115  
3 of the Code of Criminal Procedure of 1963, or the Mental Health  
4 and Developmental Disabilities Code. Any place to which the  
5 prisoners are so removed shall, during their imprisonment  
6 there, be deemed, as to such prisoners, a prison of the county  
7 in which they were originally confined; but, they shall be  
8 under the care, government and direction of the Warden of the  
9 jail of the county in which they are confined. When any  
10 criminal detainee is transferred to the custody of the  
11 Department of Human Services, the warden shall supply the  
12 Department of Human Services with all of the legally available  
13 information as described in 20 Ill. Adm. Code 701.60(f). When a  
14 criminal detainee is delivered to the custody of the  
15 Department, the following information must be included with the  
16 items delivered:

17 (1) the sentence imposed;

18 (2) any findings of great bodily harm made by the court;

19 (3) any statement by the court on the basis for imposing  
20 the sentence;

21 (4) any presentence reports;

22 (5) any sex offender evaluations;

23 (6) any substance abuse treatment eligibility screening  
24 and assessment of the criminal detainee by an agent designated  
25 by the State to provide assessments for Illinois courts;

26 (7) the number of days, if any, which the criminal detainee

1 has been in custody and for which he or she is entitled to  
2 credit against the sentence. Certification of jail credit time  
3 shall include any time served in the custody of the Illinois  
4 Department of Human Services-Division of Mental Health or  
5 Division of Developmental Disabilities, time served in another  
6 state or federal jurisdiction, and any time served while on  
7 probation or periodic imprisonment;

8 (8) State's Attorney's statement of facts, including the  
9 facts and circumstances of the offenses for which the criminal  
10 detainee was committed, any other factual information  
11 accessible to the State's Attorney prior to the commitment to  
12 the Department relative to the criminal detainee's habits,  
13 associates, disposition, and reputation or other information  
14 that may aid the Department during the custody of the criminal  
15 detainee. If the statement is unavailable at the time of  
16 delivery, the statement must be transmitted within 10 days  
17 after receipt by the clerk of the court;

18 (9) any medical or mental health records or summaries;

19 (10) any victim impact statements;

20 (11) name of municipalities where the arrest of the  
21 criminal detainee and the commission of the offense occurred,  
22 if the municipality has a population of more than 25,000  
23 persons;

24 (12) all additional matters that the court directs the  
25 clerk to transmit;

26 (13) a record of the criminal detainee's time and his or

1 her behavior and conduct while in the custody of the county.  
2 Any action on the part of the criminal detainee that might  
3 affect his or her security status with the Department,  
4 including, but not limited to, an escape attempt, participation  
5 in a riot, or a suicide attempt should be included in the  
6 record; and

7 (14) the mittimus or sentence (judgment) order that  
8 provides the following information:

9 (A) the criminal case number, names and citations of  
10 the offenses, judge's name, date of sentence, and, if  
11 applicable, whether the sentences are to be served  
12 concurrently or consecutively;

13 (B) the number of days spent in custody; and

14 (C) if applicable, the calculation of pre-trial  
15 program sentence credit awarded by the court to the  
16 criminal detainee, including, at a minimum, identification  
17 of the type of pre-trial program the criminal detainee  
18 participated in and the number of eligible days the court  
19 finds the criminal detainee spent in the pre-trial program  
20 multiplied by the calculation factor of 0.5 for the total  
21 court-awarded credit.

22 (Source: P.A. 97-104, eff. 1-1-12.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law."